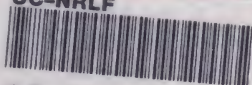


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*REDGRAVE'S
FACTORY ACTS*

Sixth Edition

LIST OF BOOKS AND FORMS

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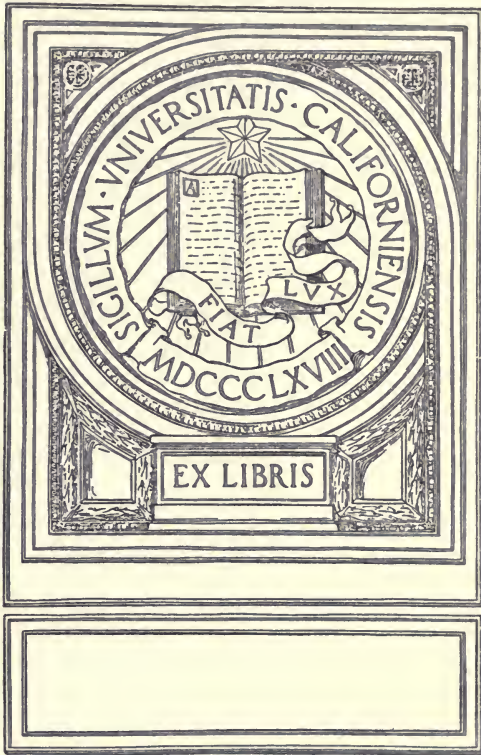
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Special Exception—Print Works, Bleach
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SHAW & SONS, Printers and Publishers,

List of Books and Forms—contd.

No.		s.	d.
9c	Period of Employment, 9 a.m.—9 p.m.— Special Exception—Fish Curing ...	0	1
9d	Period of Employment, 9 a.m.—9 p.m.— Special Exception—Retail Drapers, Manchester and Shalford, and to Book- binding Factories in Metropolis ...	0	1
10	Lace Factories, overtime, Males above 16 ...	0	1
11	Bakehouses, Special period of employment for males above 16	0	1
12	Record of Overtime	0	1
13	Substitution of another day for Saturday	0	1
14	Overtime—To 4.30 p.m. on Saturdays— Turkey Red Dyeing	0	1
15	Fire Hour's Spell in certain textile factories	0	1
16	Different Holidays to different sets	0	1
17	Jew Occupier—Overtime—Holidays ...	0	1
18	Jew Occupier and Workpeople—Sunday Employment	0	1
19	Different Meal Hours to different sets ...	0	1
20	Employment, &c., during Meal Hours ...	0	1
21	Overtime.—Additional 2 hours	0	1
22	Do. 30 minutes—Incomplete process	0	1
23	Do. for prevention of damage ...	0	1
24	Do. Additional 2 hours—Perishable articles	0	1
25	Water Mills—Lost time	0	1
26	Night Work—Male young persons	0	1
27	Do. Printing newspapers	0	1
28	Glass Works—Male young persons—Accus- tomed hours	0	1

Fetter Lane and Crane Court, London, E.C.

[List continued at end of Book.]

The Factory Acts,

BY THE LATE

ALEXANDER REDGRAVE, C.B.,

Her Majesty's Chief Inspector of Factories, &c.

Sixth Edition.

INCLUDING THE ACT OF 1895,

BY

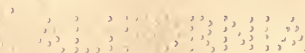
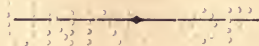
JASPER A. REDGRAVE,

One of Her Majesty's Inspectors of Factories,

AND

H. S. SCRIVENER, M.A., Oxon.,

Of the Middle Temple, Barrister-at-Law.



LONDON :

SHAW AND SONS, FETTER LANE AND CRANE COURT, E.C.

BUTTERWORTH AND Co., 7, FLEET STREET, E.C.

1895.

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DEDICATION OF THE

First Edition.

TO THE RIGHT HONOURABLE

RICHARD ASSHETON CROSS, M.P.,

Secretary of State for the Home Department,

THIS EDITION OF THE ACT

WHICH CONSOLIDATES THE NUMEROUS AND VARYING REGULATIONS

HITHERTO IN FORCE,

AND WHICH, UNDER HIS GUIDANCE,

HAS LAID DOWN A COMPLETE CODE FOR REGULATING LABOUR,

AND PROMOTING SANITARY IMPROVEMENT

AND EFFICIENT EDUCATION,

IS, WITH HIS PERMISSION, MOST RESPECTFULLY INSCRIBED

BY HIS OBEDIENT SERVANT,

ALEX. REDGRAVE.

Whitehall, 1878.

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PREFACE TO THE SIXTH EDITION.

A FURTHER Edition of this Work, which was originally compiled by the late ALEXANDER REDGRAVE, Esq., C.B., Her Majesty's Chief Inspector of Factories, has been necessitated by the changes in the law relating to Factories and Workshops effected by the Factory and Workshop Act, 1895, and several other enactments which have come into operation since the publication of the last Edition. In view of the somewhat intricate nature of these changes, and of the fact that the law relating to the subject is comprised in five Acts, three of which are of a considerable length, it has been considered advisable to abandon the method adopted in the last Edition of interpolating the provisions of the later Acts among the matter of the principal Act to which they refer, and to print each Act separately and in its entirety with full references, wherever necessary, to the kindred provisions of the other Acts. In other respects the new Edition of the book has been compiled upon the lines laid down by its original author, and the leading characteristics of the work have been preserved. Considerable additions and alterations have, of necessity, been made to the notes, &c., and matter that is now obsolete has been eliminated,

but there is also much of permanent value (including the groundwork of the introduction), which has been carefully retained.

This Edition contains the following Acts in full :—

Factory and Workshop Act, 1878 ;
 Factory and Workshop Act, 1883 ;
 Factory and Workshop Act, 1891 ;
 Factory and Workshop Act, 1895 ;
 Cotton Cloth Factories Act, 1889 ;
 Shop Hours Act, 1892 ;
 Shop Hours Act, 1893 ;
 Shop Hours Act, 1895 ;
 Quarries Act, 1894 ;

And such portions of the following Acts, for the administration of which the Inspectors of Factories are invested with certain powers, as are material :—

Truck Act, 1831 ;
 Truck Amendment Act, 1887 ;
 Elementary Education Act, 1876 ;
 Elementary Education Act, 1880 ;
 Education (Scotland) Act, 1883 ;
 Public Health Act, 1875 ;
 Public Health Act, 1890 ;
 Public Health (London) Act, 1891 ;
 Prevention of Cruelty to Children Act, 1894.

Such portions of any of the above Acts as have been repealed are printed in italics and enclosed in square brackets ; and special notes are attached to such parts as were temporary or are now obsolete.

JASPER A. REDGRAVE.

H. S. SCRIVENER.

THE FACTORY AND WORKSHOP ACTS, 1878—1895.

INTRODUCTION.(a)

THE first Act which was passed to regulate labour in factories was the “Act for the preservation of the Health and Morals of Apprentices and others employed in Cotton and other Mills, and Cotton and other Factories” (42 Geo. 3, c. 73); and the last Act previous to the Act of 1878 followed upon the lines of the first Act; it was intituled “An Act to make better provision for improving the Health of Women, Young Persons, and Children employed in Manufactories, and the Education of such Children, and otherwise to amend the Factory Acts” (37 & 38 Vict. c. 44).

The Act of Geo. 3 was in fact directed in the first place to the due cleansing of the factories, by two washings with quicklime yearly, to the admission of

(a) This introduction, originally written by the late ALEXANDER REDGRAVE, Esq., C.B., is now slightly amended. The necessary alterations have been made in the original “Tabular Analysis” contained therein, and also in such portions of the matter as would otherwise be out of date.

fresh air by means of a sufficient number of windows, and to the yearly supply to every apprentice of sufficient and suitable clothing. It next prohibited night-work, and excessive labour in the day; and, lastly, required all apprentices to be instructed in the principles of the Christian religion, and that those who were members of the Church of England should be examined annually by a clergyman, and be prepared at the proper age for confirmation.

These regulations existed upon the statute book until repealed by the Act of 1878 (41 Vict. c. 16); but with the exception of those parts relating to a sufficiency of clothing and supervision of morals, which from the system of apprenticeship no longer existing under the circumstances which prevailed in 1802, are now altogether unnecessary,—all the main intentions of that statute are carried out by the recent legislation.

The history of the Ten-hour question has yet to be written. One or two accounts have been published by persons mixed up with the events which they describe—valuable, doubtless, from being the impressions of eye witnesses, but of scarcely sufficient grasp of the whole subject to do justice to a great public movement. From this description, however, must be excepted the interesting book by E. E. Von Plener, “The English Factory Legislation.”(a) When-

(a) “The English Factory Legislation,” by Ernest Edler Von Plener, First Secretary to the Imperial and Royal Austro-Hungarian Embassy in London. Chapman and Hall, 1873.

ever the question be taken in hand, the Factory and Workshop Act of 1878 will be the starting point from which the subject will naturally be approached, for in it the steps by which each advance was made may be traced ; and though no longer in itself a complete exposition of the law relating to Factories and Workshops, it still stands out as the principal Act, the codification of all previous, and the basis of all subsequent, legislation.

The movement in 1802 was sanitary as well as educational ; it was the first step in the cause of sanitary improvement, and to the influence of Factory Legislation, and to the enquiries into the employment of women and children, may be credited subsequent legislation for the health of towns.

Thus, while the Act of 1878 was essentially a consolidating Act, it maintained the great distinction which Factory Legislation has always observed in dealing with juvenile and female labour. That to which public attention was first called in 1802, was the labour in cotton and woollen factories in which more than twenty persons were employed. It was not until power was employed to move spinning frames, and afterwards looms, that the evils of excessive labour became so painfully evident. Hence legislation first dealt with spinning and weaving factories moved by power ; then with other cognate occupations in which steam or water-power was used,—print-works, bleachworks, dyeworks, and lace factories. Next,

in 1864, it was extended to certain occupations in which mechanical power might or might not be used ; and, lastly, by the Acts of 1867 various enumerated trades were legislated for as factories, and all others as workshops. These later Acts, embracing within their far-extending definitions nearly every trade and occupation in the country, were necessarily incomplete and experimental. Exceptions and modifications were authorised which might possibly be requisite, rather than upon proof that they were indispensable, so that by the time the last of these several Acts had received the Royal assent there was a perfect chaos of regulations—all good in themselves when enacted—all having a direct purpose, which most of the trades have outlived, and which required constant care and consideration to prevent an application of them which would have imperilled that impartiality and that uniformity of administration which are absolutely essential to secure harmonious and cheerful co-operation.

It was assigned to a Royal Commission, in the latter part of the year 1875, to take all these statutes under review, to consider their various enactments, modifications, and exceptions, to take such evidence as they thought requisite, and then to submit a proposition for bringing into harmony the incongruous mass of provisions which encumbered the statute book. The Commissioners set to work with the utmost activity, and took evidence upon all the points committed to them, both in London and in various manufacturing

localities in England, Scotland, and Ireland. In February, 1876, their Report, with a volume of evidence, was laid before Parliament. The Report dealt exhaustively with the question; it traced out clearly and distinctly the course of legislation, the causes of the differences of regulations in different trades; it pointed out wherein some differences might cease, and others be mitigated, and by a series of resolutions laid down the groundwork for the consolidation of the various Acts.

The outline thus drawn was, in its main features, the groundwork of the Act of 1878.

This Act, and the Acts of 1883, 1889, 1891, and 1895, by which it has been supplemented, deal with five classes of works :

Textile Factories,
Non-textile Factories,
Workshops,
Workshops in which neither children nor young
persons are employed,
Domestic Workshops,

and enact that special requirements shall apply to—

Laundries,
Docks,
Wharves,
Quays,

Warehouses,
Buildings in construction ; and
Buildings of a certain height.

A “factory” is defined to be a place in which machinery is moved by the aid of steam, water, or other mechanical power.

Factories are divided into two classes, Textile Factories and Non-Textile Factories. The words Textile Factories and Non-Textile Factories were first used in 1878 in an Act of Parliament. The old legal term of factory was originally defined to mean a factory in which cotton, wool, &c., was operated upon by the aid of steam or water-power ; but as the regulations differ in such factories from those in other factories, it has been necessary to use distinctive terms for the two classes of factories.

The term “Textile Factory” sums up a class of factories dealt with under former Acts, and the regulations affecting them continue the same as before as to hours of work and meals, and education of children, limewashing, holidays, &c., &c. In one or two particulars the precise enactments of the old Factory Acts have been varied and made applicable to all factories, and these variations will be noticed in their place.

The term “Non-Textile Factory” applies to the occupations enumerated in the Acts of 1864 and 1867, whether using power or not, and includes in addition all

unnamed occupations in which mechanical power is used. This definition releases from the special factory regulations all those occupations which were factories under the Factory Act, 1867, by reason of fifty persons being employed, and in which mechanical power was not used.

The works, which are Non-Textile Factories, whether power be used or not are the following :—

Under the Act of 1864,

Where persons are employed for hire in

The manufacture of Earthenware,

Ditto Lucifer Matches,

Ditto Percussion Caps,

Ditto Cartridges,

The employment of Paper Staining,

Ditto Fustian Cutting.

Under the Act of 1867—

The following Works :—

Blast Furnaces,

Copper Mills,

Iron Mills,

Foundries,

The Manufacture of Machinery, of any article
of Metal, or of Indiarubber or Gutta Percha,
by the aid of mechanical power,
Paper Manufacture,
Glass ditto,
Tobacco ditto,
Letter-Press Printing,
Bookbinding.

All the unnamed occupations in which power is not used, except those specially named in the Acts of 1864 and 1867, are defined to be Workshops.

The above definitions appear to mark very clearly the cause and course of factory legislation.

The first principle was that where power was used, and where the large majority of persons employed were women and children, their labour required regulation, sanitary conditions required supervision, and the education of the children must be made compulsory.

The Textile Factories came within that category, and hence, having been first legislated for, the regulations are retained.

Then other occupations came under review in which the proportion of women and children employed was not so large as in "Textile Factories," in some of which the labour was not so hard, and in others of which

the attention and strain in waiting upon the moving power was not so continued or so uninterrupted.

In these, the limits of the hours of work have been somewhat relaxed, but the great principles of sanitary condition and education of the young are as rigidly required as in Textile Factories.

These are the Non-Textile Factories.

The next class of works are those in which no power is used. They are called Workshops.

In these the hours of work and meals, and education, are as strictly provided for as in Factories, but unless circumstances satisfy the Secretary of State that they are required, registers and certificates of fitness will not be compulsory.(a)

The next class of works to which fewer regulations apply are the Workshops in which none but women above the age of 18 are employed.

In these Workshops the actual number of hours of work and of meals must be the same as in Non-Textile Factories, but with more elasticity of arrangement.

The last class of works may be designated "Domestic Workshops." These are Workshops carried on in a private house, room, or place in which the only persons

(a) See section 15 of the Act of 1895.

employed are members of the same family dwelling there.

In these the number of hours of work and meals for children and young persons must be the same as in Non-Textile Factories, but with more elasticity of arrangement; the education of children is the same. The employment of women in Domestic Workshops is unrestricted.

The sanitary conditions of all Workshops is now under the supervision of local authorities.

But the Act of 1878 exempts from the regulations in respect to Domestic Workshops, and leaves altogether free from this Act certain occupations of a light character when carried on in a dwelling-house by the family dwelling therein, viz.:—

Straw-plait Making,
Pillow-lace Making,
Glove Making,

and others of a like nature to which the Secretary of State may extend the exemption.

It also exempts from the regulations as to hours of labour and meals, Flax Scutch Mills in which women only are employed intermittently, and for not more than six months in the year.

It also exempts any handicraft which is exercised in a dwelling-house by the family dwelling there, at

irregular intervals, and does not furnish the whole or principal means of living to the family.

As a ready means of ascertaining the precise regulations affecting each description of work, whether Textile Factory, Non-Textile Factory or Workshop, a tabular analysis of the variations of the provisions which are applicable to each of these three classes of works, taking into account the alterations made by the Acts subsequent to the Act of 1878, is hereto annexed :—

TABULAR ANALYSIS OF THE REGULATIONS OF THE FACTORY AND
AND OF THE APPLICATION OF THEM

Regulations to be observed in Textile Factories.

SANITARY.....

Sect. 3.—Every factory to be kept in a cleanly state, free from effluvia, &c., to be well ventilated, not to be overcrowded. In tenement factories an occupier whose rent exceeds 200*l.* (and not the owner) is liable in respect of these provisions.

Sect. 4.—If an inspector observe a nuisance he must report to sanitary authority.

Inspector authorised to take medical officer of health, &c., with him into the factory.

Sect. 33.—Every factory to be limewashed once in 14 months, unless painted in oil once in seven years, when it must be washed once every fourteen months.

The Secretary of State may exempt from this provision any class of factory, or part thereof not requiring it for the purpose of cleanliness.

Sanitary conveniences for both sexes compulsory.

Sect. 37.—A child, young person, or woman not to be employed in wet spinning, unless means are taken to prevent their being wetted, and to prevent the escape of steam.

WORKSHOP ACT, 1878, AS AMENDED BY THE ACTS OF 1891 AND 1895 ;
TO THE DIFFERENT CLASSES OF WORKS.

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
.....PROVISIONS.	
The same as Textile (applicable to laundries)	The sanitary condition of workshops is under the local sanitary authority. In default of sanitary authority, the Secretary of State may enforce sanitation. Section 4 of the Act of 1891 applies to workshops conducted on the system of not employing children, young persons, and women, and to laundries.
The same as Textile ditto ditto	
The same as Textile ditto ditto	
The same as Textile ditto ditto	
The same as Textile ditto ditto	
The same as Textile ditto ditto	
Where dust is generated by grinding, glazing, or polishing, or where gas, vapour, or any other impurity is generated, a fan shall be provided, for preventing the inhalation of the dust or gas, &c. The owner and not the occupier is liable for the observance of these provisions in non-textile tenement factories.—s. 36.	The same.
In laundries, fans, ventilation and drainage of floors required.	
Bakehouses to be limewashed once in six months, or where painted in oil, to be washed once in six months.—s. 34. No new underground bakehouse may be opened after January 1st, 1896.	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

SAFETY AND

Sect. 5.—Hoist or Teagle, steam-engine, water-wheel, engine worked by water, mill-gearing, and dangerous machinery, to be securely fenced.

Sect. 9.—Employment of a child or young person in cleaning machinery in motion, and of a child, young person, or woman cleaning mill gearing in motion, prohibited.

Employment between fixed and traversing parts of a self-acting machine forbidden, with limitations as to position of self-acting machine.

Sect. 31.—Notice of accidents to be sent to the inspector—

If fatal, or so serious as to prevent work for five hours on any one of three days after the accident.

To the certifying surgeon—

If fatal or caused by machinery moved by power, or vat or pan, or explosion, unless the accident comes within section 63 of the Explosives Act.

The certifying surgeon to report the same to the inspector...

Sect. 82.—If any person suffer bodily injury from neglect to fence mill-gearing, or machinery, &c., required to be fenced, the occupier is liable to a penalty of £100, which may be applied by the Secretary of State for the benefit of the injured person. The occupier is liable in the case of tenement factories, if his rent exceeds 200*l.* a year.

Secretary of State may require special rules to be adopted in case of dangerous incidents of employment.

Sufficient means of escape from fire to be provided in the case of factories.

THE FACTORY AND WORKSHOP ACTS—*continued.*

Corresponding Regulations to be observed in	
Non-Textile Factories.	Workshops.
.....ACCIDENTS.	
The same as Textile (applicable to laundries)	None.
The same as Textile ditto ditto	None.
The same as Textile ditto ditto	None
The same as Textile (applicable to laundries, docks, wharves, quays, warehouses, buildings in construction by aid of mechanical power).	The same, whether young persons or women be employed or not (applicable to buildings over 30 feet in height against which scaffolding is erected, or where in twenty persons are employed).
The same as Textile	The same.
The same as Textile (applicable to docks, quays, warehouses, &c., as above)	The same if from vat or pan or other structure required to be fenced.
The same as Textile	The same, whether young persons or women be employed or not.
The same as Textile	The same in workshops commenced after January 1st, 1896, and employing more than forty persons.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

EMPLOYMENT AND.....

Sect. 10.—A child, young person, or woman not to be employed except during period of employment stated in notice.

YOUNG PERSONS.....

Sect. 11.—The period of employment, inclusive of meal hours, shall be either between 6 A.M. and 6 P.M., or between 7 A.M. and 7 P.M.

On Saturday, when work commences at 6 A.M.,—

If not less than one hour be given for meals, manufacturing processes must cease at 1 P.M., and all other work at 1.30 P.M.

If less than one hour be given for meals, manufacturing processes must cease at 12.30 P.M., and all other work at 1 P.M.

On Saturday, when work commences at 7 A.M., manufacturing processes must cease at 1.30 P.M., and all other work at 2 P.M.!

THE FACTORY AND WORKSHOP ACTS—*continued.*

Corresponding regulations to be observed in

Non-Textile Factories.	Workshops.
.....MEAL HOURS.	
The same as Textile	The same.
.....AND WOMEN.	
The same as Textile and also between 8 A.M. and 8 P.M.	The same, but where young persons and children are not employed women may work between 6 A.M. and 10 P.M., and between 6 A.M. and 4 P.M. on Saturdays.
The Secretary of State may authorise the period of employment to be between 9 A.M. and 9 P.M.—s. 43.	The same.
All work must cease at 2 P.M.—s. 13	The same.
All work must cease at 3 P.M.—s. 13	The same.
When the times of work are between 8 A.M. and 8 P.M., or between 9 A.M. and 9 P.M., work may continue on Saturdays until 4 P.M.—s. 36 of the Act of 1895.	The same.
When working in day and night shifts, the Saturday Half-holiday is not compulsory for male young persons (of the age of fourteen and upwards after January 1st, 1897).—s. 58.	
In Turkey red dyeworks, work may continue on Saturday until 4.30 P.M.—s. 47.	
The Secretary of State is authorised under certain circumstances to substitute another day for the Saturday Half-holiday.—s. 46.	The same.
Where the hours of work have not exceeded eight on any day in any one week, they may be extended to eight hours on Saturday.	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

EMPLOYMENT AND

Sect. 50.—If the occupier of a factory be of the Jewish religion, and close his factory on Saturday until sunset, he can employ young persons and women until 9 P.M. on Saturday.

Sect. 11.—All young persons and women must have two hours for meals during the period of employment, of which one hour must be given before 3 P.M.

On Saturday, at least half an hour must be given

A young person or woman not to be employed for more than four hours and a half without an interval of half an hour :—

Sect. 48.—Except in the factories named in Sched. 3, Part 7, and others added thereto by order of the Secretary of State.

CHILDREN.

Sect. 12.—Children are to be employed either morning or afternoon, or on alternate days.

The period of employment for a child begins and ends the same as for a young person.

Children in the morning set must cease work at the dinner hour, but not later than 1 P.M.

Children in the afternoon set begin at the end of the dinner-time, but not earlier than 1 P.M.

Children may work on the alternate day system on Saturdays as young persons.

THE FACTORY AND WORKSHOP ACTS—*continued.*

Corresponding regulations to be observed in	
Non-Textile Factories.	Workshops.
.....MEAL HOURS— <i>continued.</i>	
The same as Textile 	The same.
One hour and a half must be given, of which one hour must be given before 3 P.M.—s. 13.	The same.
The same as Textile.—s. 13. 	The same.
Not to be employed more than five hours without an interval of half an hour.—s. 13 (applicable to laundries).	The same.
(In laundries, young persons to be employed only twelve hours a day, and sixty hours a week; women to be employed only fourteen hours a day, and sixty hours a week.)	The same.
.....CHILDREN.	
The same as Textile.—s. 14. 	The same.
The same as textile 	The same.
But the period of employment may be between 8 A.M. and 8 P.M., and 4 P.M. on Saturdays, where young persons and women are also employed between those times.—s. 36 of the Act of 1895.	The same.
Children not to be employed after 8 P.M.—s. 43.	The same.
The same as Textile 	The same.
The same as Textile 	The same.
The morning set ends and the afternoon set begins on Saturdays the same as on other days.	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

EMPLOYMENT AND.....

A child shall not be employed on Saturday in two successive weeks, nor on Saturday in any week, if on any other day in the week he has worked more than five hours and a half.

Children working on alternate days may work as young persons, but must not work on two successive days, nor on the same days in two successive weeks.

When a child is employed as a young person, he must have the same intervals for meals as a young person.

A child not to be employed more than four hours and a half without an interval of half an hour :—Except

Sect. 48.—In the factories named in Sched. 3, Part 2, and others added thereto by the Secretary of State.

HOLIDAYS.

Sect. 22.—Every child, young person, and woman shall be allowed the following holidays :—

The whole of Christmas Day and the whole of Good Friday ; or instead of Good Friday the next public holiday under the Holidays Extension Act, 1875.

Notice must be given of such holidays and fixed up in the factory, unless Christmas Day, Good Friday, and the Bank Holidays be given.

A half holiday shall comprise one-half of the period of employment on some other day than Saturday.

A child, young person, or woman shall not be employed on any day or part of a day set apart for a holiday.

THE FACTORY AND WORKSHOP ACTS—*continued.*

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
.....MEAL HOURS— <i>continued.</i>	
A child shall not be employed in two successive weeks in a morning set, or in two successive weeks in an afternoon set.	The same.
The same as Textile :—Provided that children can only work on alternate days if two hours are allowed for meals.	The same.
The same as Textile 	The same.
A child shall not be employed more than five hours without an interval of half an hour (applicable to laundries).	The same.
(In laundries, children not to be employed more than ten hours a day, and thirty hours a week.)	The same.
.....HOLIDAYS.	
The same as Textile (applicable to laundries)...	The same.
The same as Textile ditto ditto	The same.
The same as Textile ditto ditto	The same.
The same as Textile ditto ditto	The same.
The same as Textile ditto ditto	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

HOLIDAYS—*continued*.....

- Sect 22.—In Scotland, other days may be substituted for Christmas Day and Good Friday.
 Eight half-holidays, or equivalent whole holidays, of which half shall be given between 15th March and 1st October following.
- Sect. 50.—In the factory of a Jew, in which all the persons employed are Jews, two Bank Holidays may be given instead of Christmas Day and Good Friday.
- Sect. 106.—In Ireland the 17th of March, or Good Friday or Easter Tuesday must be given, and will reckon as two of the eight half-holidays.

EDUCATION.....

- Sect. 23.—The parent of a child shall cause such child to attend a recognised efficient school, which may be selected by himself.
- A child when employed in a morning or afternoon set shall attend school for one school attendance on each day of every week during any part of which he may be employed.
- A child when employed on alternate days must attend school for two school attendances on each alternate day.
- Attendance at school must be made between 8 A.M. and 6 P.M.
- A child is not required to attend school on Saturdays, or on any holiday or half-holiday in pursuance of this Act.
- Non attendance caused from sickness, &c., &c.
- When there is not a certified school within two miles of the child's residence, the child may attend some other school, temporarily approved by an inspector.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

EDUCATION.....

A child who has failed to attend school regularly cannot be employed the following week unless the deficient attendances be made up.

Sect. 24.—The occupier shall obtain certificates from a schoolmaster of the school attendance of the children employed in his factory, and keep such certificates for two months, and produce the same to the inspector.

Sect. 25.—The school managers may apply in writing to an occupier to pay the school fees, not exceeding 3*d.* per week, or one-twelfth of the wages of a child, which the occupier may deduct from the wages of the child.

Sect. 26.—When a child of thirteen has obtained a certificate of proficiency either of having passed the prescribed standard, or of having attended school the prescribed number of attendances, he is deemed to be a young person.

CERTIFICATES OF FITNESS.....

Sect. 27.—A person under sixteen shall not be employed for more than seven, or if the certifying surgeon resides more than three miles from the factory, thirteen working days, unless the occupier has obtained from the certifying surgeon a certificate in the prescribed form of the fitness of employment of such person.

A certificate of fitness shall not be given unless a certificate of birth be produced, or other proof of real age.

Sect. 29.—When an inspector considers any person under sixteen unfit to work he may give notice to the occupiers, and the person shall not be employed more than seven days unless certified by the certifying surgeon to be fit for work.

Sect. 30.—An inspector may annul a certificate of a certifying surgeon if certificate of age of the person named therein was not produced, if he think the person under the age named in the certificate.

THE FACTORY AND WORKSHOP ACTS—*continued.*

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
.....OF CHILDREN— <i>continued.</i>	
The same as Textile	The same.
The same as Textile	The same.
The same as Textile	The same.
The same as Textile	The same.
.....FOR EMPLOYMENT.	
The same as Textile	The Secretary of State may require certificates to be obtained in workshops.—s. 41. The occupier may require the certifying surgeon to grant certificates as if his workshop were a factory.—s. 28.
The same as Textile	} Not applicable at present in workshops.
The same as Textile	
The same as Textile	

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

CERTIFICATES OF FITNESS.....

When a child becomes a young person a fresh certificate of fitness must be obtained.

Sect. 73.—A certificate of fitness shall only be granted on personal examination.

Sect. 30.—The same certificate of fitness may be valid for all the factories in the occupation of the same occupier in the district of the same certifying surgeon ; and in a tenement factory for employment in any part thereof (s. 26, Act of 1895).

Sect. 73.—A certifying surgeon shall examine persons only at the factory where such persons are employed, unless the number of children and young persons is less than five, or unless specially allowed by an inspector.

Sect. 72.—Certifying surgeons to be appointed by an inspector ...

Sect. 74.—Fees to be paid to a certifying surgeon

Sect. 71.—Where there is not a certifying surgeon within three miles, the Poor Law medical officer to act as certifying surgeon.

REGULATIONS AS.....

Sect. 17.—All children, young persons, and women to have the times allowed for meals at the same periods of the day.

A child, young person, or woman is not allowed to remain in any room where a manufacturing process is being carried on, or to be employed during a meal time.

Sects. 19 and 78.—Notice of meal hours to be fixed up—of hours of work, &c.

THE FACTORY AND WORKSHOP ACTS—*continued.*

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
.....FOR EMPLOYMENT— <i>continued.</i>	
The same as Textile	} Not applicable at present in workshops.
The same as Textile	
The same as Textile	
The same as Textile	
The same as Textile	
The same as Textile	
The same as Textile	
.....TO MEAL TIMES.	
The same as Textile—but not to apply to the factories named in Sch. 3, Part 2.	
The same as Textile—but not to apply to the factories named in Sch. 3, Part 2.	
The Secretary of State authorised to extend these modifications in certain cases.—s. 52.	The same.
Meals are not to be taken in certain parts of glassworks, lucifer match works, and earthenware works.—s. 39 and Sch. 2.	
The Secretary of State power to prohibit meals being taken in places injurious to health.—s. 39.	The same.
The same as Textile (applicable to laundries)...	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

PROHIBITIONS.....

- Sect. 20.—A child shall not be employed under the age of eleven years.
- Sect. 21.—A child, young person, or woman shall not be employed on Sunday ; but
- Sect. 51.—If the occupier be of the Jewish religion, and close his factory on Saturday, both before and after sunset, a Jewish young person or woman may be employed on Sunday the same as if Sunday were Saturday.

OVERTIME AND

- Sect. 44.—Male young persons of sixteen years of age may be employed in lace factories between 4 A.M. and 10 P.M. under certain conditions.
- Sect. 50.—If the occupier be of the Jewish religion and keep his factory closed on Saturday both before and after sunset, he may employ the young persons and women one hour on every other week day, but not before 6 A.M. or after 9 P.M.
- Sect. 57.—Secretary of State may authorise employment of young persons and women to recover lost time in water mills at the rate of one hour per day, for not exceeding ninety-six days in case of drought, and not exceeding forty-eight days in case of flood.
- Sect. 163.—The Secretary of State, where cleanliness, &c., is deficient, may by order direct the adoption of special means as a condition of the exceptional employment.

THE FACTORY AND WORKSHOP ACTS—continued.

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
.....OF EMPLOYMENT.	
The same as Textile (applicable to laundries)...	The same.
The same as Textile—except as respect male young persons in Blast Furnaces and Paper Mills.—s. 58.	The same.
The same as Textile 	The same.
A child or young person is not to be employed in the silvering of mirrors by the mercurial process, or the making of white lead.—Sch. 1.	The same.
A child or female young person is not to be employed in melting or annealing glass.—Sch. 1.	The same.
A female under sixteen is not to be employed in brick-making or salt-making.—Sch. 1.	The same.
A child is not to be employed in dry grinding in the metal trades, or where lucifer-match dipping is carried on.—Sch. 1.	
A child under eleven shall not be employed in metal grinding, other than dry metal grinding, or in fustian cutting.—Sch. 1.	
.....NIGHTWORK.	
Male young persons of sixteen years of age may be employed in bakehouses between 5 A.M. and 9 P.M. under certain conditions.—s. 45.	The same.
The same as Textile 	The same.
The same as Textile	
The same as Textile 	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

OVERTIME AND

Sect. 64.—Where an exception has been authorised, and it is found to be injurious to health, the Secretary of State may by order rescind such exception.

THE FACTORY AND WORKSHOP ACTS—*continued.*

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
.....NIGHTWORK— <i>continued.</i>	
The same as Textile	The same.
Women may be employed for fourteen hours, including two hours for meals, between 6 A.M. and 8 P.M., or between 7 A.M. and 9 P.M., or between 8 A.M. and 10 P.M. in the works named in Sch. 3, Part 3, for not more than three days in a week and thirty in a year; and in the works named in Sch. 3, Part 5, for sixty days in a year.—ss. 53, 56, as amended by the Act of 1895.	The same.
The Secretary of State authorised to extend these provisions to other Non-Textile Factories under certain conditions.—ss. 53, 56.	The same.
If a process be incomplete at the end of the period of employment in the works named in Sch. 3, Part 4, children, young persons, and women may be employed for thirty minutes beyond the period of employment, provided the hours of work do not exceed the hours of work allowed by law.—s. 54.	The same.
The Secretary of State authorised to extend these provisions under certain conditions.—s. 54.	The same.
Young persons and women may be employed so far as is necessary to prevent damage from spontaneous combustion in turkey red-dyeing, and from atmospheric influence in open-air bleaching.—s. 55.	None.
Male young persons (of fourteen years and upwards after March 1st, 1897) may be employed on day and night shifts in the factories named in Sch. 3, Part 6.—s. 58.	
The Secretary of State authorised to permit the employment of male young persons of sixteen years of age in night shifts.—s. 58.	The same.
Male young persons of sixteen years of age may be employed at night in provincial newspaper offices on two nights in a week, but not for more than twelve hours continuously.—s. 59.	None.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

OVERTIME AND.....

MISCELLANEOUS.....

- Sects. 19, 78.—Notice to be hung up of times of work and meals :—
Abstract of Act. Names of inspectors and certifying
surgeons. Clock by which hours of work are regulated.
Number of persons allowed in each room.
- Sect. 66.—Notice of special exception to be hung up, and notice to be
sent to inspector.
When working overtime under special exception, same to be
entered in a register ; and record (s. 14 Act of 1891).
- Sect. 77.—Register of young persons under sixteen years of age to be
kept, with details, as prescribed by the Secretary of State.
Extracts to be sent when required by the inspector.
- Sect. 76.—Hours of work to be regulated by a public clock
- Sect. 92.—Any person in a factory while machinery is in motion or
while a manufacturing process is carried on deemed to
be employed, unless the contrary be proved.
- Sect. 94.—Definition of employment
- Sect. 75.—Occupier of factory to send notice to inspector within one
month of commencing to work a factory.
- Sect. 80.—Inspectors of weights and measures authorised to examine
weights and measures used for checking wages, &c.

THE FACTORY AND WORKSHOP ACTS—*continued.*

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
.....NIGHTWORK— <i>continued.</i>	
Male young persons (of fourteen years and upwards after January 1st, 1897) may be employed in glass works according to the accustomed hours of the works under certain conditions.—s. 60.	
The Secretary of State may authorise the employment of male young persons of sixteen years of age as male adults in bakehouses.—s. 45.	The same.
In laundries women may work fourteen hours a day on three days of the week, on thirty days of the year.	The same.
.....REGULATIONS.	
The same as Textile (applicable to laundries)	The same.
The same as Textile ditto ditto	The same.
The same as Textile ditto ditto	The same.
The same as Textile	Secretary of State may require registers to be kept in workshops.—s. 77 (a).
The same as Textile	The same.
The same as Textile	The same.
The same as Textile	The same.
The same as Textile (applicable to laundries)	The same.
The same as Textile	The same.

(a) Required by the Act of 1895 in workshops to which section 53 of the Act of 1895 applies.

The provisions which apply to Workshops conducted on the system of not employing children and young persons (Act of 1891, s. 13 (2)), are the following :—

The period of employment for a woman shall be for a specified period of 12 hours, between 6 A.M. and 10 P.M., and of eight hours between 6 A.M. and 4 P.M. on Saturdays.

There shall be allowed to each woman for meals and absence from work, between such periods of employment, one hour and a half, except on Saturday, and on Saturday not less than half an hour.

Prohibition of work on Sunday.

The only provisions of the Acts which apply to Domestic Workshops (s. 16) are the following, applying only to children and young persons :—

The period of employment for a young person shall be between 6 A.M. and 9 P.M., and 4 P.M. on Saturdays.

There shall be allowed to each young person, between such periods of employment, four hours and a half, except on Saturday, and on Saturday, two hours and a half.

The period of employment for a child shall be between 6 A.M. and 1 P.M., or between 1 P.M. and 8 P.M., and 4 P.M. on Saturdays.

A child shall only be employed in morning and afternoon sets, changing every week.

The parent of a child must cause his child to attend school.

A child shall attend school daily for one school attendance.

A child shall not be employed for more than five hours without an interval of half an hour.

Children and young persons may not work on Sunday.

Overtime cannot be worked.

The following provisions should further be noted :—

The enactments respecting inspection, duties, and authority of inspectors, legal proceedings, amount and levying of fines, definition of terms, &c., are alike applicable to Textile Factories, Non-Textile Factories, Workshops, and Workshops in which neither children nor young persons are employed, and with the exception of the maximum amount of the fines to Domestic Workshops.

In Flax Scutch Mills, in which women only are employed intermittently, and for not more than six months in the course of the year, their

labour is entirely unrestricted, but the mills are subject to the sanitary regulations, and those relating to the fencing of machinery, &c.

The occupations of straw-plaiting, pillow-lace making, glove making (s. 97), and manual labour in the manufacture of light articles, where the labour is exercised at irregular intervals, and does not furnish the principal means of living to the family exercising it in a private house (s. 98), are entirely exempted from the provisions of the Act.

It will be seen from this short statement, and an examination of the Acts themselves, that whereas all previous Acts were based upon some special circumstances which were brought forward with respect to particular trades, the Act of 1878 has been framed upon definite principles, deduced from former legislation. Thus, there is a defined meaning given to the word "Factory," and a defined meaning derived from definite circumstances to the word "Workshop." The general enactments, the variations in these for Non-Textile Factories and Workshops, the modifications of the general enactments, will be seen to proceed from principles, and to be systematised so that the reason for them can be traced out.

The addition of the Act of 1895 to the Statute Book tends, however, owing to the far-reaching nature of its provisions, to make the whole of the legislation on the subject a somewhat intricate mosaic. There are now two amending Acts of considerable size, and the last has in all probability been designed merely as a stop-gap until a codifying Act can be passed. In order properly to gain an insight into its meaning and construction it is absolutely necessary that it should be read in close conjunction with its predecessors; nor is it possible to deal exhaustively with its various provisions within the limits of this introduction. For this purpose the reader

is referred to the text of the Act itself, the bearing of which upon the former Acts it has been the main object of the present edition of this book to elucidate. It may, however, be of use, for the purposes of a general survey, to subjoin the following list of the principal alterations and additions which appear in it, as follows :—

1. "Overcrowding" is defined (s. 1).
2. Power is given to courts of summary jurisdiction to close dangerous factories and workshops (s. 2).
3. A similar power is given in the case of dangerous machines (s. 4), and power is given to deal with the giving out of work to be done in dangerous or unhealthy places (s. 5).
4. A penalty is fixed for allowing wearing apparel to be made in a place where there is infectious disease (s. 6).
5. The provisions as to the fencing of machinery are extended, and further restrictions are placed upon the cleaning of machinery in motion (ss. 7, 8).
6. Regulations are made as to the position of self-acting machines (s. 9).
7. New and extended provisions are made for moveable fire-escapes and generally as to escape from fire (s. 10).
8. Workmen; on application, are to be represented on arbitrations (s. 12).
9. Section 82 of the Act of 1878 is extended to cases of injury from general neglect of provisions, rules, &c., and considerable alteration is made in the direction of further restrictions upon overtime employment and the

employment of persons both inside and outside factories or workshops on the same day, and registers of children and young persons are made compulsory in certain workshops (ss. 14, 15, 16).

10. New provisions are made as to notice, register, investigation, &c., of accidents (ss. 18—21).

11. Laundries are brought within certain provisions of the Acts (s. 22).

12. Docks, wharves, quays, warehouses, &c., and buildings in course of construction with the aid of power, are brought within certain provisions of the Acts; also buildings more than thirty feet high, which are being constructed or repaired by means of scaffolding or in which more than twenty persons are employed, not as domestic servants, for wages (s. 23).

13. New provisions are made with respect to tenement factories (ss. 24, 25).

14. Previous exemptions as to certain bakehouses are repealed; no new underground bakehouses are to be opened after the commencement of the Act; and the operation of the Act with regard to bakehouses is generally extended (s. 27).

15. Special provisions for health, as to notification of diseases, and as to lavatories and temperature are made (ss. 29—33).

16. Regulations as to sanitary conveniences where the Public Health Act, 1890, is not in force are made (s. 35).

17. Extended regulations are made as to furnishing particulars of wages and as to divulging trade secrets (s. 40).

18. Lists of outworkers are to be sent to inspectors twice yearly.

19. The defendant in proceedings under the Acts is made competent to give evidence (s. 49).

20. The right of conducting proceedings as counsel is given to an inspector (s. 51).

21. Certain provisions are made to apply to workshops where male adults only are employed (ss. 18, 21, 28).

FACTORY AND WORKSHOP ACT, 1878.

41 VICT. CAP. 16.

*An Act to consolidate and amend the Law relating
to Factories and Workshops.*

[27th May, 1878.]

BE it enacted as follows :

Preliminary.

1878 Act,
Sect. 1.
Short title.

1. This Act may be cited as The Factory and Workshop Act, 1878.

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act: Provided that at any time after the passing of this Act, any appointment, regulation or order may be made, any notice issued, form prescribed, and act done which appears to a Secretary of State necessary or proper to be made, issued, prescribed, or done for the purpose of bringing this Act into operation at the commencement thereof.

Commence-
ment of Act.

PART I.

GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

(1.) SANITARY PROVISIONS.

1878 Act,
Sect. 3.Sanitary
condition of
factory and
workshop.

3. A factory [*and a workshop*] shall be kept in a cleanly state and free from effluvia arising from any drain, privy, (a) or other nuisance. (b)

A factory [*or workshop*] shall not be so overcrowded while work is carried on therein as to be [*injurious to the health of the persons employed therein*], (c) and shall be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

A factory [*or workshop*] in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act. (d)

This section formerly included workshops. They are now excluded by section 3 of the Act of 1891, and the words "and a workshop" "or workshop" are repealed wherever they occur in the section by section 39 of the Act of 1891. But see note (b) below.

It should be noted that the administration of these sanitary provisions in *factories* is restricted to the inspectors of factories, who may also, however, deal with insanitary *workshops* in default of the local authorities.

(a) Extended as follows by section 5 of the Act of 1891: "water-closet, earth-closet, privy, urinal, or other nuisance."

(b) See also "Special provisions for health," *post*, s. 33. By section 91 of the Public Health Act, 1875 (38 & 39 Vict. c. 55), and section 101 of this Act, any factory which is not subject to the provisions of this Act, as well as every workshop or workplace which is not kept in a cleanly state, may be dealt with summarily under the

provisions of the Public Health Act relating to cleanliness. The effect of this is that the provisions of the Public Health Acts may be applied wherever the provisions of this Act cannot be enforced (see *post*, s. 101, and Appendix). The Public Health (London) Act, 1891 (54 & 55 Vict. c. 76), also makes, by sections 25—27, certain provisions with regard to workshops and bakehouses in London; they will be found in the Appendix. The local authority has power (the actual words being, “may, if they think fit”), under section 38 of the Public Health Act, 1875, to enforce proper and sufficient privy accommodation for both sexes. The Public Health Act, 1890 (53 & 54 Vict. c. 59), the provisions of which are adoptive, enacts that similar provisions shall be enforced by such local authorities as adopt its provisions, by section 22 (see Appendix, *post*). Finally, by section 35 of the Act of 1895, *post*, similar provisions are enforceable under the Factory Acts wherever section 22 of the Public Health Act, 1890, has not been adopted. The combined effect of the Public Health Acts and the Act of 1895, therefore, is, that proper privy accommodation must be provided in all factories and workshops: that where the Public Health Act, 1890, has been adopted it is the duty of the local authority to see to this, and that where it has not been adopted it is the duty of the inspector, or, where the Factory Acts do not apply, of the local authority, under section 38 of the Public Health Act, 1875, which is still in force where section 22 of the Act of 1890 has not been adopted.

1878 Act,
Sect. 3.

It should further be noted that “a house,” under the Public Health Act, 1875, is defined to include “factories and other buildings in which persons are employed.” Section 4 of the Public Health Act restricted this definition to places in which more than twenty persons were employed at one time, but section 101 of this Act repeals this proviso.

The time at which the officer of the local authority has power to enter upon and examine any premises as to the existence of any nuisance is between 9 A.M. and 6 P.M., or, in the case of business premises, at any hour at which the business is being carried on.

If any person makes a written complaint that any nuisance exists the local authority may authorise their officer to inspect after twenty-four hours' notice, or if in case of emergency, immediately without notice.

(c) By section 5 of the Act of 1891, *post*, these words are altered to “dangerous or injurious to,” &c. As to what constitutes overcrowding so as to be dangerous or

1878 Act, injurious to health, see section 1 of the Act of 1895, *post*,
 Sect. 3. which enacts the provision of a minimum cubic space of
 250 feet for each worker during ordinary hours, and of
 400 feet during overtime.

(d) By section 24 of the Act of 1895, the owner, instead of the occupier, of a tenement factory is made liable for the observance, and punishable for the non-observance of the regulations comprised in this section, unless such occupier pays a rent in excess of 200*l.* a year.

Notice by
 inspector to
 sanitary
 authority of
 sanitary
 defects in
 factory or
 workshop.

4. Where it appears to an inspector under this Act that any act, neglect, or default in relation to any drain, water-closet, earth-closet, privy, ashpit, water-supply, nuisance, or other matter in a factory or workshop is punishable or remediable under the law relating to public health,(a) but not under this Act, that inspector shall give notice in writing of such act, neglect, or default to the sanitary authority in whose district the factory or workshop is situate, and it shall be the duty of the sanitary authority to make such inquiry into the subject of the notice, and take such action thereon, as to that authority may seem proper for the purpose of enforcing the law.(b)

An inspector, under this Act, may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the sanitary authority.(c)

(a) See Public Health Act, 1875 (38 & 39 Vict. c. 55), s. 91 ; Public Health Act, 1890 (53 & 54 Vict. c. 59), s. 22 ; and Public Health (London) Act, 1891 (54 & 55 Vict. c. 76), ss. 25—27, and s. 38. The sections referred to will be found in the Appendix.

(b) By section 3 of the Act of 1895, it shall be the duty of the sanitary authority to inform the inspector of the proceedings taken in consequence of the notice.

(c) See further section 2 of the Act of 1891, as amended by section 3 of the Act of 1895, *post*, the effect of which is to make this section apply to workshops conducted on the system of not employing children, young persons, and women therein, and to laundries.

1878 Act,
Sect. 4.
—

(2.) SAFETY.

5. With respect to the fencing of machinery in a factory the following provisions shall have effect: Fencing of certain machinery.

(1.) Every hoist or teagle [*near to which any person is liable to pass or to be employed*],(a) and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not, and every part of a steam-engine and water-wheel,(b) shall be securely fenced ; and

(2.) Every wheel-race not otherwise secured shall be securely fenced close to the edge of the wheel-race ; and

(3.)(c) Every part of the mill-gearing shall either be securely fenced or be in such position or of such construction as to be equally safe to every person employed(d) in the factory as it would be if it were securely fenced ; and

(4.) All fencing shall be constantly maintained in an efficient state while the parts required to be fenced are in motion or use for the purpose of any manufacturing process.(e)

• A factory in which there is a contravention of

1878 Act, this section shall be deemed not to be kept in conformity with this Act. (f)

Sect. 5.

(a) The words in italics are repealed by section 6 (1) of the Act of 1891.

(b) By the Act of 1895, s. 7 (1), *post*, the words, "a steam-engine and water-wheel" are replaced by the words, "any water-wheel or engine worked by any such power."

(c) By section 6 (2) of the Act of 1891, *post*, this subsection is amended as follows:—"All dangerous parts of the machinery, and every part of the mill-gearing," etc. The word "machinery" includes any driving-strap or band: section 37 of the Act of 1891. For definition of "mill-gearing," see section 96.

In *Redgrave v. Lloyd* [1895], 1 Q. B. 95, the word "machinery" used here was held to include all the operative machinery in a factory, and not only machinery *ejusdem generis* as mentioned in this section.

(d) By section 7 (2) of the Act of 1895, *post*, after the word "employed," the words "or working" shall be inserted.

(e) By section 7 (3) of the Act of 1895, instead of the words "for the purpose of any manufacturing process," the words "except where the parts are under repair or under examination in connection with repair, or are necessarily exposed for the purpose of cleaning or lubricating, or for altering the gearing or arrangement of the parts of the machine," are substituted.

(f) Liability for the observance of this section in certain respects is by section 24 (1) (b) of the Act of 1895 transferred from the occupier to the owner, unless the occupier pays a rent exceeding 200*l.* a year (s. 24 (7)). Further provisions with regard to self-acting machines will be found in section 9 of the Act of 1895. See also section 8 of Act of 1895 as to cleaning "dangerous" machinery, and section 8 of same Act as to use of a machine in such a condition as to be dangerous.

[Fencing of other dangerous machinery, of which notice is given by inspector.]

[6. Where an inspector considers that in a factory any part of the machinery of any kind moved by steam, water or other mechanical power, to which the foregoing provisions of this Act with respect to the fencing of machinery do not apply, is

not securely fenced, and is so dangerous as to be likely to cause bodily injury to any person employed in the factory, the following provisions shall apply to the fencing of such machinery :

1878 Act,
Sect. 6.

- (1.) *The inspector shall serve on the occupier of the factory a notice requiring him to fence the part of the machinery which the inspector so deems to be dangerous :*

- (2.) *The occupier, within seven days after the receipt of the notice, may serve on the inspector a requisition to refer the matter to arbitration ; and thereupon the matter shall be referred to arbitration, and two skilled arbitrators shall be appointed, the one by the inspector and the other by the occupier ; and the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration shall, subject to the express provisions of this section, apply to the said arbitration, and the arbitrators or their umpire shall give the decision within twenty-one days after the last of the arbitrators, or, in the case of the umpire, after the umpire is appointed, or within such further time as the occupier and inspector, by writing, allow ; and if the decision is not so given the matter shall be referred to the arbitration of an umpire to be appointed by the judge of the county court within the jurisdiction of which the factory is situate :*

[8 & 9 Vict.
c. 16.]

1878 Act,
Sect. 6.
—

- (3.) *If the arbitrators or their umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the notice shall be cancelled, and the occupier shall not be required to fence in pursuance thereof, and the expenses of the arbitration shall be paid as the expenses of the inspectors under this Act :*
- (4.) *If the occupier does not, within the said seven days, serve on the inspector a requisition to refer the matter to arbitration or does not appoint an arbitrator within seven days after he served that requisition, or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the occupier shall securely fence the said machinery in accordance with the notice, or with the award of the arbitrators or umpire if it modifies the notice, and the expenses of the arbitration shall be paid by the occupier, and shall be recoverable from him by the inspector in the county court :*
- (5.) *Where the occupier of a factory fails to comply within a reasonable time with the requirements of this section as to securely fencing the said machinery in accordance with the notice or award, or fails to keep the said machinery securely fenced in accordance therewith, or fails constantly to*

maintain such fencing in an efficient state while the machinery required to be fenced is in motion for the purpose of any manufacturing process, the factory shall be deemed not to be kept in conformity with this Act :

1878 Act,
Sect. 6.

- (6.) *For the purpose of this section and of any provisions of this Act relating thereto "machinery" shall be deemed to include any driving strap or band.]*(a)

(a) The whole of the above section is repealed by section 39 and Schedule 2 of the Act of 1891, *post*, and the necessity to fence dangerous machinery becomes absolute.

[7. *Where an inspector considers that in a factory or workshop a vat, pan, or other structure, which is used in the process or handicraft carried on in such factory or workshop, and near to or over which children or young persons are liable to pass or to be employed, is so dangerous, by reason of its being filled with hot liquid or molten metal or otherwise, as to be likely to be a cause of bodily injury to any child or young person employed in the factory or workshop he shall serve on the occupier of the factory or workshop a notice requiring him to fence such vat, pan, or other structure.*

[Fencing of dangerous vats or structures of which notice is given by inspector.]

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section, with the substitution of the vat, pan, or other structure for machinery, and with the addition of workshop, and if the occupier of a factory

1878 Act,
Sect. 7.
— or workshop fails constantly to maintain the fencing required under this section in an efficient state, while such vat, pan, or other structure is so filled or otherwise dangerous as aforesaid, the factory or workshop shall be deemed not to be kept in conformity with this Act.](a)

(a) The whole of the above section is repealed by section 39 and Schedule 2 of the Act of 1891, *post*, but structures of the kind to which reference is made are dealt with in chemical works by the special rules established under section 8 of the Act of 1891, and a vat or pan containing moving parts of machinery or driven by machinery may be “dangerous machinery” under section 5 of the Act of 1891.

[Fixing of
grindstones
securely and
replacing of
faulty
grindstones
when notice
is given by
inspector.]

[8. Where an inspector observes in a factory, that any grindstone, worked by steam, water, or other mechanical power is in itself so faulty, or is fixed in so faulty a manner as to be likely to cause bodily injury to the grinder using the same, he shall serve on the occupier of the factory a notice requiring him to replace such faulty grindstone, or to properly fix the grindstone fixed in the faulty manner.

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section with the necessary modifications.

Where the occupier of a factory fails to keep the grindstone mentioned in the notice or award in such a state and fixed in such manner as not to be dangerous, the factory shall be deemed not to be kept in conformity with this Act.](a)

(a) The whole of the above section is repealed by section 39 and Schedule 2 of the Act of 1891, *post*, but faulty grindstones can be dealt with under section 4 of the Act of 1895

9. A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power. (a)

1878 Act,
Sect. 9.

Restriction on cleaning of machinery while in motion or working between parts of self-acting machinery.

A young person or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing while the same is in motion for the purpose of propelling any part of the manufacturing machinery. (b)

A child, young person, or woman shall not be allowed to work between the fixed and traversing parts of any self-acting machine while the machine is in motion by the action of steam, water, or other mechanical power. (c)

A child, young person, or woman allowed to clean or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act. (d)

(a) By section 8 of the Act of 1895, *post*, this paragraph, so far as the dangerous parts of the machinery are concerned, is made to apply to young persons as well as children. Section 8 also provides, for this purpose, that such parts of the machinery shall be presumed to be dangerous, unless the contrary is proved, as are so notified by the inspector to the occupier of the factory.

By section 96 of this Act "child" means a person under 14, and "young person" a person between 14 and 18 years of age, but a child over 13 years of age may be deemed to be a young person subject to the provisions of section 26.

(b) It should be noted that this paragraph applies to mill-gearing only.

Machinery may be moved by hand for the purpose of being cleaned by children.

(c) For further regulations as to the position of self-acting machines, and the position in which persons employed are allowed to work, see section 9 of the Act of 1895, *post*.

(d) The penalty is under section 83.

1878 Act,
Sect. 10.

Period of
employment
of children,
young per-
sons, and
women.

(3.) EMPLOYMENT AND MEAL HOURS.

10. A child, young person, or woman shall not be employed in a factory or a workshop except during the period of employment hereinafter mentioned.

Period of
employ-
ment, &c.,
for young
persons and
women in a
textile
factory.

11. With respect to the employment of young persons and women in a textile factory the following regulations shall be observed :

(1.) The period of employment, except on Saturday, shall either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening ; and

(2.) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning ; and

(3.) Where the period of employment on Saturday begins at six o'clock in the morning, that period—

(a.) If not less than one hour is allowed for meals, shall end at one o'clock in the afternoon as regards employment in any manufacturing process, and at half-past one o'clock in the afternoon as regards employment for any purpose whatever ; and

(b.) If less than one hour is allowed for meals, shall end at half an hour after noon as regards

employment in any manufacturing process, and at one o'clock in the afternoon as regards employment for any purpose whatever ; and

1878 Act,
Sect. 11.

(4.) Where the period of employment on Saturday begins at seven o'clock in the morning, that period shall end at half-past one o'clock in the afternoon as regards any manufacturing process, and at two o'clock in the afternoon as regards employment for any purpose whatever ; and

(5.) There shall be allowed for meals during the said period of employment in the factory—

(a.) On every day except Saturday not less than two hours, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and

(b.) On Saturday not less than half an hour ; and

(6.) A young person or woman shall not be employed continuously for more than four hours and a half, without an interval of at least half an hour for a meal.

A definition of "employment" as regards children young persons, and women is given in section 94 of this Act (see p. 119, *post*).

- 1878 Act, Sect. 11. The only exceptions to the above are :—
 Continuous employment for five hours (s. 48, sched. 3, part 7).
 Recovery of lost time in water-mills (s. 57).
 Employment on Saturday and overtime in factories of Jewish occupiers (s. 50).

Period of employment for children in textile factory.

12. With respect to the employment of children in a textile factory the following regulations shall be observed :

- (1.) Children shall not be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only ; and
- (2.) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person, and end at one o'clock in the afternoon,(a) or, if the dinner time begins before one o'clock, at the beginning of dinner time ; and
- (3.) The period of employment for a child in an afternoon set shall, except on Saturday, begin at one o'clock in the afternoon,(a) or at any later hour at which the dinner time terminates, and end at the same hour as if the child were a young person ; and
- (4.) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person ; and
- (5.) A child shall not be employed in two successive periods of seven days in a morn-

ing set, nor in two successive periods of ^{1878 Act,} seven days in an afternoon set, and a Sect. 12. child shall not be employed on two successive Saturdays, nor on Saturday in any week if on any other day in the same week his period of employment has exceeded five hours and a half; and

- (6.) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be employed on two successive days, and shall not be employed on the same day of the week in two successive weeks; and
- (7.) A child shall not on either system be employed continuously for any longer period than he could be if he were a young person without an interval of at least half an hour for a meal.

(a) Section 14 of the Factory and Workshops Act, 1883, allowed these times to be altered to "noon" in cases where the dinner hour is taken between 2 and 3 P.M.

The only exception to the above is :—

Continuous employment for five hours in certain factories (ss. 40 and 48).

By the Act of 1895, s. 16 (1), a child shall not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop.

13. With respect to the employment of young ^{Period of} persons and women in a non-textile factory, and ^{employ-} ^{ment, &c.,} ^{for young}

1878 Act, of young persons in a workshop, the following
 Sect. 13. regulations shall be observed :

persons and
 women in
 non-textile
 factory and
 for young
 persons in
 workshop.

- (1.) The period of employment, except on Saturday, shall (save as is in this Act specially excepted) either begin at six o'clock in the morning, and end at six o'clock in the evening, or begin at seven o'clock in the morning, and end at seven o'clock in the evening ;(a) and
- (2.) The period of employment on Saturday shall (save as is in this Act specially excepted) begin at six o'clock in the morning, or at seven o'clock in the morning, and end at two o'clock in the afternoon ;(b) and
- (3.) There shall be allowed for meals during the said period of employment in the factory or workshop—
 - (a.) On every day except Saturday not less than one hour and a half, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon ; and
 - (b.) On Saturday not less than half an hour ; and
- (4.) A young person or a woman in a non-textile factory and a young person in a workshop shall not be employed continuously for more than five hours without

an interval of at least half an hour for a meal. 1878 Act,
Sect. 13.

(a) By section 36 (1) of the Act of 1895, *post*, the period of employment may be also from 8 o'clock in the morning till 8 o'clock in the evening.

(b) By section 36 (2) of the Act of 1895, after the words "end at two o'clock in the afternoon," the words "or when it begins at seven o'clock in the morning, at three o'clock in the afternoon, or begin at eight o'clock in the morning and end at four o'clock in the afternoon" are added. Authority to work between 8 A.M. and 8 P.M. on the first five days of the week, and from 8 A.M. to 4 P.M. on Saturday, has hitherto been restricted to certain scheduled non-textile factories and workshops (see s. 42, schedule 3, Part 1), and others to which the modification has been granted by the Secretary of State; it is now applicable to all non-textile factories and workshops.

The regulations of this Act with respect to the employment of women are, by section 62 (p. 79), not to apply to women employed under certain conditions of work in flax scutch mills.

14. With respect to the employment of children in a non-textile factory and a workshop, the following regulations shall be observed :

Period of employment for children in non-textile factory and workshop.

(1.) Children shall not be employed except either on the system of employment in morning and afternoon sets or (in a factory or workshop in which not less than two hours are allowed for meals on every day except Saturday) on the system of employment on alternate days only ; and

(2.) The period of employment for a child in a morning set on every day, including Saturday, shall begin at six or seven o'clock in the morning and end at one o'clock in the afternoon, or, if the dinner

1878 Act,
Sect. 14.

time begins before one o'clock, at the beginning of dinner time; and

- (3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin at one o'clock in the afternoon,(a) or at any hour later than half-past twelve o'clock, at which the dinner time terminates, and end on Saturday at two o'clock in the afternoon, and on any other day at six or seven o'clock in the evening, according as the period of employment for children in the morning set began at six or seven o'clock in the morning; and
- (4.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on Saturday in any week in the same set in which he has been employed on any other day of the same week; and
- (5.) When a child is employed on the alternate day system—
 - (a.) The period of employment for such child shall, except on Saturday, either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and

- (b.) The period of employment for such child shall on Saturday begin at six or seven o'clock in the morning, and end at two o'clock in the afternoon ; and
- (c.) There shall be allowed to such child for meals during the said period of employment not less on any day except Saturday than two hours, and on Saturday than half-an-hour ; but
- (d.) The child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks ; and
- (6.) A child shall not, on either system, be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

By section 14 of the Factory and Workshop Act, 1883, the period at which the employment of the afternoon set may commence is altered to "noon ;" provided the morning set ceases work at noon.

Formerly, by the Workshop Regulation Act, 1867, the hours of work of children might be between 6 A.M. and 8 P.M., and although by the Elementary Education Act, 1876, they were required to attend school in the same manner as children in factories, no alteration was made as to the hours of work. This section places the labour of children under the same regulations in workshops as in non-textile factories.

In connection with this section, the Act of 1895, s. 36 (3) provides that non-textile factories and workshops where the period of employment for young persons and women is from eight to eight, then, subject to the provisions of

1878 Act, Sect. 14. this section, the period of employment of a child in a morning set may begin at eight in the morning, and of a child in an afternoon set may end at eight in the evening or on a Saturday at four in the afternoon; and if this child is employed on the alternate day system, his employment may begin at eight in the morning and end at eight in the evening or at four on Saturdays.

In textile factories, as will have been seen, only one set of children can work on Saturdays, changing weekly; but in non-textile factories and workshops both sets of children may work on Saturdays. The reason is as follows:—In textile factories a child cannot be employed for more than six hours and a half—that being the extreme period on any other day—nor later than 2 P.M. In non-textile factories and workshops the period of employment might, on Saturday, extend to seven hours and a half, and if work commences at 8 A.M. it may be continued until 4 P.M. Hence the necessity of dividing the period of employment by the dinner hour, and of permitting both sets of children to be employed on Saturday. In other respects the regulations are alike for textile and non-textile factories and workshops.

Period of employment, time for meals, and length of continuous employment for women in workshop.

15. With respect to the employment of women in workshops, the following regulations shall be observed:

(1.) In a workshop which is conducted on the system of employing therein children and young persons, (a) or either of them, a woman shall not be employed except during the same period and subject to the same restrictions as if she were a young person; and the regulations of this Act with respect to the employment of young persons in a workshop shall apply accordingly to the employment of women in that workshop; and

[(2.) *In a workshop which is conducted on the system of not employing therein either children or young persons—*

- (a.) *The period of employment for a woman shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon; and*
- (b.) *There shall be allowed to a woman for meals and absence from work during the period of employment, not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half.](b)*

A workshop shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct his workshop on that system.

(a) A workshop will not be deemed to be conducted on the system of not employing children and young persons until the occupier shall have served a notice to that effect upon the inspector; and if the occupier intend at a subsequent period to employ children or young persons, he must serve a notice thereof on the inspector, and must not change oftener than once a quarter (see s. 61, p. 78).

(b) This sub-section was repealed by section 39 and schedule 2 of the Act of 1891. Section 13 (2) of that Act has substituted in its place certain other provisions, the effect of which is that in workshops where children and young persons are not employed, the period of employment for a woman shall be a specified period of twelve hours taken between 6 A.M. and 10 P.M., except on Saturdays, when it shall be eight hours, between 6 A.M. and 4 P.M., with a specified period for meals and absence from work during employment of at least one hour and a half, and half-an-hour on Saturdays.

1878 Act,
Sect. 16.

Period of
employment
and time for
meals for
children
and young
persons in
domestic
workshop.

16. Where persons are employed at home, that is to say, in a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or a workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there, the foregoing regulations of this Act with respect to the employment of children, young persons, and women shall not apply to such factory or workshop, and in lieu thereof the following regulations shall be observed therein :

- (1.) A child or young person shall not be employed in the factory or workshop except during the period of employment hereinafter mentioned ; and
- (2.) The period of employment for a young person shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon ; and
- (3.) There shall be allowed to every young person for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half ; and

- (4.) The period of employment for a child on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon, and end at eight o'clock in the evening, or on Saturday at four o'clock in the afternoon; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set; and
- (5.) A child shall not be employed before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days, and a child shall not be employed on Saturday in any week before the hour of one in the afternoon, if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour; and
- (6.) A child shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

1878 Act,
Sect. 16.

By s. 37 of the Act of 1891, the expression "domestic workshop" in that Act means a workshop to which the above section applies.

Children can only be employed in domestic workshops in the morning and afternoon. They cannot be employed on the alternate day system.

1878 Act, Sect. 16. It will be seen that the restrictions upon labour, &c., do not apply to women employed in domestic workshops as defined by this section. Women are also exempted under certain conditions of work in flax scutch mills (see section 62).

Domestic workshops coming within the definitions of this section are exempted from the sanitary regulations of the Act, from the fixing the actual times for work and meals, and from affixing notices in the work-rooms (see s. 61, p. 76). But they remain under the supervision of the local authority in respect to sanitary condition. They are also precluded from working overtime (see the Third Schedule, Part 3). The penalties for violation of the regulations of the Act by occupiers of such workshops are much less than is provided in other cases (see s. 83).

Meal times to be simultaneous and employment during meal times forbidden.

17. With respect to meals the following regulations shall (save as is in this Act specially excepted) be observed in a factory or workshop :

- (1.) All children, young persons, and women employed therein shall have the times allowed for meals at the same hour of the day ; and
- (2.) A child, young person, or woman shall not during any part of the times allowed for meals in the factory or workshop, be employed in the factory or workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on.

This section does not apply to domestic workshops (see section 61), or to the occupations referred to in section 52, and named in Schedule 3, Part 2, an exemption which the Secretary of State has authorised to be extended to other occupations.

[Regulations as to employment on Saturday, of young

18. [*The period of employment on Saturday for a young person or woman in a non-textile factory or workshop may be of the same length as on any*

other day if the period of employment of such young person or woman has not exceeded eight hours on any day of the same week, and if notice has been affixed in the factory or workshop and served on the inspector.](a)

1878 Act,
Sect. 18.

persons or
women
employed
only eight
hours a
day.]

(a) Repealed by the Act of 1891, and replaced by section 15 of that Act, which provides that, in a non-textile factory or workshop where a young person or woman has not been employed for more than eight hours in a day during the week, and the regulations as to notice have been complied with, the period of employment on Saturday for that young person or woman may be from 6 A.M. to 4 P.M., with a minimum interval of two hours for meals.

19. The occupier of a factory or workshop may from time to time fix within the limits allowed by this Act, and shall (save as is in this Act specially excepted) specify in a notice affixed in the factory or workshop, the period of employment, the times allowed for meals, and whether the children are employed on the system of morning and afternoon sets or of alternate days.(a)

Notice
fixing
period of
employ-
ment, hours
of meals,
and mode of
employment
of children.

The period of employment and the times allowed for meals in the factory or workshop shall be deemed to be the period and times specified in the notice affixed in the factory or workshop; and all the children in the factory or workshop shall be employed either on the system of morning and afternoon sets or on the system of alternate days according to the system for the time being specified in such notice:

Provided that a change in such period or times or system of employment shall not be made until after the occupier has served on an inspector and affixed in the factory or workshop notice of his

1878 Act, Sect. 19. intention to make such change, and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

(a) By the Act of 1895, s. 24 (1, c), if the factory is a tenement factory, the owner (whether or not he is a person in occupation) is, instead of the occupier, made liable for non-observance of this provision. Furthermore by section 24 (2) of the same Act where different industries are carried on in the same tenement factory, the obligation to affix the notice prescribed in this section is placed on the occupier, and not on the owner. But section 24 of the Act of 1895 does not apply to the case of an occupier whose rent exceeds 200*l.* a year.

The occupier of a domestic workshop, under section 16, is not required to affix notices (see s. 61, p. 76).

For the penalty for not affixing notices, see s. 78, p. 99.

Prohibition of employment of children under ten.

20. [*A child under the age of ten years shall not be employed in a factory or workshop.*](a)

(a) This section was repealed by the Statute Law Revision Act, 1894; and by section 18 of the Act of 1891 the age is raised to eleven years after December 31st, 1892.

Prohibition of employment of children, young persons, and women on Sunday.

21. A child, young person, or woman shall not (save as is in this Act specially excepted) be employed on Sunday in a factory or workshop.

Young persons and women of the Jewish religion may, under certain circumstances, work on Sundays (see ss. 50, 51), and male young persons working day and night by relays in blast furnaces and paper mills may also work on Sundays (see s. 58). But young persons cannot be employed in glass works under section 60 on Sundays by section 14 (6) of the Act of 1895.

(4.) *Holidays.*

Days to be observed as holidays, and half holidays to be allowed in factories and workshops.

22. The occupier of a factory or of a workshop shall (save as is in this Act specially excepted) allow to every child, young person, and woman employed therein the following holidays; that is to say,

- (1.) The whole of Christmas Day and the whole either of Good Friday, or, if it is so specified by the occupier in the notice affixed in the factory or workshop, of the next public holiday under the Holidays Extension Act, 1875; and in addition^(a) 1878 Act,
Sect. 22.
- (2.) Eight half holidays in every year, but a whole holiday may be allowed in lieu of any two such half holidays; and
- (3.) At least half of the said half holidays or whole holidays shall be allowed between the fifteenth day of March and the first day of October in every year; and
- [(4.) *Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop for at least the whole period of employment of young persons and women on the last previous work day but one; and*](b)
- (5.) A half holiday shall comprise at least one half of the period of employment for young persons and women on some day other than Saturday.

A child, young person, or woman, who—

- (a.) On a whole holiday fixed by or in pursuance of this section for a factory or workshop is employed in the factory or workshop, or
- (b.) On a half holiday fixed in pursuance of this section for a factory or workshop is

1878 Act,
Sect. 22.

employed in the factory or workshop during the portion of the period of employment assigned for such half holiday, shall be deemed to be employed contrary to the provisions of this Act.

If in a factory or workshop such whole holidays or half holidays as required by this section are not fixed in conformity therewith, the occupier of the factory or workshop shall be liable to a fine of not exceeding five pounds.

(a) For the Secretary of State's power to give different sets of children, young persons, and women holidays at different times in non-textile factories and workshops, see section 49.

(b) For this sub-section, which was repealed by section 39 and Schedule 2 of the Act of 1891, the provisions of section 16 of the Act of 1891, *post*, were substituted. The effect of this enactment is, that notice of a holiday must be given during the first week in January, and may not be changed within fourteen days of the holiday to which it applies; but by section 17 of the Act of 1895, it is not necessary to serve or affix notices if the holidays be fixed for Christmas Day, Good Friday, and the four Bank holidays.

The principle of the former Acts is retained, but the details are altered. The effect is as follows:—

Eight half holidays must be given; and one whole holiday may count as two half holidays.

In England and Ireland, Christmas Day must be given.

In England and Ireland, Good Friday may be given, but, if not given, the first Bank holiday, *i.e.*, Easter Monday, must be given instead thereof.

In Scotland, instead of Christmas Day and Good Friday, or the next public holiday, the two days set apart for the sacramental fast day of the parish, or two other days fixed by magistrates must be given (see s. 105, par. 2, as amended by the Act of 1891, s. 33).

In Ireland the whole of the seventeenth day of March may be given as a holiday, which will be reckoned as two of the eight half holidays. If the seventeenth day of March fall upon a Sunday, then either Good Friday or Easter Tuesday must be given (see Act of 1891, s. 34).

The provisions as to the eight half holidays do not apply to male young persons employed in day and night sets (s. 58), or to domestic workshops (s. 16) (see s. 61). **1878 Act, Sect. 22.**

(5.) *Education of Children.*

23. The parent(a) of a child employed in a factory or in a workshop shall cause that child to attend some recognised efficient school(b) (which school may be selected by such parent), as follows:

Attendance at school of children employed in a factory or workshop.

- (1.) The child, when employed in a morning or afternoon set, shall in every week, during any part of which he is so employed, be caused to attend on each work day for at least one attendance; and
- (2.) The child, when employed on the alternate day system, shall on each work day preceding each day of employment in the factory or workshop be caused to attend for at least two attendances:
- (3.) An attendance for the purpose of this section shall be an attendance as defined for the time being by the Secretary of State with the consent of the Education Department, and be between the hours of eight in the morning and six in the evening:

Provided that—

- (a.) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed; and

1878 Act,
Sect. 23.

- (b.) The non-attendance of the child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, also when the school is closed during the ordinary holidays or for any other temporary cause ; and
- (c.) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child, a recognised efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector under this Act, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at a recognised efficient school until such recognised efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Education Department every case of the approval of a school by him under this section.

A child who has not in any week attended school for all the attendances required by this section shall not be employed in the following week, until he has attended school for the deficient number of attendances.

The Education Department shall from time to time, by the publication of lists or by notices or otherwise, as they think expedient, provide for giving to all persons interested information of the

schools in each school district which are recognised ^{1878 Act,}
efficient schools. Sect. 23.

(a) By section 96, "parent" includes guardian, &c.

(b) "Recognised efficient school" is defined by section 95 as a public elementary school within the meaning of the Elementary Education Acts. In the case of Scotland and Ireland, see section 105, par. 1, and section 106, par. 1. Cf. Elementary Education Act, 1870, ss. 7, 74.

The attendance required is "one school attendance" as prescribed by the authorities (paragraph 3), which has been defined to be "an attendance for instruction in secular subjects for a period of not less than two hours." *London, Edinburgh, and Dublin Gazettes* of 31st December, 1878.

Paragraph (c.) authorises the inspector temporarily to approve a school in localities where there is no certified efficient school, attendance at which will be legal.

By this section, if a child, having missed an attendance in one week, make up for it by an extra attendance in the week following, it may legally be employed in such week after the lost time has been made up.

This section makes it imperative that a child shall attend school on every day on which the school is open in every week, or any part of which the child is employed, *i.e.*, the child must attend school either in the afternoon of the day on which he commenced to work, or in the morning of the following day.

There is no educational restriction placed by this Act upon taking children under thirteen years of age into employment; that is to say, no certificate of standard of proficiency or previous attendance is required; but by the Elementary Education Act, 1880, s. 4, it is enacted that children may not be employed unless they have complied with the requirements as to standards or previous due attendance fixed by the bye-laws of the district in which they reside, and the inspectors of factories are required to enforce the bye-laws upon employers, while the local authorities enforce them upon parents. And it must be understood that even though the bye-law of a school board or school attendance committee exempt a child under thirteen from school attendance on having obtained a certificate of proficiency, that certificate will not authorise it to work for full time, in a factory or a workshop, or exempt it from the necessity of attending school under this Act.

By the Education (Scotland) Act, 1883, s. 6, a child between the ages of ten and fourteen cannot be taken into employment after the 1st September, 1885, unless such

1878 Act, Sect. 23. child has passed the third standard. By section 7 of the same Act, a child having passed the fifth standard is not required to attend school.

Obtaining of school attendance certificate by occupier of factory or workshop.

24. The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week in which such child began to work therein) or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by the child, a certificate (according to the prescribed form and directions) respecting the attendance of such child at school in accordance with this Act.

The employment of a child without obtaining such certificate as is required by this section shall be deemed to be employment of a child contrary to the provisions of this Act.

The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or his workshop, and shall produce the same to an inspector when required during that period.

The certificate of school attendance is to be in such form as is prescribed by the Secretary of State (see ss. 77 and 96).

By section 15 of the Act of 1895, section 77 of this Act is made to apply to all workshops to which section 53 of this Act applies.

Payment by occupier on application of sum for schooling of child, and deduction of it from wages.

25. The board authority or persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some person authorised by such board authority or person, may apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the

application, not exceeding threepence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, the said weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

1878 Act,
Sect. 25.

26. When a child of the age of thirteen years has obtained from a person authorised by the Education Department a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school, as hereinafter mentioned, that child shall be deemed to be a young person for the purposes of this Act.

Employment as young person of child of 13 on obtaining an educational certificate.

The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by a Secretary of State, with the consent of the Education Department, and the standards so fixed shall be published in the *London Gazette*, and shall not have effect until the expiration of at least six months after such publication.

Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

By the Factory Act, 1874, a certificate of a standard of proficiency was required only in textile factories, and by the Elementary Education Act, 1876, a similar standard was required in regard to non-textile factories and workshops. This was applicable only to England and Wales,

1878 Act, and consequently this section creates no new regulation in
Sect. 26. England and Wales.

— This regulation, however, was entirely new for Scotland and Ireland.

By this section the certificate may be either of a standard attained after examination, or of a certain number of attendances at a certified efficient school, an enactment similar to the general provisions of the Elementary Education Act, 1876.

The original standards for England and Wales fixed by Order of the Secretary of State for the Home Department, with the consent of the Education Department, were published in the *London Gazette* of 25th February, 1879. They were as follows :—

The standard of proficiency for the purpose of a certificate of proficiency shall be the standard of reading, writing, and elementary arithmetic fixed by Standard 4 of the Code of 1876, or any higher standard which may be attained by the child.

The Fourth Standard is as follows :—

Reading :

To read with intelligence a few lines of prose or poetry selected by the inspector.

Writing :

Eight lines slowly dictated once from a reading book, copy books to be shown (improved small hand).

Arithmetic :

Compound rules (money), and reduction (common weights and measures).

The standard of previous due attendance at a certified efficient school for the purpose of a certificate of previous due attendance shall be those shown in the following table :

During the Year.	The Standard of previous due Attendance shall be	
	The following Number of Attendances after a child has attained Five Years of Age.	In not more than Two Schools during each Year for the following Number of Years, whether consecutive or not
1881 and following years	250	Five.

By order gazetted 4th March, 1892, the above Order was revoked, and the following substituted therefor, to come into effect on the 4th September, 1892 :—

1. The standard of proficiency for the purpose of a **1878 Act, Sect. 26.** certificate of proficiency shall, for the factories and workshops of each school district, be the Fourth Standard. But, in districts where the byelaws of the school authority have fixed, or shall hereafter fix, a standard higher than the Fourth Standard as the standard of education for the total exemption of a child between 10 and 13 years of age from the obligation to attend school under the Elementary Education Acts, the standard of proficiency for the purposes of this Order shall be such higher standard.
2. Certificates of proficiency may be granted by the persons and in the manner prescribed by Articles 4, 5, 6, 7, and 8 of the Revised Regulations of the Education Department, dated the 12th April, 1883.
3. The standard of previous due attendance at a certified efficient school for the purpose of a certificate of previous due attendance shall be as follows :—

The following Number of Attendances each Year after a Child has attained Five Years of Age.	In not more than Two Schools during each Year for the following Number of Years, whether consecutive or not.
250	Five.

By Order gazetted 16th August, 1892, the coming into operation of the above-substituted Order was postponed until 1st September, 1893.

The above have been revoked by the following :—
Gazetted 8th August, 1893.

Whereas on 15th February, 1879, an Order was made by the Secretary of State fixing a standard of proficiency and standards of previous attendance at school,

And whereas on 20th February, 1892, another Order was made revoking the Order of 15th February, 1879, but before it came into operation it was by another Order suspended, and now stands suspended until the 1st day of September, 1893,

Now I, the Right Honourable Herbert H. Asquith, one of Her Majesty's principal Secretaries of State, with the consent of the Lords of the Committee of the Privy Council on Education, hereby for the purpose of the above-

1878 Act, mentioned enactment, and so far only as the same relates **Sect. 26.** to England and Wales, order as follows :—

1. The Order of the Secretary of State dated 20th February, 1892, is hereby revoked.

2. Between the date of this Order and the 1st of September, 1894, the Order of the Secretary of State dated 15th February, 1879, shall continue to be in force.

3. From and after the 1st day of September, 1894, the Order of the Secretary of State dated 15th February, 1879, shall be revoked, and instead thereof the following provisions shall take effect, that is to say :—

(a.) The standard of proficiency for the purpose of a certificate of proficiency to be given to any child shall be Standard No. 5, as fixed by the Code of 1893, of reading, writing, and arithmetic, or any higher standard which may be attained by the child.

Certificates of proficiency may be granted by the persons prescribed by Articles 3—8 and 30 of the Code of 1893.

(b.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate of previous due attendance shall in the case of any child be 250 attendances (after such child has attained five years of age) in not more than two schools during each year for five years, whether consecutive or not.

Certificates of previous due attendance at school may be granted by the persons prescribed by sections 10, 11 and 12 of the Regulations of the Education Department, dated 27th February, 1893.

The standards for Scotland fixed by Order by the Secretary of State for the Home Department, with the consent of the Scotch Education Department, are published in the *Edinburgh Gazette*, 28th February, 1879. They are as follows :—

The standard of proficiency for the purpose of a certificate of proficiency shall be the standard of reading, writing, and elementary arithmetic fixed by Standard 5 of the Code of 1878, or any higher standard which may be attained by the child.

The Fifth Standard is as follows :—

Reading :

Reading with expression a short passage of prose or poetry, with explanation, grammar, and elementary analysis of simple sentences.

Writing :

1878 Act,
Sect. 26.

Writing from memory the substance of a short story or narrative read out twice by the inspector ; spelling, grammar, and handwriting to be considered.

N.B.—An exercise in dictation may, at the discretion of the inspector, be given in place of either of the above.

Arithmetic :

Practice, bills of parcels, and simple proportion.

The standard of previous due attendance at a certified efficient school, for the purpose of a certificate of previous due attendance, shall be 250 attendances after five years of age, in not more than two schools during each year, for five years, whether consecutive or not.

Certificates of previous due attendance at school may be granted—

- (a.) In the case of a public school by the clerk of the school board having the management of such school, or by any teacher or officer of the board specially deputed for the purpose by such board :
- (b.) In the case of any other school by the principal teacher of such school.

A fee not exceeding 6d. may be charged for each certificate of previous due attendance by the person who grants such certificate, being duly authorised in that behalf.

The standards for Ireland fixed by Order by the Lord-Lieutenant and Privy Council in Ireland, are published in the *Dublin Gazette* of 4th March, 1879. They are as follows :—

The standard of proficiency for the purposes of the 26th section of the said Act shall be the standard in reading, writing, and elementary arithmetic, prescribed by Order of the Lord-Lieutenant in Council, bearing date the 11th day of August, 1876, made under and pursuant to the provisions of the Factory Act, 1874, or any higher standard which may be attained by the child.

The following is the standard fixed by such Order of the Lord-Lieutenant in Council :—

Reading :

Reading intelligently any passage from the Fourth Book of Lessons published by the said commissioners, or from a book of equal difficulty.

Writing :

Writing in small hand eight lines dictated slowly from a reading book ; spelling and handwriting to be considered :

1878 Act,
Sect. 26.

Arithmetic :

Compound rules (money), and reduction of common weights and measures.

The standard of previous due attendance for the purposes of the 26th section of the said Act shall be that shown in the following table :

During the Year.	The Standard of previous due Attendance shall be	
	The following Number of Attendances after a Child has attained Five Years of Age.	In not more than Two Schools during each Year for the following Number of Years, whether consecutive or not.
1879 - - - -	200	Three
1880 - - - -	200	Four.
1881 and following years	200	Five.

Any principal or sole teacher of a national school, or other certified efficient school in Ireland, may grant, and is authorised to grant, certificates of proficiency and of previous due attendance.

(6.) *Certificates of Fitness for Employment.*

Certificate of fitness for employment of children and young persons under 16 in factories.

27. In a factory a child or a young person under the age of sixteen years shall not be employed for more than seven, or if the certifying surgeon(a) for the district resides more than three miles from the factory, thirteen work days, unless the occupier of the factory has obtained a certificate, in the prescribed form, of the fitness of such child or young person for employment in that factory.

A certificate of fitness for employment for the purposes of this Act shall be granted by the certifying surgeon for the district, and shall be to the effect that he is satisfied, by the production of

a certificate of birth(b) or other sufficient evidence(c) that the person named in the certificate of fitness is of the age therein specified and has been personally examined by him and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate. 1878 Act,
Sect. 27.

(a) For appointment of certifying surgeons, see s. 72.

By the Factory Act, 1844, a certificate might be granted by any surgeon, under certain conditions, but by this section it can only be granted by the duly appointed certifying surgeon.

When no certifying surgeon has been appointed, the Poor Law Medical Officer may act in England (see s. 71); the Medical Officer under the Public Health Act in Scotland (see s. 105, par. 4); and the Dispensary Doctor in Ireland (see s. 106, par. 4).

(b) The certifying surgeon had formerly been called upon to grant a certificate of age. This duty is no longer cast upon him. The age of the person must be proved by a certificate of birth, or in the case of the non-registration of birth, by some equivalent proof. The certificate of birth being produced, the certifying surgeon has then to certify that the person presented to him is fit for employment in the words used in this section.

In those cases in which a certificate of birth has not been produced, if an inspector consider a child or young person for whom the certifying surgeon has granted a certificate of fitness to be under the age alleged, he may annul such certificate (see s. 30).

As to what shall be considered a certificate of birth, see section 30.

The section imposes an important responsibility upon the occupier of a factory, for by it the certificate of fitness cannot be granted until a certificate of birth or other sufficient evidence has been previously obtained; hence the employment of a child or young person being under age before the grant of a certificate of fitness would be illegal, and care should be taken that certificates of birth are produced when fresh hands are taken on.

Certificates of fitness are not required to be produced in workshops. The occupier is, therefore, directly responsible that the persons whom he employs are not under the prescribed ages, and it is the more incumbent upon him to require certificates of birth to be obtained.

1878 Act, (c) It has been decided that the "other sufficient evi-
Sect. 27. dence" under this section shall, as respects children, be a
statutory declaration before a magistrate.

Provision for special inquiries and re-examination of children and young persons by certifying surgeons is made by section 46 of the Act of 1895.

Certificate of fitness for employment of children and young persons under 16 in workshops.

28. In order to enable occupiers of workshops to better secure the observance of this Act, and prevent the employment in their workshops of children and young persons under the age of sixteen years who are unfitted for that employment, an occupier of a workshop is hereby authorised to obtain, if he thinks fit, from the certifying surgeon for the district, certificates of the fitness of children and of young persons under the age of sixteen years for employment in his workshop, in like manner as if that workshop were a factory, and the certifying surgeon shall examine the children and young persons, and grant certificates accordingly.

If the occupier of a workshop should desire to have the services of the certifying surgeon, this section prescribes the same course to be followed as in factories.

Power of inspector to require surgical certificate of capacity of child or young person under 16 for work.

29. Where an inspector is of opinion that a child or a young person under the age of sixteen years is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice thereof on the occupier of the factory or workshop, requiring that the employment of such child or young person be discontinued from the period named therein, not being less than one nor more than seven days after the service of such notice, and the occupier shall

not continue after the period named in such notice to employ such child or young person (notwithstanding a certificate of fitness has been previously obtained for such child or young person), unless the certifying surgeon for the district has, after the service of the notice, personally examined such child or young person and has certified that such child or young person is not so incapacitated as aforesaid.

1878 Act,
Sect. 29.

30. All factories and workshops in the occupation of the same occupier, and in the district of the same certifying surgeon, or any of them, may be named in the certificate of fitness for employment, if the surgeon is of opinion that he can truly give the certificate for employment therein.

Supple-
mental pro-
visions as to
certificates
of fitness for
employ-
ment.

The certificate of birth(a) (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the child or young person (whether such copy be obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act, 1876, to the effect that it appears from the returns transmitted to such authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.

39 & 40 Vict
c. 79.

Where a certificate of fitness for employment is to the effect that the certifying surgeon has been satisfied of the age of a child or young person by

1878 Act, evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate, if he has reasonable cause to believe that the real age of the child or young person named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.

Sect. 30.

When a child becomes a young person, a fresh certificate of fitness must be obtained.

The occupier shall, when required, produce to an inspector at the factory or workshop in which a child or young person is employed, the certificate of fitness of such child or young person for employment, which he is required to obtain under this Act.

(a) A certificate of birth (on payment of a fee of sixpence) may now be procured for children or young persons under the age of sixteen years by the provisions of section 20 of the Act of 1891, *post*.

(7.) *Accidents.*

[*Notice of accidents causing death or bodily injury.*]
Repealed by Act of 1895.

[31. *Where there occurs in a factory or workshop any accident which either—*

- (a.) *Causes loss of life to a person employed in the factory or in the workshop, or*
- (b.) *Causes bodily injury to a person employed in the factory or in the workshop, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion,*

or by escape of gas, steam, or metal, (a) 1878 Act,
Sect. 31.
and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident,

written notice of the accident shall forthwith be sent to the inspector and to the certifying surgeon for the district, stating the residence of the person killed or injured, or the place to which he may have been removed, and if any such notice is not sent, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

If any such accident as aforesaid occurs to a person employed in an iron mill or blast furnace, or other factory or workshop, where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

A notice of an accident of which notice is required by section sixty-three of the Explosives Act, 1875, to 38 & 39 Vict.
c. 17. be sent to a government inspector, need not be sent to the certifying surgeon in pursuance of this section.](b)

(a) The words from "and is of such a nature" to "occurrence of the accident," were repealed by section 39 and Schedule II., of the Act of 1891; and section 22 (1) of that Act made provisions in substitution for them.

(b) The whole section is now, however, repealed by the Act of 1895. And section 18 of that Act (*q. v.*) now takes its place.

All accidents, in factories or workshops, involving a certain period of absence from ordinary work, must now be reported to the inspector, and such as arise from machinery, &c., must also be reported to the certifying surgeon.

Upon the occurrence of an accident, it is the duty of

1878 Act, Sect. 31. — the occupier to send notice thereof to the inspector for the district, and if the accident causes loss of life, or is caused by machinery moved by steam, water, or other mechanical power, or through a vat, &c., filled with hot liquid or molten metal, or by explosion or escape of gas, steam, or metal, notice shall be sent to the certifying surgeon for the district, unless notice is required by section 63 of the Explosives Act to be sent to a government inspector.

If a certifying surgeon be obstructed in making an investigation, the penalty will be the same as for obstructing an inspector.

For "powers of inspector," see section 68.

Where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, whose duty it will be to send notice to the inspector.

Further, by sections 22 (iv.) and 23 (2) of the Act of 1895 (*q. v.*), it is enacted that the provisions of that Act with respect to notice of accidents, and the formal investigations into them, shall have effect as if ; (1) laundries (s. 22 (iv.)) ; (2) docks, wharves, quays and warehouses (s. 23 (a)) ; (3) buildings in construction by the aid of mechanical power (s. 23 (b)) ; and also

(4) (a.) Any building exceeding 30 feet in height, and which is being constructed, or repaired by means of a scaffolding ; and

(b.) Any building exceeding 30 feet in height, in which more than 20 persons not being domestic servants are employed for wages ;

were included in the word "factory," and as if, in the first case, the employer of the persons engaged in the construction or repair, and, in the second case, the occupier of the building, were the occupier of a factory.

It will be noted that "employed for five hours on his ordinary work" now supersedes the recent expression "doing five hours' work," thus settling the class of work to which the injured person returns (s. 31, Act of 1878 ; s. 22, Act of 1891 ; s. 18, Act of 1895).

Investigation of, and report on, accidents by certifying surgeon.

32. Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or a workshop, he shall with the least possible delay proceed to the factory or workshop, and make a full investigation as to the nature and

cause of the death or injury caused by the accident, and within the next twenty-four hours send to the inspector a report thereof. 1878 Act,
Sect. 32.

The certifying surgeon, for the purpose only of an investigation under this section, shall have the same power as an inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed. (a)

There shall be paid to the said surgeon for the investigation such fee, not exceeding ten nor less than three shillings, as a Secretary of State considers reasonable, which fee shall be paid as expenses incurred by a Secretary of State in the execution of this Act.

The following is the scale of fees fixed by the Secretary of State :—

For the examinations and report on any accident which do not require the surgeon to travel a greater distance than one mile ; a fee of three shillings.

For the examinations and report on any accident which may require the surgeon to travel more than one mile, and not more than two miles ; four shillings.

For the examinations and report on any accident which may require the surgeon to travel more than two, and not more than three miles ; five shillings.

And in addition for every half mile beyond three miles ; sixpence.

But no fee shall exceed the sum of ten shillings.

(a) Further regulations, by section 22 of the Act of 1891, require the coroner to send notice of an inquest or fatal accident in a factory or workshop to the district inspector ; and by section 19 of the Act of 1895, the coroner is required to adjourn the inquest, unless the inspector or some person on behalf of a Secretary of State is present, subject to other provisions in the same section (*q. v.*).

Section 20 of the Act of 1895 (*q. v.*), makes the further provision that the occupier shall keep a register of all accidents occurring in his factory or workshop, and enter every accident within a week of its occurrence ; and that the inspector and certifying surgeon shall at all times have inspection of this register, under pain of a penalty of 10%.

1878 Act,
Sect. 33.

PART II.

SPECIAL PROVISIONS RELATING TO PARTICULAR CLASSES OF FACTORIES AND WORKSHOPS.

(1.) *Special Provisions for Health in certain Factories and Workshops.*

Limewash-
ing and
washing
of the
interior of
factories
and
workshops.

33. For the purpose of securing the observance of the requirements of this Act as to cleanliness in every factory [*and workshop*], all the inside walls of the rooms of a factory [*or workshop*], and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of a factory [*or workshop*], if they have not been painted with oil or varnished once at least within seven years, shall be limewashed once at least within every fourteen months, to date from the period when last limewashed; and if they have been so painted or varnished, shall be washed with hot water and soap once at least within every fourteen months, to date from the period when last washed.

A factory [*or workshop*] in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Where it appears to a Secretary of State that in any class of factories [*or workshops*] or parts thereof, the regulations in this section are not required for the purpose of securing therein the observance of the requirements of this Act as to

cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by order made under this part of this Act, grant to such class of factories [*or workshops*] or parts thereof, a special exception that the regulations in this section shall not apply thereto. (a)

1878 Act,
Sect. 33.

(a) By the Act of 1891, s. 3, *post*, this section is not to apply to workshops, and by section 39 and Schedule 2 of that Act, the words in italics are repealed.

By section 24 (1) (*d*) of the Act of 1895, *post*, in cases where the factory is a tenement factory, the responsibility for the limewashing and washing of the interior as provided for under this section, is transferred from the occupier to the owner of such tenement factory, except in the case of an occupier whose rent exceeds 200*l.* a year.

Periodical limewashing was required in all textile factories; and in the factories under the Act of 1864.

By the Factory Act, 1867, limewashing was not required, but all factories were to be kept in a cleanly state.

So in the Workshops Act, 1867, limewashing was not required, but they were to be under the regulations of the local sanitary authorities.

By this Act, limewashing and other specified means of cleansing are to be carried out periodically in every factory. The local authority is empowered to direct the limewashing, cleansing, and purifying of workshops by s. 4 of the Act of 1891.

But as under the Act of 1864, certain parts of factories under that Act were exempted from the necessity of being limewashed, and as it would be impossible to limewash some factories, power is given to the Secretary of State to exempt from these provisions factories or workshops, or parts thereof, in which it may not appear to be necessary. This power, however, does not extend to lessen the duty of the occupier in respect to cleanliness, &c., enjoined in section 3.

Under this section the Secretary of State issued an Order gazetted 22nd December, 1882, authorising as follows:—

SCHEDULE A.

The exemption of the whole of the following non-textile factories:—

Blast furnaces.

Copper mills.

1878 Act,
Sect. 33.

Iron mills.
Foundries.^(a)
Distilleries.
Breweries.
Sugar factories.
Cement works.
Manure works.
Stone and marble works.
Paint, colour, and varnish works.
Chemical works.
Works in which alkali is used.
Glass factories.
Flax scutch mills in which neither children nor young persons are employed, and which are worked intermittently for not more than six months in the year.
Works in which there are no glazed windows.

(a) Rescinded by Order, gazetted 15th June, 1894, as regards "foundries in which brass mixing or brass casting is carried on." And amended by Order of 19th March, 1895, to apply to "foundries," only with proviso that the inspector may require limewashing in accordance with last paragraph of the order of exemption.

SCHEDULE B.

The partial exemption of the parts of non-textile factories as hereinafter mentioned :—

Such ware-rooms or other rooms in any non-textile factory as are used for the storage of articles (whether on shelves or otherwise), and not for the constant carrying on therein of any manufacturing process or handicraft.

Such parts of any non-textile factory as are subject to the influence of steam evolved in the process of manufacture.

Such parts of any non-textile factory as are places in which pitch, tar, or like material is used.

Such parts of any non-textile factory as are places in which unpainted or unvarnished wood is manufactured.

Such parts of any non-textile factory as are places in which metal is moulded, cast, or founded.^(a)

Such walls in a dwelling-house as are papered.

Such ceilings or tops of rooms in any non-textile factory as are of slate or iron or are at least twenty feet from the floor.

All ceilings or tops of rooms in any non-textile factory **1878 Act,**
in which any of the following occupations are carried **Sect. 33.**
on :—

- Printworks.
- Bleachworks.
- Dyeworks.
- Engineering and machine shops.
- Agricultural implement making.
- Coachmaking.
- Fellmongers, curriers, tanners.
- Making of aerated water.
- Making of preserved fruits, sweetmeats, bonbons.
- Engraving.
- Manufacture of starch, soap, candles.
- Corn flour mills.
- Manufacture of watch movements, shaving, boring,
turning, and fitting of brass.

Provided also, as to Schedule B.

That the special exception shall not apply to such part of any factory as does not afford clear 300 cubic feet for each person employed in such part.

That if it appear to an inspector that any part of a factory for which part this exception has been granted is not in a cleanly state, he may, by written notice, require the occupier to limewash or wash the same ; and in the event of the occupier failing to comply with such requisition within two months from the date of the notice, the special exception shall cease to apply to any part of such factory.

(a) Rescinded by Order, gazetted 15th June, 1894, as regards "foundries in which brass mixing or brass casting are carried on." and amended by Order of 19th March, 1895, to apply to "foundries" only, with proviso that the inspector may require limewashing in accordance with last paragraph of order of exemption.

34. Where a bakehouse is situate in any city, town, or place containing, according to the last published Census for the time being, a population of more than five thousand persons, (a) all the inside walls of the rooms of such bakehouse, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of such bakehouses

Limewashing, painting, and washing of the interior of bakehouses.

1878 Act, shall either be painted with oil or varnished or
 Sect. 34. be limewashed, or be partly painted or varnished
 and partly limewashed; where painted with oil
 or varnished there shall be three coats of paint
 or varnish, and the paint or varnish shall be
 renewed once at least in every seven years, and
 shall be washed with hot water and soap once at
 least in every six months; where limewashed the
 limewashing shall be renewed once at least in
 every six months.

A bakehouse in which there is any contravention
 of this section shall be deemed not to be kept in
 conformity with this Act.

(a) See notes to section 35 below.

Provision as
 to sleeping
 places near
 bakehouses.

35. Where a bakehouse is situate in any city,
 town, or place containing, according to the last
 published Census for the time being, a population
 of more than five thousand persons(a) a place on
 the same level with the bakehouse and forming part
 of the same building, shall not be used as a sleep-
 ing place, unless it is constructed as follows; that
 is to say,

Unless it is effectually separated from the bake-
 house by a partition extending from the floor
 to the ceiling; and

Unless there be an external glazed window of at
 least nine superficial feet in area, of which at
 the least four and a half superficial feet are
 made to open for ventilation.

Any person who lets or occupies or continues to
 let or knowingly suffers to be occupied any place
 contrary to this section, shall be liable to a fine

not exceeding, for the first offence, twenty shillings, and for every subsequent offence, five pounds. (b) 1878 Act,
Sect. 35.

(a) By the Act of 1895, s. 27 (1), *post*, these two sections (34 and 35) are made to apply to every bakehouse, and the words limiting the operation of them to places having 5,000 inhabitants are repealed.

(b) A further important provision is made by section 27 (3) of the Act of 1895, to the effect that after the commencement of the Act no new underground bakehouse shall be opened.

The sanitary regulations laid down in sections 3, 33, 34, and 35, are administered in the case of retail bakehouses by the local authorities, and not by the inspectors of factories. See Factory and Workshop Act, 1883, s. 17, *post*.

For a definition of retail bakehouses, see section 18 of the Act of 1883.

36. If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on, by which dust is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct a fan or other mechanical means of a proper construction for preventing such inhalation to be provided within a reasonable time; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act. (a) Provision as
to ventila-
tion by fan
in factories
and work-
shops.

(a) Except in textile factories section 24 (1e) of the Act of 1895 (*q. v.*) provides that the owner shall be liable in a tenement factory instead of the occupier for the observance of the provisions of this section so far as the section requires the supply of pipes, or other contrivances for working the fan or other means for that purpose.

This section is extended in its operation by section 33 of the Act of 1895 to any factory or workshop where any

1878 Act, Sect. 36. process is carried on by which any gas, vapour, or other impurity is generated, and inhaled by the workers to an injurious extent.

Protection of workers in wet-spinning.

37. A child, young person, or woman shall not be employed in any part of a factory in which wet spinning is carried on, unless sufficient means be employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.(a)

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

(a) By Order, gazetted 5th January, 1894, certain processes in flax mills and linen factories have been placed under special rules by virtue of section 8 of Act of 1891.

(2.) *Special Restrictions as to Employment, Meals, and Certificates of Fitness.*

Prohibition of employment of children and young persons in certain factories or workshops.

38. A child or young person shall not, to the extent mentioned in the First Schedule to this Act, be employed in the factories or workshops, or parts thereof named in that schedule.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

Prohibition of taking meals in certain parts of factories and workshops.

39. A child, young person, or woman shall not be allowed to take a meal or to remain during the times allowed for meals in the parts of factories or workshops to which this section applies; and a child, young person, or woman allowed to take a meal or to remain in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies. **1878 Act, Sect. 39.**

This section applies to the parts of factories or workshops named in the Second Schedule to this Act.

Where it appears to a Secretary of State that, by reason of the nature of the process in any class of factories or workshops, or parts thereof not named in the said schedule, the taking of meals therein is specially injurious to health, he may, if he thinks fit, by order made under this part of this Act, extend the prohibition in this section to the said class of factories or workshops, or parts thereof.

If the prohibition in this section is proved to the satisfaction of a Secretary of State to be no longer necessary for the protection of the health of children, young persons, and women in any class of factories or workshops or parts thereof to which the prohibition has been extended by an order, he may, by an order made under this part of this Act, rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

The Secretary of State has extended the prohibition in this section to the factories and workshops, and parts thereof, named in an Order, gazetted the 22nd December, 1882. See Schedule 2, Act of 1878.

40. In print works and bleaching and dyeing works the period of employment for a child, young person, and woman, and the times allowed for meals, shall be the same as if the said works were a textile factory, and the regulations of this Act with respect to the employment of children, young

In print works and bleaching and dyeing works, period of employment and times allowed for meals.

1878 Act,
Sect. 40.
— persons, and women in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories; save that nothing in this section shall prevent the continuous employment of a child, young person, or woman in the said works without an interval of half an hour for a meal, for the period allowed by this Act in a non-textile factory.

Print works, bleaching and dyeing works are declared by section 93 to be non-textile factories, and are subject to all the provisions, including the length of spell affecting such works; the periods of employment, however, are the same as in textile factories (see ss. 11 and 12, p. 12, *ante*).

Power to require certificates of fitness for employment of children and young persons under 16 in certain workshops.

41. Where it appears to a Secretary of State that by reason of special circumstances affecting any class of workshops it is expedient for protecting the health of the children and of the young persons under the age of sixteen years employed therein, to extend thereto the prohibition in this section mentioned, he may by order made under this part of this Act, extend to such class of workshops the prohibition in this Act of the employment of children and young persons under the age of sixteen years without a certificate of the fitness of such child or young person for employment, and thereupon the provisions of this Act with respect to certificates of fitness for employment shall apply to the class of workshops named in the order in like manner as if they were factories.

If the prohibition is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of the children and the young persons under the age of sixteen

years employed in any class of workshops to which it has been extended under this section, he may by order made under this part of this Act rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

1878 Act,
Sect. 41.

(3.) *Special Exceptions relaxing General Law in certain Factories and Workshops.*

(a.) *Period of Employment.*

42. [In the factories and workshops or parts thereof to which this exception applies the period of employment for young persons and women, if so fixed by the occupier and specified in the notice, may, except on Saturday, begin at eight o'clock in the morning and end at eight o'clock in the evening, and on Saturday may begin at eight o'clock in the morning and end at four o'clock in the afternoon, or where it begins at seven o'clock in the morning may end at three o'clock in the afternoon; and the period of employment for a child in a morning set may begin at the same hour, and the period of employment for a child in an afternoon set may end at the same hour.]

This exception applies to the factories and workshops and parts thereof specified in Part One of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require the extension thereto of this exception, and that the extension can be made without injury to the health

1878 Act, Sect. 42. *of the children, young persons, and women affected thereby, he may by order made under this part of this Act, extend this exception accordingly.](a)*

(a) This section is repealed by Schedule 3 of the Act of 1895. In connection with its provisions, and on the subject of the period of employment in non-textile factories and workshops, section 36 of the Act of 1895 should be considered, as it practically incorporates the provisions of the repealed section. See also sections 13 and 14 of the principal Act (pp. 15—20).

Authority to work between 8 A.M. and 8 P.M., and on the weekly half-day between 7 A.M. and 3 P.M., or 8 A.M. and 4 P.M., was confined to certain scheduled industries, but is now general for non-textile factories and workshops.

Power to Secretary of State to allow period of employment between 9 A.M. and 9 P.M. in certain cases.

43. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act grant to such class of factories or workshops or parts thereof a special exception, that the period of employment for young persons and women therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday begin at nine o'clock in the morning and end at nine o'clock in the evening, and in such case the period of employment for a child in a morning set shall begin at nine o'clock in the morning, and the period of employment

or a child in an afternoon set shall end at eight o'clock in the evening. **1878 Act, Sect. 43.**

This section is necessary to provide for the customs in some trades in which work never begins before 9 A.M., but this section does not permit children to be employed after 8 P.M.

It has been authorised in workshops in which the curing of fish is carried on. Order gazetted 22nd December, 1882.

In bookbinding in the metropolis between 1st September and last day of February. Order gazetted 12th January, 1884.

In work-rooms in drapers' retail establishments in Manchester and Salford. Order gazetted 15th April, 1884.

In the manufacture of straw hats. Order gazetted 3rd May, 1887.

44. The regulations of this Act with respect to the employment of young persons in textile factories shall not prevent the employment, in the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power, of any male young person above the age of sixteen years, between four o'clock in the morning and ten o'clock in the evening if he is employed in accordance with the following conditions ; namely,

Power of working male young persons above 16 in lace factories.

(a.) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the factory, there shall be allowed him for meals and absence from work between the above-mentioned hours of four in the morning and ten in the evening not less than nine hours ; and

(b.) Where such young person is employed on any day before the beginning of the

1878 Act,
Sect. 44.

ordinary period of employment in the factory, he shall not be employed on the same day after the end of that period ; and

- (c.) Where such young person is employed on any day after the end of the ordinary period of employment in the factory, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the factory means the period of employment for young persons under the age of sixteen years or women in the factory, or if none are employed means such period as can under this Act be fixed for the employment of such young persons and women in the factory, and notice of such period shall be affixed in the factory.

Power of
working
male young
persons
above 16
in bake-
houses.

45. The regulations of this Act with respect to the employment of young persons in non-textile factories or workshops shall not prevent the employment, in the part of a bakehouse in which the process of baking bread is carried on, of any male young person above the age of sixteen years between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions ; namely,

- (a.) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the bakehouse, there shall be allowed him for meals and absence from

work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours; and

1878 Act,
Sect. 45.

(b.) Where such young person is employed on any day before the beginning of the ordinary period of employment in the bakehouse, he shall not be employed after the end of that period on the same day; and

(c.) Where such young person is employed on any day, after the end of the ordinary period of employment in the bakehouse, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the bakehouse means the period of employment for young persons under the age of sixteen years or women in the bakehouse, or if none are employed means such period as can under this Act be fixed for the employment of such young persons and women in the bakehouse, and notice of such period shall be affixed in the bakehouse.

Where it is proved to the satisfaction of a Secretary of State that the exigencies of the trade carried on in bakehouses, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the male young persons affected thereby, he may by order under this part of this Act grant

1878 Act,
Sect. 45. — to bakehouses, or to bakehouses situate in the said locality, a special exception permitting the employment of male young persons of sixteen years of age and upwards as if they were no longer young persons.

Substitution by Secretary of State of another half holiday for Saturday.

46. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for children, young persons, and women is required by this Act to end on Saturday, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorising the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop some other day for Saturday, and in such case this Act shall apply in such factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day.

The Acts of 1867 gave authority to the Secretary of State to permit the substitution of another day for the Saturday half-holiday, which was used extensively.

In provincial towns in which Saturday is the market day, it was absolutely necessary for many non-textile factories and workshops to be open on Saturdays for repairs, &c. In manufacturing towns Saturday is the textile factory half-holiday, when people flock in from the neighbouring villages, and it would not be possible to close all the non-textile factories and workshops; and in some parts of the metropolis the Saturday afternoon is the

principal purchasing part of the week, when it would not be possible to close milliners' and other shops.

1878 Act,
Sect. 46.

This exception, it should be noticed, is only applicable to non-textile factories and workshops. It has been granted to—

- (a.) Non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time tables, or of law or parliamentary proceedings.
- (b.) Non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connection with a retail shop on the same premises.
- (c.) Non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food.
- (d.) Non-textile factories and workshops in places in which the market day is Saturday, or in which a special day has been set apart for weekly half-holiday.
- (e.) Dressing floors, tin streams, China clay pits, and quarries in the county of Cornwall.

Order gazetted 22nd December, 1882.

47. In the process of Turkey red dyeing, nothing in Part One of this Act shall prevent the employment of young persons and women on Saturday until half-past four o'clock in the afternoon, but the additional number of hours so worked shall be computed as part of the week's limit of work, which shall in no case be exceeded.

Employment in Turkey red dyeing on Saturday up to 4.30 P.M.

48. In any of the textile factories to which this exception applies, if the period of employment for young persons and women, as fixed by the occupier and specified in the notice, begins at the hour of seven in the morning, and the whole time between that hour and eight o'clock is allowed for meals, the regulations of this Act with respect to the employment of children, young persons, and women shall not prevent a

Continuous employment of children, young persons, and women in certain cases.

1878 Act,
Sect. 48.

child, young person, or woman, between the first day of November and the last day of March next following, being employed continuously, without an interval of at least half-an-hour for a meal, for the same period as if the factory were a non-textile factory.

This exception applies to the textile factories specified in Part Seven of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing process carried on therein is of a healthy character, and the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

For list of factories to which this exception applies and has been extended, see Schedule 3, Part 7.

The object of this section is to authorise the work in the textile factories named in the schedule to be arranged in the winter months from 8 A.M. to 1 P.M., and from 2 P.M. to 7 P.M., with power to the Secretary of State to extend the relaxation.

Giving half holidays and holidays on different days to different sets of children, young persons, and women.

49. Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section men-

tioned should be granted, he may by order made under this part of this Act grant to such class of factories or workshops a special exception authorising the occupier of any such factory or workshop to allow all or any of the half holidays, or whole holidays in lieu of them, on different days to any of the children, young persons, and women employed in his factory or workshop, or to any sets of such children, young persons, and women, and not on the same days.

1878 Act,
Sect. 49.

In trades which are carried on in connection with retail shops, the carrying out of the enactment which requires all the young persons and women to have their holidays on the same days would cause great inconvenience and loss. The Secretary of State exercised the authority given him under the Acts of 1867 to permit different sets of hands to have holidays on different days, and it is continued by this Act.

This exception is only applicable to non-textile factories and workshops. It has been authorised in—

- (a.) Non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time tables, or of law or parliamentary proceedings.
- (b.) Non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connection with a retail shop on the same premises.
- (c.) Non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food.
- (d.) Non-textile factories in which is carried on the manufacture of plate glass.

Order gazetted 22nd December, 1882.

As to holidays, see section 22 of the Act of 1878, section 16 of the Act of 1891, and section 17 of the Act of 1895.

50. Where the occupier of a factory or workshop is a person of the Jewish religion, the regulations of this Act with respect to the employ-

Employment of young persons and women by Jewish

1878 Act, Sect. 50. ment of young persons and women shall not prevent him—

occupiers in factories or workshops.

- (1.) If he keeps his factory or workshop closed on Saturday until sunset, from employing young persons and women on Saturday from after sunset until nine o'clock in the evening ; or
- (2.) If he keeps his factory or workshop closed on Saturday both before and after sunset, from employing young persons and women one hour on every other day in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment, and be not before six o'clock in the morning, or after nine o'clock in the evening ;(a) or
- (3.) If all the children, young persons, and women in his factory or workshop are of the Jewish religion, from giving them, if so specified in a notice affixed in the factory or workshop as by this Act provided, any two public holidays under the Holidays Extension Act, 1875, in lieu of Christmas Day and Good Friday, but in that case such factory or workshop shall not be open for traffic on Christmas Day or Good Friday.

(a) By section 14 (8) of the Act of 1895, this "shall not be deemed work during overtime."

This section—pars. 1 and 2—applies to cases in which the occupier is of the Jewish religion, and in which he causes his religious observances to extend to the persons

not necessarily of the Jewish religion, who are employed in the factory or workshop. Par. 3 applies to Christmas Day and Good Friday, if all the persons employed are of the Jewish religion. **1878 Act, Sect. 50.**

By section 17 of the Act of 1895 it is not necessary to affix in the factory or workshop any notice of the holidays to be observed, unless other holidays or half-holidays are substituted for them under this section ; or to give notice of them to the inspector of the district.

51. No penalty shall be incurred by any person in respect of any work done on Sunday in a factory or workshop by a young person or woman of the Jewish religion, subject to the following conditions :

Employment of Jews by Jews on Sunday.

- (1.) The occupier of the factory or workshop shall be of the Jewish religion ; and
- (2.) The factory or workshop shall be closed on Saturday, and shall not be open for traffic on Sunday ; and
- (3.) The occupier shall not avail himself of the exception authorising the employment of young persons and women on Saturday evening, or for an additional hour during any other day of the week.

Where the occupier avails himself of this exception, this Act shall apply to the factory or workshop in like manner as if, in the provisions thereof respecting Sunday, the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday, the word Sunday, or, if the occupier so specify in the notice, the word Friday were substituted for Saturday.

This section applies to those cases in which both the occupier and the persons employed are of the Jewish religion.

1878 Act, When work is carried on on Sundays under this section,
 Sect. 51. it must cease at the same hour as is compulsory on
 — Saturdays.

(b.) *Meal Hours.*

Exception
 as to meal
 times being
 simulta-
 neous and
 as to em-
 ployment or
 remaining
 in room
 where
 manufac-
 turing
 process is
 carried on
 during
 meal times.

52. The provisions of this Act which require that all the children, young persons, and women employed in a factory or workshop shall have the times allowed for meals at the same hour of the day shall not apply in the cases mentioned in Part Two of the Third Schedule to this Act.

The provisions of this Act which require that a child, young person, and woman shall not, during any part of the times allowed for meals in a factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on, shall not apply in the cases and to the extent mentioned in Part Two of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that, in any class of factories or workshops or parts thereof, it is necessary, by reason of the continuous nature of the process, or of special circumstances affecting such class, to extend thereto the exceptions in this section or either of them, and that such extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act, extend the same accordingly.

Two distinct modifications are legal under this section. By the first paragraph separate meal times may be given to different persons or sets of persons, and the sets must

not remain in the factory or workshop during the period set apart for their meals, if manufacturing processes are then carried on. 1878 Act,
Sect. 52.

By the second paragraph the persons may remain in the factory or workshop during their own meal hour, or the meal hour of others, while manufacturing processes are carried on.

Notices of the meal times must be fixed up (see s. 19, p. 25).

For list of factories and workshops to which this exception applies and has been extended, see Schedule 3, Part 2.

(c.) Overtime.

53. The regulations of this Act with respect to the employment of young persons^(a) and women shall not prevent the employment in the factories and workshops or parts thereof^(b) to which this exception applies of young persons and of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, if they are employed in accordance with the following conditions ; namely,

Power to employ young persons and women for 14 hours a day.

- (1.) There shall be allowed to every such young person and woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening ; and
- (2.) Any such young person or woman shall not be so employed on the whole for more than five^(c) days in any one week, nor for more than forty-eight^(c) days in any twelve months.

1878 Act,
Sect. 53.

This exception applies to the factories and workshops and parts thereof specified in Part Three of the Third Schedule to this Act.(d)

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ young persons and women in manner authorised by this exception, and that such employment will not injure the health of the young persons and women affected thereby, he may, by order made under this part of this Act, extend this exception to such factories or workshops or parts thereof.

(a) By section 14 (1) of the Act of 1895, *post*, a young person may not now be employed overtime under this section.

(b) By section 37 (1) of the Act of 1895 wherever the words, "the factories and workshops or (and) parts thereof" occur in this section, they are to be replaced by the words, "the non-textile factories and workshops or (and) parts thereof and warehouses."

(c) "Five days" is reduced to "three days" by section 14 (2) of the Act of 1895, and "forty-eight days" to "thirty days" by the same sub-section.

(d) As amended by section 37 (2), and Schedule 3 of the Act of 1895. The amendment substitutes for the paragraph marked "(x)" the following :—"The said exception applies also to any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods."

By section 1 (1) of the Act of 1895, cubic space of 400 feet is required for every person working overtime under this section. This confirms Order by the Secretary of State, gazetted 22nd December, 1882. 1878 Act,
Sect. 53.

For further regulations and restrictions as to overtime, see the Act of 1895, s. 14, by which overtime employment is considerably restricted.

It must be observed that no overtime can be worked in textile factories, except in water-mills, under section 57, in warehouses under section 53 and Schedule 3, and in the case of persons of the Jewish religion under section 50.

No overtime can be made on Saturday or the day substituted therefor (see section 14 (8) of the Act of 1895, *post*).

Overtime cannot be granted to any single factory as under the Act of 1867, but only to a class of factories, and the circumstances which justify overtime being worked are defined and classified.

By the Factory Act, 1883, s. 13, it is enacted that every day on which any young person or woman works overtime is to be reckoned as one of the days allowed.

As to the notices required by this Act to be sent to an inspector, and as to the notice required to be exhibited in the factory or workshop, see section 66 of this Act, and section 14 of the Act of 1891.

For list of non-textile factories and workshops to which this exception applies and has been extended, see Schedule 3, Part 3.

54. If in any factory or workshop or part thereof to which this exception applies, the process in which a child, young person, or woman is employed is in an incomplete state at the end of the period of employment of such child, young person, or woman, the provisions of this Act with respect to the period of employment shall not prevent such child, young person, or woman from being employed for a further period not exceeding thirty minutes :

Power to employ for half an hour after end of work where process is in an incomplete state.

Provided that such further periods when added to the total number of hours of the period of employment of such child, young person, or woman

1878 Act,
Sect. 54. in that week, do not raise that total above the number otherwise allowed under this Act.

This exception applies to the factories and workshops specified in Part Four of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof the time for the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension to such class of factories or workshops or parts thereof of this exception can be made without injury to the health of the children, young persons, and women affected thereby, he may, by order made under this part of this Act, extend this exception accordingly.

The half-hour extra work can only be taken at the end of the day's work, not at meal times.

For list of non-textile factories and workshops to which this exception applies and has been extended, see Schedule 3, Part 4.

Employment of young persons, &c., in Turkey red dyeing and open-air bleaching.

55. Nothing in this Act shall prevent the employment of young persons and women so far as is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

This, with the exception of section 100 of this Act and section 32 of the Act of 1891, is the only enactment which permits the employment of young persons or women for an unlimited time. The causes are purely accidental; the work cannot be of very long duration, and in the ordinary course of events is only exceptional.

56. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment in the factories and workshops and parts thereof to which this exception applies, of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, if they are employed in accordance with the following conditions ; namely,

1878 Act,
Sect. 56.

Employment of women for 14 hours a day to preserve perishable articles.

(1.) There shall be allowed to every such woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening ; and

(2.) Any such woman shall not be so employed on the whole for more than five days in any one week, nor for more than ninety-six(a) days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part Five of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may, by order made under this part of this Act, extend this

1878 Act,
Sect. 56.
— exception to such factories or workshops or parts thereof.

(a) By section 14 (2) of the Act of 1895, "ninety-six days" is reduced to "sixty days."

By section 13 of the Act of 1883, it is enacted that every day on which any woman works overtime is to be reckoned as one of the days allowed.

With regard to this section, see section 32 of the Act of 1891.

For list of processes to which this section applies and has been extended, see Schedule 3, Part 5.

Exception
for factories
driven by
water
power.

57. Where it appears to a Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by order made under this part of this Act, grant to such factories a special exception permitting the employment of young persons and women during a period of employment from six o'clock in the morning until seven o'clock in the afternoon, on such conditions as he may think proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday; and that as regards factories liable to be stopped by drought, such special exception shall not extend to more than ninety-six days in any period of twelve months, and as regards factories liable to be stopped by floods, such special exceptions shall not extend to more than forty-eight days in any period of twelve months. This overtime shall not extend in any case beyond the time already lost during the previous twelve months.

The power to recover time lost in water-mills was repealed as regards textile factories by the Act of 1874; but it was retained in other factories by the terms of the Factory Act, 1867.

It is here revived in a modified form for textile factories, and is equally applicable in all other factories. 1878 Act,
Sect. 57.

This exception has been granted by Order published in the *Gazette* of 22nd December, 1882, to—

Factories in which water power *alone* is used to move the machinery, upon the following additional conditions :—

Notice of the time lost and the cause thereof shall be reported to the inspector within three days of such loss.

Notice of the recovery of the time lost shall be reported to the inspector day by day as the same has been recovered.

This exception does not include children.

(d.) *Nightwork.*

58. Nothing in this Act shall prevent the employment, in factories and workshops to which this exception applies, of male young persons^(a) during the night, if they are employed in accordance with the following conditions :—

Employment of male young persons.

(1.) The period of employment shall not exceed twelve consecutive hours, and shall begin and end at the hours specified in the notice in this Act mentioned ; and

(2.) The provisions of Part One of this Act with respect to the allowance of times for meals to young persons during the period of employment shall be observed with the necessary modifications as to the hour at which the times allowed for meals are fixed ; and

(3.) A male young person employed during any part of the night shall not be employed during any part of the twelve hours preceding or succeeding the period of employment ; and

(4.) A male young person shall not be employed on more than six nights, or in the case

1878 Act,
Sect. 58.

of blast furnaces or paper mills seven nights, in any two weeks.

The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of eight half holidays in every year or of whole holidays in lieu of them, shall not apply to a male young person employed in day and night turns in pursuance of this exception.

This exception applies to the factories and workshops specified in Part Six of the Third Schedule to this Act.(b)

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the nature of the business requiring the process to be carried on throughout the night, to employ male young persons of sixteen years of age or upwards at night, and that such employment will not injure the health of the male young persons employed, he may, by order made under this part of this Act, extend this exception to such factories or workshops, or parts thereof, so far as regards young persons of the age of sixteen years or upwards.

(a) By section 14 (3) of the Act of 1895 it is provided that from the 1st day of January, 1897, this section shall apply only to male young persons of the age of 14 years and upwards, thus raising the age a year, and, further, that the Secretary of State shall have power to make further orders.

(b) Section 14 (4) of the Act of 1895 enacts that this section shall not authorize in any factory specified in Part 6 of the Third Schedule to this Act the employment during the night of young persons in any process other than a process incidental to the business of the factory as described in Part 1 of the Fourth Schedule to this Act.

Further, however, section 38 of the Act of 1895 enacts that nothing in this Act shall prevent the employment of male young persons under this section in three shifts of not more than eight hours each, provided that there is an interval of two unemployed shifts between each two shifts of employment.

1878 Act,
Sect. 58.

It should be noted that proper meals must be allowed and fixed by notice during the night work authorised in this section.

For list of non-textile factories to which this section applies and has been extended, see Schedule 3, Part 6.

59. In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, nothing in this Act shall prevent the employment of a male young person of sixteen years of age and upwards at night during not more than two nights in a week, as if he were no longer a young person.(a)

Employment in certain letterpress printing works of male young persons of 16 at night.

(a) But now, under section 14 (5) of the Act of 1895, a young person, under this section, may not be employed more than twelve hours continuously.

It was found to be necessary under the Factory Act, 1867, to authorise the employment of male young persons of sixteen in provincial newspaper offices, upon the nights preceding the day of publication.

This section enacts directly that which was formerly legal under an order of the Secretary of State.

60. In glass works nothing in this Act shall prevent any male young person(a) from working according to the accustomed hours of the works, if he is employed in accordance with the following conditions ; namely,

Employment of male young persons in glass works.

- (1.) The total number of hours of the periods of employment shall not exceed sixty in any one week ; and
- (2.) The periods of employment for any such young person shall not exceed fourteen

1878 Act,
Sect. 60.

hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that such number of turns do not exceed nine ; and

- (3.) Such young person shall not work in any turn without an interval of time of not less than one full turn ; and
- (4.) [*There shall be allowed to such young person during each turn (so far as is practicable) the like times for meals as are required by this Act to be allowed in any other non-textile factory or workshop.*](b)

(a) After and from the 1st of January, 1897, by section 14 (6) of the Act of 1895, this section is to apply only to male young persons of the age of fourteen and upwards, and must not be construed as authorising the employment of any person on Sunday.

(b) For this paragraph, section 14 (7) of the Act of 1895 substitutes the following :—“(4.) Such young person shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.”

(4.) *Special Exception for Domestic and certain other Factories and Workshops.*

Exception of domestic factories and workshops and certain other workshops from certain provisions of the Act.

- 61.** The provisions of this Act, which relate—
- (1.) To the cleanliness (including lime-washing, painting, varnishing, and washing), or to the freedom from effluvia, or to the overcrowding, or ventilation of a factory or workshop ; or
- (2.) To all children, young persons, and women employed in a factory or workshop.

having the times allowed for meals at the same hour of the day, or during any part of the time allowed for meals in a factory or workshop being employed in the factory or workshop or being allowed to remain in any room ; or

1878 Act,
Sect. 61.
—

- (3.) To the affixing of any notice or abstract in a factory or workshop ; or specifying any matter in the notice so affixed ; or
- (4.) To the allowance of any holidays to a child, young person, or woman ; or
- (5.) To the sending notice of accidents ;
shall not apply—

(a) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there ;

(b) [*To a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.*](a)

1878 Act,
Sect. 61.

And the provisions of this Act with respect to certificates of fitness for employment shall apply to any such private house, room, or place as aforesaid, which, by reason of the nature of the work carried on there, is a factory, as if the same were a workshop within the meaning of this Act, and not a factory.

Where the occupier of a workshop has served on an inspector notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed for all the purposes of this Act to be conducted on the said system until the occupier changes it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be deemed to be employed contrary to the provisions of this Act. A change in the said system shall not be made oftener than once a quarter, unless for special cause allowed in writing by any inspector.

Nothing in this section shall exempt a bakehouse from the provisions of this Act with respect to cleanliness (including lime-washing, painting, varnishing, and washing) or freedom from effluvia.

(a) See s. 15 (p. 20).

(b) This portion of sub-section (5) printed in italics is repealed by section 21 of the Act of 1891, Schedule 2.

The exemptions are, therefore, only applicable to domestic workshops as defined in section 16 (p. 22).

Although the provisions as to cleanliness, ventilation, and overcrowding under section 3, are not to apply to domestic workshops, regulations of equal force will be applicable

under the provisions of the Public Health Act, 1875, and 1878 Act, will be enforced by the local authority, as a subsequent section of this Act (101) places workshops, however few the persons employed in them, within the operation of the Public Health Act. **Sect. 61.**

Sub-section 4, *supra*, refers to the eight half-holidays; not to early cessation of work on Saturdays.

62. The regulations of this Act with respect to the employment of women shall not apply to flax scutch mills which are conducted on the system of not employing either children or young persons therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year. A flax scutch mill shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct such mill on that system.

Exception for certain descriptions of flax scutch mills from certain provisions of Act.

Flax scutch mills are declared to be non-textile factories. See section 93, and the Fourth Schedule, part 1.

(5.) Supplemental as to Special Provisions.

63. Where it appears to a Secretary of State that the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of any child, young person, or woman employed, in pursuance of an exception under this part of this Act, either for a longer period than is otherwise allowed by this Act, or at night, he may, by order made under this part of this Act, direct that the adoption of such means or provision shall be a condition of such employment;

Requirement of sanitary provisions as condition of special exceptions.

1878 Act,
Sect. 63.

and if it appears to a Secretary of State that the adoption of any such means or provision is no longer required, or is, having regard to all the circumstances, inexpedient, he may, by order made under this part of this Act, rescind the order directing such adoption without prejudice to the subsequent making of another order.

Under this section the Secretary of State issued an Order gazetted December 22nd, 1882, requiring that whenever young persons and women are employed overtime under section 53, there shall be a cubic space of 400 feet for each person so employed. By the Act of 1895, s. 1 (1), this Order is now confirmed, a factory therein being declared to be dangerous to health by reason of overcrowding if the number of cubic feet of space in a room bears to the number of persons employed therein a less proportion than 250, or during any period of overtime, 400 cubic feet of space to every person; and by section 1 (2) of the Act of 1895, the Secretary of State has power to modify this proportion for any period during which artificial light other than electric light is employed for illuminating purposes; and also, in respect of any particular manufacturing process, to substitute for the figures of 250 and 400 respectively, any higher figures. And by section 14 (3), conditions of employment at night under section 58 of this Act may be prescribed under this section.

Power to
rescind
order grant-
ing or
extending
exception.

64. Where an exception has been granted or extended under this part of this Act by an order of a Secretary of State, and it appears to a Secretary of State that such exception is injurious to the health of the children, young persons, or women employed in, or is no longer necessary for the carrying on of the business in, the class of factories or workshops or parts thereof to which the said exception was so granted or extended, he may by an order made under this part of this Act, rescind the grant or extension, without prejudice to the subsequent making of another order.

65. Where a Secretary of State has power to make an order under this part of this Act, the following provisions shall apply to that order (a) :—

1878 Act,
Sect. 65.

Provisions
as to order
of Secretary
of State.

(1.) The order shall be under the hand of the Secretary of State, and shall be published (b) in the *London Gazette*, and shall come into operation at the date of such publication in the *London Gazette*, or at any later date mentioned in the order.

(2.) The order may be temporary or permanent, conditional or unconditional, and whether extending a prohibition or exception, granting an exception, directing the adoption of any means or provisions, or rescinding a previous order, or effecting any other thing, may do so either wholly or partly ;

(3.) The order shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the next forty days after the same has been so laid before such house, resolve that such order ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such order or to the making of any new order ;

(4.) The order, while it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the extension

1878 Act,
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or grant, or otherwise, for making the order.

(a) For further powers of the Secretary of State, see Act of 1895, *post*, section 1 (2); section 5 (3); section 28 (1); section 29 (4); section 39; and section 40 (6).

(b) By section 47 of the Act of 1895, the Secretary of State shall publish orders made by him under this section in such manner as he thinks best adapted for the information of all persons interested. Cf. section 8 of the Act of 1891, *post*, with these enactments.

Provisions
as to occu-
pier avail-
ing himself
of special
exceptions,
and registry
of work
under them.

66. An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception under this part of this Act, shall serve on *an inspector*, (a) and (except in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply) affix in his factory or workshop notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

Before the service of such notice on the inspector, the special exception shall not be deemed to apply to the factory or workshop, and after the service of such notice on the inspector it shall not be competent in any proceeding under this Act for the occupier to prove that such special exception does not apply to his factory or workshop, unless he has previously served on an inspector notice that he no longer intends to avail himself of such special exception.

The notice so served and affixed shall specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals to every child, young person, and woman

where they differ from the 'ordinary hours or times. 1878 Act,
Sect. 66.

An occupier of a factory or workshop shall enter in the prescribed register^(b) and report^(c) to an inspector, the prescribed particulars respecting the employment of a child, young person, or woman in pursuance of an exception, but such entry and report need not be made in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply, except so far as may be from time to time prescribed by a Secretary of State.

Where the occupier of a factory or workshop avails himself of an exception under this part of this Act, and a condition for availing himself of such exception (whether specified in this part of this Act, or in an order of the Secretary of State made under this part of this Act) is not observed in that factory or workshop, then

- (1.) If such condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act; and
- (2.) In any other case a child, young person, or woman employed in the factory or workshop, in alleged pursuance of the said exception, shall be deemed to be employed contrary to the provisions of this Act.

(a) By section 44 (1) of the Act of 1895, *post*, the words "the inspector for the district" are to be substituted for the

1878 Act, words "an inspector" whenever the latter occur in the **Sect. 66.** course of this section.

(b) See section 14 of the Act of 1891, *post*, for further conditions as to working overtime.

(c) The report must be made not later than 8 o'clock in the evening on which the child, &c., is employed. (Act of 1891, s. 14.)

The following are the notices required to be given to an inspector, and to be hung up in the works before any exceptional working will be legal:—

In the case of a textile factory—

Continuous employment for five hours (s. 48).

In the case of a textile or non-textile factory:—

Recovery of lost time in water mills (s. 57).

In the case of a textile or non-textile factory or workshop:—

The occupier, being of the Jewish religion, working on Saturday afternoon (s. 50).

The occupier, being of the Jewish religion, not working on Saturday afternoon, but working one hour per day overtime (s. 50).

The occupier, being of the Jewish religion, substituting other days for Christmas Day or Good Friday (s. 50).

The occupier, being of the Jewish religion, employing Jewish persons on Sundays (s. 51).

In the case of a non-textile factory or workshop:—

Notice of restriction of hours of work on Saturday to 8 (s. 18, and s. 15 of the Act of 1891).

Exemption under authority of Secretary of State from limewashing (s. 33).

When the period of employment is between 9 A.M. and 9 P.M. (s. 43).

Employment of male young person of 16 in lace factories between 4 A.M. and 10 P.M. (s. 44).

Employment of male young persons of 16 in bake-houses between 5 A.M. and 9 P.M. (s. 45).

Employment of male young persons of 16 in bake-houses as male adults (s. 45).

Substitution, under authority of Secretary of State, of another day for the Saturday half-holiday (s. 46).

Employment of young persons and women until 4.30 P.M. on Saturdays, in Turkey red dye works (s. 47).

Permission, under authority of Secretary of State, for different holidays to be given to different sets (s. 49).

Employment of children, &c., during meal hours (s. 52).

Employment of women overtime (s. 53).

Employment of children, &c., for 30 minutes' overtime (s. 54).

Employment of young persons and women to prevent damage in Turkey red dyeworks and open-air bleach works (s. 55). **1878 Act, Sect. 66.**

Employment of women overtime in preserving perishable articles (s. 56).

Employment of male young persons in night shifts (s. 58).

Employment of male young persons of 16 at night in newspaper printing offices (s. 59).

Employment of male young persons, according to accustomed hours, in glassworks (s. 60).

The following are the notices to be given to an inspector :—

In the case of a factory :—

Employment of women, when exempted, in flax scutch mills (s. 62).

In the case of a workshop :—

Non-employment of children or young persons (ss. 15 and 61).

1878 Act,
Sect. 67.

PART III.

ADMINISTRATION, PENALTIES, AND LEGAL PROCEEDINGS.

(1.) *Inspection.*

Appoint-
ment, pay-
ment, &c.,
of inspector
of factories,
and clerks
and ser-
vants.

67. A Secretary of State from time to time, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time fix), and such clerks and servants as he may think necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may constitute a principal inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

The salaries of the inspectors, clerks, and servants, and the expenses incurred by them or by a Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.

Notice of the appointment of every such inspector shall be published in the *London Gazette*.

A person who is the occupier of a factory or workshop, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, or is

employed in or about a factory or workshop, shall not act as an inspector under this Act. 1878 Act,
Sect. 67.

An inspector under this Act shall not be liable to serve in any parochial or municipal office.

Such annual report of the proceedings of the inspectors as the Secretary of State from time to time directs shall be laid before both Houses of Parliament.

A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as a Secretary of State from time to time directs, by declaration published in the *London Gazette* or otherwise as he thinks expedient for making the same known to all persons interested.

The word "inspector" is used throughout the Act, whereas the previous Acts defined certain duties in regard to "inspectors" and others to "sub-inspectors."

The titles fixed by the Secretary of State are :—

Her Majesty's chief inspector of factories and workshops.

Her Majesty's superintending inspectors of factories and workshops.

Her Majesty's inspectors of factories and workshops.

Her Majesty's inspector's assistants.

The address of the chief inspector is Home Office, Whitehall.—*London Gazette*, 24th December, 1878.

By section 23 of the Act of 1891, *post*, candidates for inspectorships who have a knowledge of the Welsh language are to be preferred in Wales.

68. An inspector under this Act shall for the purpose of the execution of this Act have power (a) Powers of
inspectors. to do all or any of the following things; namely,
(1.) To enter, inspect, and examine at all

1878 Act,
Sect. 68.

- reasonable times by day and night a factory and a workshop and every part thereof when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop ; and
- (2.) To take with him in either case a constable into a factory^(b) in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty ; and
 - (3.) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same ; and
 - (4.) To make such examination and enquiry as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein ; and
 - (5.) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated ; and
 - (6.) To examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a

factory or workshop or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require such person to be so examined, and to sign a declaration of the truth of the matters respecting which he is so examined ; and

1878 Act,
Sect. 68.

- (7.) To exercise such other powers as may be necessary for carrying this Act into effect.(c)

The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such factory and workshop.

Every person who wilfully delays an inspector in the exercise of any power under this section, or who fails to comply with a requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young person, or woman from appearing before or being examined by an inspector, or attempts so to conceal or prevent a child, young person, or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act : Provided always that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

1878 Act,
Sect 68.

Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds ; and where an inspector is so obstructed in a factory or workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or, where the offence is committed at night, twenty pounds ; and where an inspector is so obstructed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or, where the offence is committed at night, five pounds.

(a) The following additional powers have been given to the inspectors :—

- (a.) To administer the provisions of the Truck Acts in factories and workshops. See Appendix, section 13 of the Truck Act, 1887.
- (b.) To inquire whether conditions in license for employment of children at places of entertainment are duly observed. See Appendix, section 3 of the Cruelty to Children Consolidation Act, 1894.
- (c.) To require special rules in factories and workshops for prevention of danger from machinery, or injury to health from processes. See section 8 of the Act of 1891, *post*.

Under section 22 (4) of the Act of 1895 (*q.v.*) their powers are extended to laundries, and under section 23 (1 iii.) of the same Act, to every dock, quay, and warehouse, and, so far as relates to the process of loading or unloading therefrom or thereto, all machinery and plant used in that process, and any premises on which machinery worked by steam, water, or other mechanical power is temporarily used for the purpose of the construction of a building, or any structural work in connection with a building, as if they were factories.

(b) By section 45 of the Act of 1895 (*q.v.*), this sub-section is made to have effect as if the words “or workshop” were inserted after the word “factory.”

(c) By section 51 of the Act of 1895, an inspector is given, if authorised in writing under the hand of the

Secretary of State, power to conduct proceedings before a magistrate, although he is not a barrister, solicitor, or law agent. This has always been the practice. 1878 Act,
Sect. 68.

An inspector may now enter by day or night a factory or a workshop where he believes any person to be employed therein, and may enter by day any place he may believe to be a factory or workshop, and may make examinations and require declarations in a workshop or in a factory. But he cannot take with him into a factory the certifying surgeon; or a constable, unless he apprehend serious obstruction; while, on the other hand, he can take with him into a factory or workshop the medical officer of health or local sanitary officer. See s. 4 (p. 4, *ante*).

An inspector is further entitled, under the Elementary Education Act, 1876, s. 7, to the assistance of the local authority under that Act. See Appendix.

The penalty for obstruction in a factory on second conviction within two years of the last previous conviction is not to be less than one pound, by the Act of 1891, s. 28, *post*.

For penalties for persons making a false declaration (par. 6, *supra*), see section 85 (p. 105, *post*).

69. [*An inspector before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling as well as for a factory or workshop, shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority so to do from a Secretary of State, or such warrant as is hereinafter mentioned from a justice of the peace.* [Restriction on entry of inspector into dwellings.]

The affidavit or statutory declaration above mentioned may be inspected or produced in evidence in all respects the same as an information on oath before a justice.

A justice of the peace, if satisfied by information on oath that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may in his discretion grant a warrant under his hand autho-

1878 Act, rising the inspector named therein at any time within
 Sect. 69. — the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act with respect to obstruction of an inspector shall apply accordingly.](a)

(a) This section is repealed by section 25 of the Act of 1891, *post*.

Certificates of appointment of inspectors.

70. Every inspector under this Act shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if required, produce to the occupier the said certificate.

Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the inspector named in any such certificate, or falsely pretends to be an inspector under this Act, shall be liable to be imprisoned for a period not exceeding three months, with or without hard labour.

(2.) *Certifying Surgeons.*

Poor law medical officer to act where no certifying surgeon within three miles.

71. Where there is no certifying surgeon resident within three miles of a factory or workshop, the poor law medical officer shall be for the time being the certifying surgeon under this Act for such factory or workshop.

This provision is necessary to obviate the creating of appointments in places where there are only one or two factories.

72. Subject to such regulations as may be from 1878 Act, time to time made by a Secretary of State, an Sect. 72. inspector may from time to time appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may from time to time revoke any such appointment. Appointment of certifying surgeons

Every appointment and revocation of appointment of a certifying surgeon may be annulled by a Secretary of State upon appeal to him for that purpose.

A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, shall not be a certifying surgeon for that factory or workshop.

A Secretary of State may from time to time make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them.

It was incumbent upon the inspector to appoint a certifying surgeon wherever there was a factory, but by the preceding section this need not be done where the poor law medical officer is resident in the locality.

Certifying surgeons are to report annually to the Secretary of State, by section 19 of the Act of 1891, *post*.

73. A certificate of fitness for employment shall not be granted for the purposes of this Act, except upon personal examination of the person named therein. Regulations as to the grant of certificates of fitness.

A certifying surgeon shall not examine a child or young person for the purpose of a certificate

1878 Act, of fitness for employment, or sign any such certificate, elsewhere than at the factory or workshop where such child or young person is or is about to be employed, unless the number of children and young persons employed in that factory or workshop are less than five, or unless for some special reason allowed in writing by an inspector.

If a certifying surgeon refuses to grant for any person examined by him a certificate of fitness for employment, he shall when required give in writing and sign the reasons for such refusal.

By the previous Acts, certificates were to be granted at the factory, unless for "special cause to be allowed by an inspector." This power is continued, and it is further enacted that where the number of children and young persons is less than five, the examination may be elsewhere than at the factory.

By section 20 (1) of the Act of 1895, *post*, the register of accidents to be kept under that section by the occupier of a factory is to be at all times open to the inspection of the certifying surgeon for the district.

Fees of certifying surgeons for examination of children and young persons.

74. With respect to the fees to be paid to certifying surgeons^(a) in respect of the examination of, and grant of certificates of fitness for employment for, children and young persons in factories or workshops, the following provisions shall have effect :

- (1.) The occupier may agree with the certifying surgeon as to the amount of such fees :
- (2.) In the absence of any such agreement the fees shall be those named in the following scale :—

When the examination is at a factory or workshop not exceeding one mile from the surgeon's residence, *2s. 6d.*,

for each visit and 6*d.* for each person after the first five examined at that visit. 1878 Act,
Sect. 74.

When the examination is at a factory or workshop more than one mile from the surgeon's residence, the above fees, and an additional 6*d.* for each complete half mile over and above the mile.

When the examination is not at the factory or workshop, but at the residence of the surgeon, or at some place appointed by the surgeon for the purpose, and which place, as well as the day and hour, appointed for the purpose shall be published in the prescribed manner, 6*d.* for each person examined.

- (3.) The occupier shall pay the fees on the completion of the examination, or if any certificates are granted at the time at which the surgeon signs the certificates, or at any other time directed by an inspector :
- (4.) The occupier may deduct the fee or any part thereof, not exceeding in any case threepence, from the wages of the person for whom the certificate was granted :
- (5.) A Secretary of State may, from time to time, if he thinks it expedient, alter any fees fixed by this section.

(a) The scale of fees to certifying surgeons to be defrayed by the Secretary of State for examinations under section 46

1878 Act, of the Act of 1895, or under special rules, is now settled
 Sect. 74. by the Second Schedule to the Act of 1895, as follows:—

Under 10 hands	...	...	2s. 6d. per visit.
" 20 "	...	...	3s. 0d. "
" 30 "	...	...	3s. 6d. "
" 50 "	...	...	4s. 0d. "
" 75 "	...	...	4s. 6d. "
" 100 "	...	...	5s. 0d. "
Over 100 "	...	...	7s. 6d. "

With the addition of 1s. for every mile or part of a mile in excess of one mile from the certifying surgeon's residence.

The previous Factory Acts did not actually prescribe a scale of fees; but they empowered an inspector, if applied to by an occupier to fix the surgeon's fees and visits, to fix them, and a maximum scale was laid down.

(3.) *Miscellaneous.*

Notice of
factory
to be given
to inspector.

75. Every person shall, within one month after he begins to occupy a factory(*a*) serve on an inspector(*b*) a written notice containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and, in default, shall be liable to a fine not exceeding five pounds.(*c*)

(*a*) This section is applied to a workshop as well as a factory by section 26 of the Act of 1891 (*q.v.*) in which also further regulations are made.

(*b*) By section 44 (1) of the Act of 1895, *post*, the words "an inspector" are altered to "the inspector for the district."

(*c*) Further regulations with regard to the service of this notice are made by section 41 of the Act of 1895 (*q.v.*).

Regulation
of hours
by public
clock.

76. Where an inspector by notice in writing names a public clock,(*a*) or some other clock open

to public view, for the purpose of regulating the period of employment in a factory or workshop, the period of employment and times allowed for meals for children, young persons, and women in that factory or workshop, shall be regulated by that clock, which shall be specified in the notice affixed in the factory or workshop.

1878 Act,
Sect. 76.

(a) As to urban authorities' powers to provide public clocks, *vide* section 165 of the Public Health Act, 1875 (38 & 39 Vict. c. 55).

77. The occupier of every factory and workshop to which this section applies shall keep in the prescribed form, and with the prescribed particulars, registers of the children and young persons^(a) employed in that factory or workshop, and of their employment, and of other matters under this Act.^(b)

Register
to be kept
in a factory
or work-
shop.

The occupier of a factory or workshop shall send to an inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act.

This section applies to every factory and workshop in which a child or young person under the age of sixteen years is, for the time being, prohibited under this Act from being employed without a certificate of fitness for employment.

Where, by reason of the number of children and young persons employed in a factory or workshop to which this section does not for the time being, apply, or otherwise, it seems expedient to a Secretary of State so to do, he may order the occupier of that factory or workshop to keep a register under

1878 Act, this section with power to rescind such order, and
 Sect. 77. while such order is in force this section shall apply
 to that factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

(a) By section 15 of the Act of 1895, *post*, this section is made to apply to all workshops to which section 53 of this Act (see p. 67, *ante*) applies.

(b) If the particulars prescribed in section 33 of this Act as to limewashing (see p. 46, *ante*), are not entered in the register prescribed under this section, then, by section 43 of the Act of 1895 (*q. v.*), this failure shall be *primâ facie* evidence of failure to observe the requirements of the Factory Acts with regard to limewashing.

Under the former Factory Acts the neglect to enter the name, &c., of a young person in the register involved a fine of not less than 40s., nor more than 5*l.*, for each name not entered. By this section non-entry of names, &c., is treated as one offence, involving one fine not exceeding 40s.

The occupier of a factory or workshop may be required to keep and send to the inspector for the district a list of all out-workers by section 27 of the Act of 1891 and section 42 of the Act of 1895, *post*.

Affixing
 in factory
 or work-
 shop of
 abstract of
 Act and
 notices.

78. There shall be affixed at the entrance of a factory and a workshop, and in such other parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop—

- (1.) The prescribed abstract of this Act; and
- (2.) A notice of the name and address of the prescribed inspector; and
- (3.) A notice of the name and address of the certifying surgeon for the district; and

- (4.) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated ; and
- (5.) Every notice and document required by this Act to be affixed in the factory or workshop.(a)

1878 Act,
Sect. 78.

In the event of a contravention of this section in a factory or workshop, the occupier(b) of the factory or workshop shall be liable to a fine not exceeding forty shillings.

(a) Section 1 (3) of the Act of 1895, *post*, enacts that this section shall be read as if there were included among the notices required by it a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of that section.

(b) By section 24 (1 *f.*) of the Act of 1895, in tenement factories this liability is transferred to the owner instead of the occupier, except (7) when the latter pays a rent in excess of 200*l.* a year.

Notices are not required to be hung up in domestic workshops. See section 61 (p. 77).

Regulations as to the particulars to be supplied in case of payment by piece-work were enacted by section 24 of the Act of 1891, but these have since been superseded by a very comprehensive section (40) of the Act of 1895 (*q. v.*), which requires the exhibition of a notice containing certain particulars.

79. Any notice, order, requisition, summons, and document under this Act, may be in writing or print, or partly in writing and partly in print.

Printing
or writing
and service
of notices
and docu-
ments, &c.

Any notice, order, requisition, summons, and document required or authorised to be served or sent for the purposes of this Act, may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or, where that person is the occupier of a

1878 Act, factory or workshop, by delivering the same or a
Sect. 79. true copy thereof to his agent or to some person in such factory or workshop ; it may also be served or sent by post by a prepaid letter, and if served or sent by post, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending, it shall be sufficient to prove that it was properly addressed and put into the post ; and where it is required to be served on or sent to the occupier of a factory or workshop, it shall be deemed to be properly addressed if addressed to the occupier of such factory or workshop, at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

Inspection
of weights
and mea-
sures used
in factories
and work-
shops.

80. Any Act for the time being in force relating to weights and measures shall extend to weights, measures, scales, balances, steel-yards, and weighing machines, used in a factory or workshop in checking or ascertaining the wages of any person employed therein in like manner as if they were used in the sale of goods, (a) and as if such factory or workshop were a place where goods are kept for sale, and such Act shall apply accordingly, and every inspector of, or other person authorised to inspect or examine weights and measures, shall inspect, stamp, mark, search for and examine the said weights and measures, scales, balances, steel-yards, and weighing machines accordingly, and for that purpose shall

have the same powers and duties as he has in 1878 Act, relation to weights, measures, scales, balances, Sect. 80. steel-yards, and weighing machines used in the sale of goods.

(a) The Acts which regulate the inspection of weights and measures specially apply to weights, &c., used in buying and selling. This section extends the operation of those Acts to weights and measures used in factories for ascertaining or checking wages. See Weights and Measures Acts, 1878 to 1893, and see also section 40 of the Act of 1895, *post*, for particulars respecting wages to be furnished in certain cases.

(4.) Fines.

This Act differs considerably from all other previous Factory Acts in not fixing a minimum in every case.

The following are the special fines fixed under this Act, as amended by the Act of 1895, in special cases, prescribed in previous sections, in no case to exceed the penalty named:—

S. 22. Not fixing holidays, 5*l*.

S. 31 (replaced by section 18 of the Act of 1895) not sending notice of accident, 5*l*.

S. 35. A baker allowing rooms to be improperly occupied, 1*l*. for first offence, and 5*l*. afterwards.

S. 68. Obstructing an inspector (in the day), 5*l*. ; in the night, 20*l*. The fine not to be less than 1*l*. in case of a second conviction in a factory (see Act of 1891, s. 28). If by the occupier of a workshop under section 16, 1*l*. in the day and 5*l*. in the night.

S. 70. Forgery of the certificate of appointment of an inspector, or personating an inspector, three months' imprisonment.

S. 75. Not sending notice of beginning to occupy a factory or workshop, 5*l*.

S. 77. Not keeping registers, 40*s*.

S. 78. Not affixing notices, 40*s*.

81. If a factory or workshop is not kept in conformity with this Act, the occupier thereof shall be liable to a fine not exceeding ten pounds.

Fine for not keeping factory or workshop in conformity with Act.

The court of summary jurisdiction, in addition to or instead of inflicting such fine, may order

1878 Act, certain means to be adopted by the occupier,
Sect. 81. within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act; the court may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues.

This section is applicable to the offences created by the following previous sections:—

Neglect of sanitary condition (ss. 3, 4).

Permitting mill-gearing, machinery, &c., to remain unfenced (s. 5).

Neglect to limewash (s. 33).

Neglect to limewash bakehouse (s. 34).

Neglect to provide a fan (s. 36).

Neglect to prevent the escape of steam in wet-spinning (s. 37).

Where an occupier avails himself of an exception to which conditions are attached, neglect to observe such conditions (s. 66).

The fine not to be less than 1*l.* in case of a second conviction, in the case of a factory (Act of 1891, s. 28, *post*).

Penal compensation to persons injured by want of fence to machinery, &c.

82. If any person is killed or suffers any bodily injury in consequence of the occupier of a factory (*a*) having neglected to fence any machinery required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing or in consequence of the occupier of a factory or workshop having neglected to fence any vat, pan, or other structure (*b*) required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, the occupier (*c*) of the factory or workshop shall be liable to a fine not exceeding one hundred pounds,

the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise as a Secretary of State determines :

1878 Act,
Sect. 82.

Provided that the occupier of a factory shall not be liable to a fine under this section, if an information against him for not fencing the part of the machinery, or the vat, pan, or other structure by which the death or bodily injury was inflicted, has been heard and dismissed previous to the time when the death or bodily injury was inflicted.(d)

(a) By section 23 of the Act of 1895 (*q. v.*), this section is extended to docks, wharves, quays, warehouses, and to premises on which machinery is used in connection with the structure and repair of buildings.

(b) A vat, pan, or other structure may contain, or be actuated by, "machinery," and may thereby become "dangerous." Section 6 of the Act of 1891.

(c) By section 24 (1 b) of the Act of 1895 (*q. v.*), the liability is transferred from the occupier to the owner in the case of tenement factories, except in the case of an occupier paying a rent over 200*l.* a year.

(d) By section 13 of the Act of 1895, this section is extended to meet the case of death or injury caused by neglect of this Act or of special rules.

This section does not deprive an injured person of any right he may possess at common law to obtain compensation for injuries, or the representatives of a person who has been killed of their right under Lord Campbell's Act.

The fine not to be less than 1*l.* in case of a second conviction, in the case of a factory (Act of 1891, s. 28).

83. Where a child, young person, or woman is employed in a factory or workshop contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night, five pounds for each child,

Fine for employing children, young persons, and women contrary to the Act.

1878 Act, Sect. 83. young person, or woman so employed ; and where a child, young person, or woman is so employed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night, two pounds for each child, young person, or woman so employed.

A child, young person, or woman who is not allowed times for meals and absence from work as required by this Act, or during any part of the times allowed for meals and absence from work is, in contravention of the provisions of this Act, employed in the factory or workshop or allowed to remain in any room, shall be deemed to be employed contrary to the provisions of this Act.

The offences punishable under this section are those defined in sections 9, 24, 39 ; and employment contrary to the provisions contained in sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 23, 24, 26, 27, 38, 43, 44, 45, 46, 47, 50, 51, 53, 54, 56, 57, 58, 59, 60.

The fine not to be less than 1*l.* in case of a second conviction, in the case of a factory (Act of 1891, s. 28).

Fines on parents for allowing child or young person to be employed contrary to the Act or neglecting to cause child to attend school.

84. The parent of a child or young person shall,—

- (1.) If such child or young person is employed in a factory or workshop contrary to the provisions of this Act, be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that such offence was committed without the consent, connivance, or wilful default of such parent ; and
- (2.) If he neglects to cause such child to attend

school in accordance with this Act, be liable to a fine not exceeding twenty shillings for each offence. 1878 Act,
Sect. 84.

For definition of "parent," see section 96 (p. 121).

85. Every person who forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided), or who gives or signs any such certificate knowing the same to be false in any material particular, or who knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid, or who knowingly utters or makes use of as applying to any person a certificate which does not so apply, or who personates any person named in a certificate, or who wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour. Forgery of
certificates,
false entries
and declara-
tions.

Every person who wilfully makes a false entry in any register, notice, certificate, or document required by this Act to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, with or without hard labour.

86. Where an offence for which the occupier of a factory or workshop is liable under this Act Fine on
person com-
mitting

1878 Act, to a fine, has in fact been committed by some
 Sect. 86. agent, servant, workman, or other person, such
 offence for agent, servant, workman, or other person shall be
 which occupier is liable. liable to the same fine as if he were the occupier.

Power of occupier to exempt himself from fine on conviction of the actual offender.

87. Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender, brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.(a)

When it is made to appear to the satisfaction of an inspector at the time of discovering the offence, that the occupier of the factory or workshop had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, with-

out first proceeding against the occupier of the factory or workshop. (b) 1878 Act,
Sect. 87.

(a) By section 50 of the Act of 1895, *post*, it is enacted that where in pursuance of this section, another person than the occupier of a factory is convicted of an offence with which the occupier is charged, that person shall in the discretion of the court be liable to pay any costs incidental to the proceedings.

(b) By section 49 of the Act of 1895, a person charged under the Factory Acts with an offence is made a competent witness in the case.

88. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except— Restraint
on cumulative
fines.

(a.) Where the repetition of the offence occurs after an information has been laid for the previous offence ; or

(b.) Where the offence is one of employing two or more children, young persons, or women contrary to the provisions of this Act.

(5.) *Legal Proceedings.*

89. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts. Prosecution
of offences
and re-
covery and
application
of fines.

A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

All fines imposed in pursuance of this Act shall,

1878 Act, save as otherwise expressly provided(a) by this Sect. 89. Act, be paid into the Exchequer.

The court of summary jurisdiction, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace sitting at some court or public place at which justices are for the time being accustomed to assemble for the purpose of holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act, alleged to be committed in, or with reference to a factory or workshop, the occupier of that factory or workshop, and the father, son, or brother of such occupier, shall not be qualified to act as a member of such court.

(a) As to penal compensation to persons injured, see section 82 (p. 102).

Appeal to
quarter
sessions.

90. If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom; subject in England to the conditions and regulations following:—

- (1.) The appeal shall be made to the next practicable court of general or quarter sessions [*having jurisdiction in the county*

or place in which the decision of the court was given, holden not less than twenty-one days after the day on which such decision was given; and

1878 Act,
Sect. 90.

- (2.) The appellant shall, within ten days after the day on which the decision of the court was given, serve notice on the other party and on the clerk of the court of summary jurisdiction, of his intention to appeal, and of the general grounds of such appeal; and
- (3.) The appellant shall, within three days after such notice is served, enter into a recognizance before a court of summary jurisdiction with or without a surety or sureties as the court may direct, conditioned to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court: or the appellant may, if the court of summary jurisdiction thinks it expedient, instead of entering into a recognizance, give such other security by deposit of money with the clerk of the court of summary jurisdiction, or otherwise as the court deem sufficient; and
- (4.) Where the appellant is in custody a court of summary jurisdiction may, if they think fit, on the appellant entering into such recognizance, or giving such other security as aforesaid, release him from custody; and
- (5.) The court of appeal may adjourn the hear-

1878 Act,
Sect. 90.

- ing of the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction or remit the matter to the court of summary jurisdiction, with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just ; and*
- (6.) *The court of appeal may also make such order as to costs to be paid by either party as the court thinks just ; and*
- (7.) *Whenever a decision is reversed by the court of appeal the clerk of the peace shall indorse on the conviction or order appealed against, a memorandum that the same has been quashed ; and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction or order has been quashed, in every case where such copy or certificate would be sufficient evidence of such conviction or order ; and*
- (8.) *Every notice in writing required by this section to be given by an appellant may be signed by him or by his agent on his behalf, and may be transmitted in a registered letter by the post in the ordinary way, and shall be deemed to have been served at the time when it would be delivered in the ordinary course of post.]*

The rest of this section after the words "quarter sessions" in sub-section (1) is repealed by the Summary Jurisdiction Act, 1884.

91. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act :—

1878 Act,
Sect. 91.

Limitation
of time and
general pro-
visions as to
summary
proceedings.

- (1.) [*The information shall be laid within two months, or, where the offence is punishable at discretion by imprisonment, or is a breach of the provisions of this Act with respect to holidays, within three months after the commission of the offence : (a)*
- (2.) *The description of an offence in the words of this Act, or in similar words, shall be sufficient in law :*
- (3.) *Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant :] (b)*
- (4.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act without more :
- (5.) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop or the title of the firm by which the occupier employing persons in the factory or workshop is usually known :
- (6.) [*A conviction or order made in any matter arising under this Act, either originally*

1878 Act,
Sect. 91.

or on appeal, shall not be quashed for want of form, and](c) a conviction or order made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

(a) Sub-section (1) is repealed by the Act of 1891, and section 29 of the Act of 1891 (*q. v.*) is substituted for it.

(b) Sub-sections (2) and (3) are repealed by the Summary Jurisdiction Act, 1884 (47 & 48 Vict. c. 43, s. 4, and Schedule).

(c) The words in italics in this sub-section are repealed by the Summary Jurisdiction Act, 1884.

Evidence in
summary
proceedings.

92. If a person is found in a factory except at meal times, or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory or workshop between the hours of four and five o'clock in the afternoon, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory or workshop :

Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting-rooms, and other rooms belonging to the factory or workshop in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory or workshop within the meaning of this enactment ; and this enactment shall not apply to a factory or workshop to which

the provisions of this Act with respect to the affixing of notices do not apply.

**1878 Act,
Sect. 92.**

Where a child or young person is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young person is not of that age.

A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop in that district, and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of such conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, upon the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

This section is extended to workshops by section 30 of the Act of 1891 (*q. v.*).

1878 Act,
Sect 93.

PART IV.

DEFINITIONS, SAVINGS, APPLICATION TO SCOTLAND AND IRELAND, AND REPEAL.

(1.) *Definitions.*

93. The expression “textile factory” in this Act means—

Factories
and work-
shops to
which Act
applies.

Any premises wherein or within the close or curtilage of which steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of, cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof:

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories.

The expression “non-textile factory” in this Act means—

- (1.) Any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Fourth Schedule to this Act,
- (2.) Also any premises or places named in Part Two of the said Schedule wherein, or within the close or curtilage or

precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there, 1878 Act,
Sect. 93.

(3.) Also any premises wherein, or within the close or curtilage or precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes, or any of them ; that is to say,

(a.) In or incidental to the making of any article or part of any article, or

(b.) In or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(c.) In or incidental to the adapting for sale of any article,

and wherein, or within the close or curtilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there.

The expression " factory " in this Act means textile factory and non-textile factory, or either of such descriptions of factories.

The expression " workshop " in this Act means—

(1.) Any premises or places named in Part Two of the Fourth Schedule to this Act, which are not a factory within the meaning of this Act,

(2.) Also any premises, room, or place not

1878 Act,
Sect. 93.

being a factory within the meaning of this Act, in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes or any of them ; that is to say,

(a.) In or incidental to the making of any article or of part of any article, or

(b.) In or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(c.) In or incidental to the adapting for sale of any article,

and to which or over which premises, room, or place the employer of the persons working therein has the right of access or control.

A part of a factory or workshop may for the purposes of this Act be taken to be a separate factory or workshop ; and a *place solely used as a dwelling*(a) shall not be deemed to form part of the factory or workshop for the purposes of this Act.

(a) Amended by the Act of 1891, s. 31, to "room solely used for the purpose of sleeping therein."

Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, such place shall not be

deemed to form part of that factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly.^(a)

1878 Act,
Sect. 93.

Any premises or place shall not be excluded from the definition of a factory or workshop by reason only that such premises or place are or is in the open air.^(b)

This Act shall not apply to such workshops, other than bakehouses, as are conducted on the system of not employing any child, young person, or woman therein,^(c) but save as aforesaid applies to all factories and workshops as before defined, inclusive of factories and workshops belonging to the Crown; provided that in case of any public emergency a Secretary of State may exempt a factory or workshop belonging to the Crown from this Act to the extent and during the period named by him.

The exercise by any child or young person in any recognised efficient school during a portion of the school hours of any manual labour for the purpose of instructing such child or young person in any art or handicraft, shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

(a) Cf. section 39 of the Act of 1895 as to power of Secretary of State under section 65 of this Act with respect to "different factories or workshops."

(b) It was held under the Factory Act, 1867, that place in the open air, although some manufacturing process might be carried on in them, would not be included in the term factory—hence the enactment respecting places in the open air. See note to "Quarries;" and the case of *Kent v. Astley*, 39 L. J. M. C. 3, in the notes to Part 2 of Schedule 4 of this Act, *post*.

1878 Act, (c) But by section 18 of the Act of 1895, *post*, accidents in
Sect. 93. such workshops must be reported : see also sections 20 and
— 21 of same Act as to registers and investigation. Cf. also
section 28 (2) as regards dangerous trades, &c., and section
42 as regards lists of outworkers.

Three cases have been decided which have a bearing as to what constitutes a "Textile Factory."

In the case of *Haydon v. Taylor*, 33 L. J. M. C. 30, it was held that a factory in which cotton sewing thread, manufactured elsewhere, but wound by machinery moved by steam-power, first on to cops, and secondly on to spools,—no other process except this particular process being carried on,—was within the operation of the Factory Acts.

In the case of *Whymper v. Harney*, 11 L. T. (N.S.) 711, it was held that a factory in which the manufacture of crinoline skirts was carried on was within the operation of the Factory Acts. The process was as follows:—Steel plates were cut into strips and covered with cotton, the cotton being either wound round the steel, or plaited so as to make a case for the steel, and the steel strips when so covered were sewn into skirts for sale.

The case of *Taylor v. Hickes*, 31 L. J. M. C. 242, may also be quoted. A factory was engaged in the manufacture of webbing, a fabric of cotton and wool combined, by the aid of steam power. The webbing was cut into proper lengths for braces and girths, and made into such articles by attaching to them buckles and straps of leather. The leather skins were cut into appropriate pieces, and holes bored in them in a building within the curtilage, but separate and distinct from the building in which the webbing was manufactured.

It was held that the building in which the leather was cut and bored was a part of the factory, as it could not be said to be a room employed solely for the manufacture of goods of any other material than those enumerated in the Act.

The words "other mechanical power," include gas, but will not apply to a fly-wheel which is worked by hand or by animal power.

"Textile factory" now includes the manufacture of any fibrous material besides those enumerated by name.

"Finishing."—See note to finishing in the Fourth Schedule, Part 1.

The finishing in this section refers to any operation in connection with the manufacture. After the completion of the manufacture the "finishing" is a process in connection with bleaching and dyeing.

Paper Mills.—See note to Paper Mills in the Fourth Schedule, Part 1.

Rope-works.—See note to Rope-works in the Fourth Schedule, Part 2. 1878 Act,
Sect. 93.

Hat-works.—See note to Hat-works in the Fourth Schedule, Part 2.

The word "article," under the Factory Act, 1867, was held not to be applicable to a "ship" in a factory in which shipbuilding was carried on,—although there might be separate "articles" in a shipbuilding yard which would be within the meaning of the word. The difficulty has been obviated by the subsequent enactment, that a shipbuilding yard is either a factory or a workshop. See note to "Shipbuilding Yards," and the case of *Palmer Shipbuilding Co. v. Chaytor*, 38 L. J. M. C. 63, in the notes to Part 2 of the Fourth Schedule.

It must be noted that in regard to certain provisions "laundries" are now to be dealt with as "factories" or "workshops" by section 22 of the Act of 1895 (*q. v.*), and "docks," "wharves," "quays," "warehouses," "buildings in construction," &c., by section 23 of same Act.

94. A child, young person, or woman who works in a factory or workshop, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act.

Definition of employment and working for hire.

For the purposes of this Act an apprentice shall be deemed to work for hire.

95. The expression "certified efficient school" in this Act means a public elementary school within the meaning of the Elementary Education

Definition of "certified efficient school."

1878 Act, Sect. 95. Acts, 1870 and 1873, and any workhouse school in England certified to be efficient by the Local Government Board, and also any elementary school which is not conducted for private profit, and is open at all reasonable times to the inspection of Her Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school; and the expression "recognised efficient school" means a certified efficient school as above defined, and also any school which the Education Department have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognised for the time being by an inspector under this Act as giving efficient elementary education, and the inspector shall immediately report to the Education Department every school so recognised by him.

33 & 34 Vict.
c. 75.
36 & 37 Vict.
c. 86.

Definition of
"recognised
efficient
school."

33 & 34 Vict.
c. 75.

For definition of "certified efficient school" in Scotland, see section 105 (1).

For definition of "certified efficient school" in Ireland, see section 106 (1).

General
definitions.

96. In this Act, unless the context otherwise requires,—

"Child."

The expression "child" means a person under the age of fourteen years : (a)

"Young person."

The expression "young person" means a person

of the age of fourteen years and under the ^{1878 Act,}
age of eighteen years : Sect. 96.

The expression "woman" means a woman of "Woman."
eighteen years of age and upwards :

The expression "parent" means a parent or "Parent."
guardian of, or person having the legal
custody of, or the control over, or having
direct benefit from the wages of, a child or
young person :

The expression "Treasury" means the Com- "Treasury."
missioners of Her Majesty's Treasury :

The expression "Secretary of State" means one "Secretary
of Her Majesty's Principal Secretaries of of State."
State :

The expression "Education Department" "Education
means the Lords of the Committee of the Depart-
ment."
Privy Council on Education :

The expression "sanitary authority" means an "Sanitary
urban or rural sanitary authority within the authority."
meaning of the Public Health Act, 1875, and
any commissions, board, or vestry in the ^{33 & 39 Vict.}
metropolis having the like powers as such _{c. 55.}
urban sanitary authority :

The expression "person" includes a body of "Person."
persons corporate or unincorporate :

The expression "week" means the period "Week."
between midnight on Saturday night and
midnight on the succeeding Saturday night :

The expression "night" means the period "Night."
between nine o'clock in the evening and six
o'clock in the succeeding morning :

The expression "prescribed" means prescribed "Pre-
for the time being by a Secretary of State ; scribed."

1878 Act,
Sect. 96.

“Summary
Jurisdiction
Acts.”

The expression “Summary Jurisdiction Acts” means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter 43, intituled “An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders,” and any Acts amending the same :

“Court of
Summary
Jurisdiction.”

The expression “court of summary jurisdiction” means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to :

“Mill-gearing.”

The expression “mill-gearing” comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process.

The factories and workshops named in the Fourth Schedule to this Act are in this Act referred to by the names therein assigned to them.

(a) A child under this Act is a child until the age of fourteen years and consequently does not become a young person until the age of fourteen has been attained. But a child having reached the age of thirteen, and having obtained a certificate of having passed the prescribed standard of proficiency, or of having attended a certified efficient school for the prescribed number of attendances, may, upon having also obtained the medical certificate of fitness, be employed as a young person. See sections 26 and 30 (pp. 33 and 41).

Special Exemption of certain Trades.

1878 Act,
Sect. 97.

Exemption
of handi-
crafts in
Fifth
Schedule
in private
houses.

97. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour by way of trade, or for purposes of gain in or incidental to any of the handicrafts specified in the Fifth Schedule to this Act, shall not of itself constitute such house or room a workshop within the meaning of this Act.

When it is proved to the satisfaction of a Secretary of State that by reason of the light character of the handicraft carried on in any private house or private room by the family dwelling therein, or by any of them, it is expedient to extend this section to that handicraft, he may by order extend the same.

The order shall be made in manner provided by Part Two of this Act, and that part shall apply so far as circumstances admit as if the order were an order extending an exception.

The occupations named in the schedule are :—

- Straw plaiting.
- Pillow lace making.
- Glove making.

And to these the Secretary of State may add others. But the labour must be exercised by the family only dwelling in the house, and hence plait schools and lace schools will continue to be workshops as heretofore, and the decision in the case of *Beadon v. Parrott*, L. R. 6 Q. B. 718, still holds good.

98. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to some of the purposes in this Act in that behalf mentioned, shall not of itself

Exemption
of certain
home-work.

1878 Act, Sect. 98. — constitute such house or room a workshop where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to such family.

This section applies to cases in which one or more members of a family may be employed at home in some occupation subsidiary to the main occupation of the family, and which is only intermittent or occasional.

(2.) *Savings.*

Saving as to liability of hirer of machine where not occupier.

99. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connexion with which machine or implement children, young persons, or women are employed, is some person other than the occupier of the factory, and such children, young persons, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act which may be committed in relation to such children, young persons, or women, be deemed to be the occupier of the factory.

The occupier of the factory is responsible for the sanitary state of the whole of the factory, and the fencing of the mill-gearing, machinery, &c. Cf., regulations as to tenement factories (section 24 of the Act of 1895).

Saving for person employed in repair of machinery or of factory or workshop, or in process of curing fish.

100. Nothing in this Act shall extend—

- (1.) To any young person, being a mechanic, artisan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop ; or
- (2.) To the process of gutting, salting, and

packing fish immediately upon its arrival
in the fishing boats. 1878 Act,
Sect. 100.

By section 32 of the Act of 1891 (*q.v.*) a further exemption is added of "the process of cleaning and preparing fruit so far as is necessary to prevent the spoiling of the fruit on its arrival at a factory or workshop during the months of June, July, August, and September."

Mechanics, &c., employed in making and repairing machinery in the factory were formerly exempted, but now only those employed in repairs are exempted.

Care must be taken not to confound the exemption for "gutting, salting, and packing fish immediately upon its arrival in the fishing boats," with the "process of curing or preserving fish," in which overtime may be worked under section 56, and Schedule 3, Part 5.

101. The provisions of section ninety-one of the Public Health Act, 1875, (*a*) with respect to a factory, workshop, or workplace not kept in a cleanly state or not ventilated or overcrowded, shall not apply to a factory or workshop (*b*) which is subject to the provisions of this Act relating to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace.

Application
to factories
and work-
shops of
35 & 39 Vict.
c. 55.

It is hereby declared that the Public Health Act, 1875, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as it applies to buildings where more than twenty are employed.

(*a*) See Appendix.

(*b*) The words "or workshop" are repealed by section 39, and Schedule 2 of the Act of 1891, *post*.

This section relieves the local authority from the enforcement of section 3 of this Act in factories, which is to be administered by the inspectors of factories; the local authority administer like provisions under the Public Health Act, 1875, and under the Act of 1891, in workshops.

1878 Act,
Sect. 102.

Construction of enactments, &c., referring to repealed Acts.

102. Any enactment or document referring to the Acts repealed by this Act, or any of them, or to any enactment thereof, shall be construed to refer to this Act and to the corresponding enactment thereof.

(3.) *Application of Act to Scotland and Ireland.*

Temporary saving for employment of children under 10 and children over 13 in Scotland and Ireland.

103. The provisions of this Act shall, in the case of a factory or workshop in Scotland or Ireland, in which a child under the age of ten years may lawfully be employed at the passing of this Act, be modified as follows ; that is to say,

- (1.) Shall apply during twelve months after the commencement of this Act to children of the age of nine years and upwards, as if they were of the age of ten years ; and
- (2.) Shall not prevent a child who, before the commencement of this Act, is lawfully employed in any factory or workshop as a child under the age of nine years, or any child who during the twelve months next after the commencement of this Act is lawfully employed in any factory or workshop as a child under the age of ten years, from continuing to be employed in a factory or workshop in like manner as if the child were above the age of ten years ; and
- (3.) Shall apply during twelve months after the commencement of this Act to children of the age of thirteen years and upwards as if they were young persons ; and
- (4.) Shall not prevent a child, who before the expiration of twelve months after the

commencement of this Act is lawfully employed in a factory or workshop as a young person, from continuing to be employed in a factory or workshop as a young person.^(a)

1878 Act,
Sect. 103.

(a) Temporary provisions now obsolete.

104. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by a Secretary of State, and on payment of such fee, not exceeding *one shilling*,^(a) as a Secretary of State from time to time fixes, shall be entitled to obtain—

Certificates
of birth for
purposes of
Act.

(1.) In Scotland an extract under the hand of the registrar under the Act of the seven-teenth and eighteenth years of Her present Majesty, chapter eighty, and any Acts amending the same, of the entry in the register kept under those Acts; and

(2.) In Ireland a certified copy^(b) under the hand of the registrar or superintendent registrar under the Registration of Births and Deaths (Ireland) Act of the entry in the register under that Act of the birth of the child named in the requisition.

26 & 27 Vict.
c. 11.

(a) By section 35 of the Act of 1891 (*q. v.*), the fee is not to exceed 6d.

(b) The form of requisition was prescribed by the Secretary of State on June 19th, 1895.

1878 Act,
Sect. 105.

105. In the application of this Act to Scotland—

Application
of Act to
Scotland.

(1.) The expression “certified efficient school” means any public or other elementary school under Government inspection :

(2.) [*In lieu of Christmas Day and either Good Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of two days separated from each other by an interval of not less than three months, one of which shall be a day set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, or some other day substituted for such day as aforesaid by the occupier specifying the same in the notice affixed in the factory or workshop.*](a)

38 & 39 Vict.
c. 13.

(3.) The expression “sanitary authority” means the local authority under the Public Health (Scotland) Act, 1867 :

30 & 31 Vict.
c. 101.

(4.) The expression “medical officer of health” means the medical officer under the Public Health (Scotland) Act, 1867, or where no such officer has been appointed, the medical officer appointed by the parochial board :

The expression “poor law medical officer” means the medical officer appointed by the parochial board :

8 & 9 Vict.
c. 16.

(5.) The expression “Companies Clauses Con-

solidation Act, 1845," means the Companies Clauses Consolidation (Scotland) Act, 1845 ;

1878 Act,
Sect. 105.

8 & 9 Vict.
c. 17.

27 & 28 Vict.
c. 53.

- (6.) The expression "Summary Jurisdiction Acts" means "The Summary Procedure Act, 1864," and any Acts amending the same ;
- (7.) The expression "court of summary jurisdiction" means the sheriff of the county or any of his substitutes :
- (8.) The expression "Education Department" means the Lords of the Committee of the Privy Council appointed by Her Majesty on Education in Scotland :
- (9.) The expression "county court" means the sheriff court :
- (10.) All matters required by this Act to be published in the *London Gazette* shall (if they relate exclusively to Scotland), instead of being published in the *London Gazette*, be published in the *Edinburgh Gazette* only :
- (11.) The expression "information" means petition or complaint :
- (12.) The expression "informant" means petitioner, pursuer, or complainer :
- (13.) The expression "defendant" means defender or respondent :
- (14.) The expression "clerk of the peace" means sheriff clerk :
- (15.) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions

1878 Act
Sect. 105.

of the Summary Jurisdiction Acts at the instance of the procurator fiscal or of an inspector under this Act :

- (16.) The court may make, and may also from time to time alter or vary, summary orders under this Act on petition by such procurator fiscal or inspector presented in common form :
- (17.) All fines under this Act in default of payment; and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months :
- (18.) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act that such prosecution is brought at the instance of such inspector :
- (19.) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction :
- (20.) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty's Exchequer, and shall be carried to the consolidated fund :
- (21.) All jurisdictions, powers, and authorities necessary for the purposes of this section

are conferred on the sheriffs and their substitutes : 1878 Act,
Sect. 105.

- (22.) Any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Act of the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, or under any enactment amending that Act, or applying or incorporating its provisions, or any of them, with regard to appeals or to the Court of Justiciary at Edinburgh under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875.

(a) For sub-section (2) as to holidays, section 33 (4) of Act of 1891 is substituted.

The following definitions are added by section 33 of the Act of 1891 :—

- (1.) The expression “Births and Deaths Registration Acts, 1836 to 1874,” shall mean the Acts relating to the registration of births, deaths, and marriages in Scotland :
- (2.) The expression “Public Health Act, 1875,” where it occurs in section seven of this Act shall mean 30 & 31 Vict.
s. 101. the Public Health (Scotland) Act, 1867, and the Acts amending the same :
- (3.) The board of supervision shall be substituted for the Local Government Board.

106. In the application of this Act to Ire- Application
of Act to
Ireland.
land—

- (1.) The expression “certified efficient school” means any national school, or any school recognised by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act :

1878 Act,
Sect. 106.

- (2.) [*In lieu of any two half-holidays allowed under the provisions of sub-section (2) in section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of the seventeenth day of March: Provided, that when this date falls on a Sunday, this sub-section shall have no effect as regards such date:*](a)
- (3.) The expression "sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1874, and any Act amending the same :
- (4.) The expression "medical officer of health" means the medical sanitary officer of the sanitary district :
- The expression "poor law medical officer" means the dispensary doctor :
- (5.) Any Act authorised to be done or consent required to be given by the Education Department under this Act shall be done and given by the Lord Lieutenant or Lords Justices of Ireland, acting by and with the advice of the Privy Council in Ireland :
- (6.) The expression "county court" means the civil bill court :
- (7.) The expression "Summary Jurisdiction Acts" means, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police

37 & 38 Vict.
c. 93.

of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same :

1878 Act,
Sect. 106.

14 & 15 Vict.
c. 93.

(8.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a stipendiary magistrate sitting alone, or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions :

(9.) Appeals from a court of summary jurisdiction shall lie in the manner and subject to the conditions and regulations prescribed in the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same :

14 & 15 Vict.
c. 93.

(10.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same :

14 & 15 Vict.
c. 90.

(11.) The provisions of section nineteen of the Public Health Act, 1866, or of any enactment substituted for that section with respect to any factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory or workshop

29 & 30 Vict.
c. 90.

1878 Act,
Sect. 106.

which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace :

37 & 38 Vict.
c. 93.

It is hereby declared that the sanitary Acts within the meaning of the Public Health (Ireland) Act, 1874,(b) shall apply to buildings in which persons are employed, whatever their number may be, in like manner as they apply to buildings where more than twenty persons are employed :

- (12.) All matters required by this Act to be published in the *London Gazette* shall, if they relate exclusively to Ireland, instead of being published in the *London Gazette*, be published in the *Dublin Gazette* only.

(a) Sub-section (2) as to holidays was repealed by the Act of 1891, and the following paragraph (section 34 (2)), substituted therefor :—

“In lieu of any two half-holidays allowed under the provisions of sub-section (2) of section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop, the whole of the 17th day of March, when that day does not fall on a Sunday, or at the option of the occupier of the factory or workshop, either Good Friday (unless that day is otherwise fixed as a holiday) or Easter Tuesday.”

(b) By section 52 of the Act of 1895 the expression “the Public Health (Ireland) Act, 1874,” where it occurs in this sub-section is to be construed as meaning the Public Health (Ireland) Act, 1878, and the Acts amending the same.

(4.) *Repeal.*

107. The Acts specified in the Sixth Schedule to this Act are hereby repealed from and after the

commencement of this Act to the extent in the third column of that schedule mentioned :

1878 Act,
Sect. 107.

Provided that—

- (1.) All notices affixed in the factory in pursuance of the Acts hereby repealed shall, so far as they are in accordance with the provisions of this Act, be deemed to have been affixed in pursuance of this Act ; and
- (2.) All inspectors, sub-inspectors, officers, clerks, and servants appointed in pursuance of the Acts hereby repealed shall continue in office and shall be subject to removal and have the same powers and duties as if they had been appointed in pursuance of this Act ; and
- (3.) All certifying surgeons appointed in pursuance of any Act hereby repealed shall be deemed to have been appointed in pursuance of this Act ; and
- (4.) All surgical certificates granted in pursuance of any Act hereby repealed shall have effect as certificates of fitness for employment granted in pursuance of this Act, and all registers kept in pursuance of any Act hereby repealed shall, until otherwise directed by a Secretary of State, be deemed to be the registers required by this Act ; and
- (5.) Any order made by a Secretary of State in pursuance of any enactment hereby repealed for granting any permission or relaxation to any factories or workshops

1878 Act,
Sect. 107.

may, if the Secretary of State so direct, continue in force for a period not exceeding three months after the commencement of this Act ; and

(6.) The standard of proficiency fixed by the Education Department in pursuance of any enactment hereby repealed shall be deemed to have been fixed in pursuance of this Act ; and

(7.) [*A child exempted by section eight of the Elementary Education Act, 1876, from the provisions of section twelve of the Factory Act, 1874, by reason of his having attained the age of eleven years before the first day of January, 1877, shall, on attaining the age of thirteen years, be deemed to be a young person within the meaning of this Act :*](a)

39 & 40 Vict.
c. 79.

37 & 38 Vict.
c. 44.

(a) Temporary modification now obsolete.

(8.) This repeal shall not affect—

(a.) Anything duly done or suffered under any enactment hereby repealed ; or

(b.) Any obligation or liability incurred under any enactment hereby repealed ; or

(c.) Any penalty or punishment incurred in respect of any offence committed against an enactment hereby repealed ; or

(d.) Any legal proceeding or remedy in respect of any such obliga-

tion, liability, penalty, or punishment as aforesaid, and any such legal proceeding and remedy may be carried on as if this Act had not passed.

1878 Act,
Sect. 107.

SCHEDULES.

FIRST SCHEDULE.

Section 38.

SPECIAL PROVISIONS FOR HEALTH.

Factories and Workshops in which the Employment of Young Persons and Children is restricted.

1. In a part of a factory or workshop in which there is carried on—
 - The process of silvering of mirrors by the mercurial process ; or
 - The process of making white lead,(a)
 a young person or child shall not be employed.

Restriction of employment of young persons and children ;
 2. In the part of a factory in which the process of melting or annealing glass is carried on a child or female young person shall not be employed.

of children, &c., in glass works ;
 3. In a factory or workshop in which there is carried on—
 - (a.) The making or finishing of bricks or tiles not being ornamental tiles ; or
 - (b.) The making or finishing of salt,
 a girl under the age of sixteen years shall not be employed.

of girls under 16 in certain employments ;
 4. In a part of a factory or workshop in which there is carried on—
 - (a.) Any dry grinding in the metal trade, or
 - (b.) The dipping of lucifer matches,(a)
 a child shall not be employed.

of children in metal grinding and lucifer match dipping ;
 5. In any grinding in the metal trades other than dry grinding or in fustian cutting a child under the age of eleven years shall not be employed.

of child under 11 in dry grinding, &c.
- (a) Special rules are now in force in these trades by section 8 of the Act of 1891, *post*.
- Par. 2, par. 3 (a.), par. 4 (b.), par. 5, re-enact provisions of previous Factory Acts.
- Par. 1, par. 3 (b.), par. 4 (a.), are new provisions.

1878 Act,
Sched. 2.

SECOND SCHEDULE.

SPECIAL RESTRICTIONS.

Section 39.

Places forbidden for Meals.

As to parts of factories or workshops in which children, young persons, and women are forbidden to take meals.

The prohibition on a child, young person, or woman taking a meal or remaining during the times allowed for meals in certain parts of factories or workshops applies to the parts of factories and workshops following; that is to say,—

- (1.) In the case of glass works, to any part in which the materials are mixed; and
- (2.) In the case of glass works where flint glass is made, to any part in which the work of grinding, cutting, or polishing is carried on; and
- (3.) In the case of lucifer match works, (a) to any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and
- (4.) In the case of earthenware works, (a) to any part known or used as dippers house, dippers drying room, or china scouring room.

The prohibitions are extended to the following by Order, gazetted 22nd December, 1882 :—

Every part of a factory or workshop in which part wool or hair is sorted or dusted, or in which rags are sorted, dusted, or ground.

Every part of a textile factory in which part gassing is carried on.

Every part of a printwork, bleachwork, or dyework in which part singeing is carried on.

Every part of a factory or workshop in which part any of the following processes are carried on :—

Grinding, glazing, or polishing on a wheel.

Brass-casting, (a) type-founding.

Dipping metal in aquafortis or other acid solution.

Metal-bronzing.

Majolica painting on earthenware.

Catgut cleaning and repairing.

Cutting, turning, polishing bone, ivory, pearlshell, snail-shell.

Every factory or workshop in which chemicals (a) or artificial manures are manufactured, except any room used solely for meals.

Every factory or workshop in which white lead (a) is manufactured, except any room thereof used solely for meals.

Every part of a factory or workshop in which part dry 1878 Act,
powder or dust is used in any of the following processes :— Sched. 2.

- Lithographic printing.
- Playing-card making.
- Fancy box making.
- Paper staining.
- Almanac making.
- Artificial flower making.
- Paper colouring and enamelling.
- Colour making.(a)

(a) Special rules are now in force in these trades by section 8 of the Act of 1891, *post*.

THIRD SCHEDULE.

SPECIAL EXCEPTIONS.

[PART ONE.

Period of Employment.

Section 42.

The exception respecting the employment of children, young persons, and women between the hours of eight in the morning and eight in the evening, and on Saturday between the hours of eight in the morning and four in the afternoon, or between the hours of seven in the morning and three in the afternoon, applies to any factory or workshop or part thereof in which any of the following manufacturing processes or handicrafts are carried on ; that is to say,—

Employment of children, young persons, and women between 8 A.M. and 8 P.M. in certain trades.

- (a.) Lithographic printing ;
- (b.) Turkey-red dyeing ;
- (c.) The making of any article of wearing apparel ;
- (d.) The making of furniture hangings ;
- (e.) Artificial flower making ;
- (f.) Bon-bon and Christmas present making ;
- (g.) Valentine making ;
- (h.) Fancy box making ;
- (i.) Envelope making ;
- (k.) Almanac making ;
- (l.) Playing-card making ;
- (m.) Machine ruling ;
- (n.) Biscuit making ;
- (o.) Firewood cutting ;
- (p.) Job dyeing ; or
- (q.) Aërated water making ; and also to
- (r.) Bookbinding works ;
- (s.) Letterpress printing works ; and
- (t.) A part of a factory or workshop which is a warehouse

1878 Act,
Sched. 3.

not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.](a)

(a) Schedule 3, part 1, is repealed by the Act of 1895 (Sched. 3) (see p. 241).

Section 52.

PART TWO.

Meal Hours.

Cases in which provisions as to meal times are not to apply.

The cases in which the provisions of this Act as to meal times being allowed at the same hour of the day are not to apply, are—

- (1.) The case of children, young persons, and women employed in the following factories ; that is to say :—

Blast furnaces,
Iron mills,
Paper mills,
Glass works, and

Letterpress printing works ; and

- (2.) The case of male young persons employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open air bleaching is carried on.

The cases in which and the extent to which the provisions of this Act as to a child, young person, or woman during the times allowed for meals being employed or being allowed to remain in a room in which a manufacturing process or handicraft is being carried on, are not to apply are,—

- (1.) The case of children, young persons, and women employed in the following factories ; that is to say,—

Iron mills,
Paper mills,
Glass works (save as otherwise provided by this Act), and

Letterpress printing works ; and

- (2.) The case of a male young person employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open air bleaching is carried on, to this extent, that the said provisions shall not prevent him, during the times allowed for meals to any other young person, or to any child or woman, from being employed or being allowed to remain in any room in which any manufacturing process is carried on, and shall

not prevent, during the times allowed for meals to such male young person, any other young person, or any child or woman, from being employed in the factory or allowed to remain in any room in which any manufacturing process is carried on. 1878 Act,
Sched. 3.

(The trades here enumerated are those in which variable meal hours were legal under the Factory Act, 1867. See note to section 52.)

By Order, gazetted 22nd December, 1882, this exception has been extended to—

- (a.) Textile factories wherein female young persons or women employed in a distinct department in which there is no machinery commence work at a later hour than the men and other young persons, subject to the condition that all in the same department shall have their meals at the same time.
- (b.) Non-textile factories and workshops wherein is carried on the making of wearing apparel.
- (c.) Non-textile factories and workshops wherein there are two or more departments or sets of young persons, subject to the condition that all in the same department or set shall have their meals at the same time.
- (d.) The following non-textile factories and workshops, viz. :—Dressing floors, tin streams, china clay pits, and quarries in the county of Cornwall.

By Order, gazetted 1st March, 1887—

The baking of bread and biscuits by travelling ovens.

PART THREE.

Overtime.

Section 53.

The exception with respect to the employment of young persons (a) and women for forty-eight (a) days in any twelve months during a period of employment, beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, applies to each of the (b) factories and workshops, and parts thereof, following; that is to say,—

- (1.) *Where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather; namely,—*

(a.) Flax scutch mills; and

(b.) A factory or workshop, or part thereof in which is carried on the making or finish-

Factories and workshops in which young persons and women may be allowed to work for 14 hours a day under certain restrictions.

1878 Act,
 Sched. 3.

- ing of bricks or tiles not being ornamental tiles ; and
- (c.) The part of rope works in which is carried on the open-air process ; and
- (d.) The part of bleaching and dyeing works in which is carried on open-air bleaching or Turkey-red dyeing ; and
- (e.) A factory or workshop, or part thereof, in which is carried on glue-making ; and
- (2.) *Where press of work arises at certain recurring seasons of the year ; namely,—*
- (f.) Letterpress printing works ;
- (g.) Bookbinding works ; and
- A factory, workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—
- (h.) Lithographic printing ; or
- (i.) Machine ruling ; or
- (k.) Firewood cutting ; or
- (l.) Bon-bon and Christmas present making ; or
- (m.) Almanac making ; or
- (n.) Valentine making ; or
- (o.) Envelope making ; or
- (p.) Aërated water making ; or
- (q.) Playing card making ; and
- (3.) *Where the business is liable to sudden press of orders arising from unforeseen events ; namely,—*
- A factory or workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—
- (r.) The making up of any article of wearing apparel ; or
- (s.) The making up of furniture hangings ; or
- (t.) Artificial flower making ; or
- (u.) Fancy box making ; or
- (v.) Biscuit baking ; or
- (w.) Job dyeing ; [and also
- (x.) *A part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping or packing up goods.](c)*

Provided that the said exception shall not apply—

- (a.) Where persons are employed at home, that is to say, to a private house, room, or place, which though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam,

water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there; or

**1878 Act,
Sched. 3.**

(b.) To a workshop, or part thereof, which is conducted on the system of not employing any child or young person therein.

(a) Young persons are now forbidden to work overtime under this section by section 14 of the Act of 1895. This is one of the most important alterations made by the new Act. The number of occasions of overtime is now reduced from 48 to 30.

(b) By section 37 (2) of the Act of 1895, it is provided that before the word "factories" in this schedule, shall be inserted the word "non-textile."

(c) By section 37 (2) of the Act of 1895, the words "and also" are repealed; and in place of (x.) is substituted the following paragraph:—

"The said exception applies also to any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing-up goods."

The grounds upon which overtime may be worked are shown by the division of the trades into three classes, the headings to which describe the circumstances which justify the working of overtime.

By Order, gazetted 22nd December, 1882, this exception has been extended to,—

Die-sinking,

Card board making,

Paper colouring and enamelling,

Rolling of tea-lead,

The making of gasholders, boilers, and other apparatus partly manufactured in the open air.

The following non-textile factories and workshops, viz.:

Dressing floors,

Tin streams,

China clay pits, and

Quarries,

} in the county of
Cornwall.

Non-textile factories in which the only processes carried on are the processes of calendering, finishing, hooking, lapping, or making up and packing of any yarn or cloth, or any of such processes.

Workshops wherein the manufacture of fireworks is carried on, and Factories, by Order, gazetted 17th October, 1890.

And by Order, gazetted 27th November, 1883, to—

The making of pork pies.

1878 Act,
Sched. 3.

And by Order, gazetted 14th March, 1884, to—
The processes of warping, winding, or filling, or either of them, as incidental to the weaving of ribbons in workshops.

And by Order, gazetted 2nd September, 1884, to—

The processes carried on in non-textile factories of calendering, finishing, hooking, lapping, or making up and packing of any yarn or cloth, or any of such processes, and none other.

By Order, gazetted 10th May, 1887—

Bleach works and dye works in Lancashire and Cheshire are exempted from the preceding Order of 2nd September, 1884.

By Order, gazetted 1st April, 1888—

Male young persons employed in pattern card making.

By Order, gazetted 17th September, 1889—

Milling, perforating, and gumming postage and inland revenue stamps.

PART FOUR.

Additional Half Hour.

Section 48.

Factories in which a child, young person, or woman may be employed for an additional half hour.

The exception with respect to the employment of a child, young person, or woman for a further period of thirty minutes where the process is in an incomplete state applies to the factories following, that is to say :—

- (a.) Bleaching and dyeing works ;
- (b.) Print works ;
- (c.) Iron mills in which male young persons are not employed during any part of the night ;
- (d.) Foundries in which male young persons are not employed during any part of the night ; and
- (e.) Paper mills in which male young persons are not employed during any part of the night.

(The trades here enumerated are those to which the modification applied in the Factory Acts, 1867 and 1870.)

By Order, gazetted 22nd December, 1882, this exception has been extended to—

Non-textile factories and workshops or parts thereof in which is carried on the process of baking of bread or biscuits.

The following non-textile factories and workshops, viz.:

Dressing floors,	} in the county of Cornwall.
Tin streams,	
China clay pits, and	
Quarries,	

PART FIVE.

Overtime for Perishable Articles.

The exception with respect to the employment of women for ninety-six days(a) in any twelve months during a period of employment beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening applies to a factory or workshop or part thereof in which any of the following processes is carried on ; namely,—

- The process of making preserves from fruit ;
- The process of preserving or curing fish ; or
- The process of making condensed milk.

By Order, gazetted 22nd August, 1893—

Non-textile factories in which are carried on the occupations of preparing cream, and making butter and cheese.

(a) By section 14 (2) of the Act of 1895 this period is reduced to sixty days (see p. 206).

PART SIX.

Night Work.

The exception with respect to the employment of male young persons(a) during the night applies to the factories following, that is to say,—

- (a.) Blast furnaces ;
- (b.) Iron mills ;
- (c.) Letterpress printing works ; and
- (d.) Paper mills.

Nightwork was legal in the trades enumerated, and in any factory in which the machinery was moved by water, by the Factory Act, 1867, but as the recovery of time lost is now authorised in water mills by section 57, nightwork will not be legal in such works.

By Order, gazetted 22nd December, 1882, this exception has been extended so far as regards male young persons of at least 16 years of age in

- Oil and seed crushing mills,
- Copper and yellow metal rolling mills,
- Iron and metal tube works in which the furnaces used are Siemens' gas furnaces,

The knocking out and cutting departments of non-textile factories engaged in the refining of loaf sugar.

Such parts of mineral dressing floors in Cornwall (whether non-textile factories or workshops) as are appropriated to the processes of calcining and stamping.

1878 Act.
Sched. 3.

Section 56.

Factories and work-shops in which women may be employed for 14 hours a day.

Section 58.

Factories in which male young persons may be employed at night.

1878 Act,
Sched. 3.

By Order, gazetted 29th June, 1888—

The galvanising of metal.

By Order, gazetted 14th June, 1889—

Metal tube works.

By Order, gazetted 18th May, 1894—

China clay works.

By Order, gazetted 3rd July, 1894—

The process of iron ore washing.

(a) After the 1st January, 1897, young persons "of fourteen years of age and upwards" by section 14 of the Act of 1895 (p. 206). See also section 38 of same Act as to shifts (p. 231).

Section 48.

PART SEVEN.

Spell.

Continuous employment of children, young persons, and women for five hours in certain textile factories during the winter months.

The exception respecting the continuous employment in certain textile factories during the winter months of children, young persons, and women without an interval of at least half an hour for a meal for the same period as in a non-textile factory, applies to textile factories solely used for—

(a.) The making of elastic web ; or

(b.) The making of ribbon ; or

(c.) The making of trimming.

By Order, gazetted 22nd December, 1882, this exception has been extended to

Hosiery factories.

Woollen factories in the counties of Oxford, Wilts, Worcester, Gloucester, and Somerset.

Factories in which the only processes carried on are those of winding and throwing of raw silks or either of those processes.

FOURTH SCHEDULE.

LIST OF FACTORIES AND WORKSHOPS.

Sections 93,
96.

PART ONE.

Non-Textile Factories."Print
works."

(1.) "Print works," that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper ;

"Bleaching
and dyeing
works."

(2.) "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making

up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on ;

1878 Act,
Sched. 4.

(3.) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware of any description, except bricks and tiles not being ornamental tiles ;(a)

"Earthen-
ware
works."

(4.) "Lucifer match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood ;

"Lucifer
match
works."

(5.) "Percussion cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps ;

"Percussion
cap works."

(6.) "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other materials that is used in making the cases of the cartridges ;

"Cartridge
works."

(7.) "Paper staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power ;

"Paper
staining
works."

(8.) "Fustian cutting works," that is to say, any place in which persons work for hire in fustian cutting ;

"Fustian
cutting
works."

(9.) "Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on ;

"Blast
furnaces."

(10.) "Copper mills ;"

"Copper
mills."

(11.) "Iron mills," that is to say, any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel ;

"Iron
mills."

(12.) "Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on ; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work ;

"Found-
ries."

(a) The words "or china" are inserted by the Act of 1891, section 38.

1878 Act, Sched. 4. (13.) "Metal and indiarubber works," that is to say, any premises in which steam, water, or other mechanical power is used for moving machinery employed in the manufacture of machinery, or in the manufacture of any article of metal not being machinery, or in the manufacture of indiarubber or gutta-percha or of articles made wholly or partially of indiarubber or gutta-percha ;

"Metal and indiarubber works."

"Paper mills."

(14.) "Paper mills," that is to say, any premises in which the manufacture of paper is carried on ;

"Glass works."

(15.) "Glass works," that is to say, any premises in which the manufacture of glass is carried on ;

"Tobacco factories."

(16.) "Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on ;

"Letterpress printing works."

(17.) "Letterpress printing works," that is to say, any premises in which the process of letterpress printing is carried on ;

"Bookbinding works."

(18.) "Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on ;

"Flax scutch mills."

(19.) Flax scutch mills.

"Finishing."—It was held in the case of *Howarth v. Coles*, 31 L. J. M. C. 262, that "the finishing spoken of in the 7th and 11th sections of the 23 & 24 Vict. c. 78, refers to the process of finishing which is incidental to dyeing, and not to the dealing with fabrics which are neither bleached nor dyed."

The definition in the 23 & 24 Vict. c. 78, was as follows:—"Any buildings, &c., &c., in the occupation of bleaching, dyeing, or finishing of any yarn or cloth, &c."

This definition was extended subsequently by the 26 & 27 Vict. c. 38, and the 27 & 28 Vict. c. 98, and the definition in the schedule is the combination of the definitions as last settled by the last-named statute.

Paper Mills.—In the case of *Coles v. Dickinson*, 10 L. T. (N.S.) 616, it was decided that a factory at Manchester, occupied by Messrs. Dickinson, employed in manufacturing cotton waste into a material called "half-stuff," which was afterwards conveyed to their mill in Hertfordshire and there manufactured into paper, was not a factory under the Textile Acts, but a paper mill.

Flax Scutch Mills.—For special regulations, see section 62 (p. 79).

Sections 93,
96.

PART TWO.

Non-Textile Factories and Workshops.

"Hat works."

(20.) "Hat works," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on ;(a)

(21.) "Rope works," that is to say, any premises being a ropery, ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power ;(b)

1878 Act,
Sched. 4,

"Rope
works."

(22.) "Bakehouses," that is to say, any places in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived ;(c)

"Bake-
houses."

(23.) "Lace warehouses," that is to say, any premises, room, or place not included in bleaching and dyeing works as hereinbefore defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water, or other mechanical power ;

"Lace ware-
houses."

(24.) "Shipbuilding yards," that is to say, any premises in which any ships, boats, or vessels used in navigation are made, finished, or repaired ;(d)

"Shipbuild-
ing yards."

(25.) "Quarries," that is to say, any place, not being a mine, in which persons work in getting slate, stone, coprolites, or other minerals ;(e)

"Quarries."

(26.) "Pit banks," that is to say, any place above ground adjacent to a shaft of a mine in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1872, or the Metalliferous Mines Regulation Act, 1872, whether such place does or does not form part of the mine within the meaning of those Acts.(f)

"Pit-
banks."

35 & 36 Vict.
c. 76.
35 & 36 Vict.
c. 77.

(a) *Hat Works*.—Where textile material undergoes a process of manufacture preparatory to its being made into hats, looking to the case of *Coles v. Dickinson* (see Paper Mills), such preparatory process would be a hat works and not a textile factory.

(b) *Rope Works*.—The law in respect to these works remains unaltered. A rope works in which the material is spun into yarn, and then laid or twisted into rope or twine by steam or water power, is a textile factory. But a rope works in which the yarn is only laid or twisted into rope or twine by steam or water power, and which has no internal communication with a factory in which the yarn has been spun, will be a non-textile factory. If the yarn be laid or twisted by hand wheel the premises will be a workshop.

(c) *Bakehouses* are divided into wholesale bakehouses and retail bakehouses.

In wholesale bakehouses all regulations are enforced by the inspector of factories, as also in retail bakehouses in which power is used.

1878 Act,
Sched. 4.

In the other retail bakehouses the regulations as to hours of work, meals, and as to holidays, are enforced by the inspector of factories. The cleanliness, &c., is under the supervision of the local authorities. See Factory and Workshop Act, 1883, s. 17.

(d) *Shipbuilding Yards*.—This definition and the enactment in section 93 is rendered necessary by the decision of the Court of Queen's Bench in the case of *Palmer Shipbuilding Company v. Chaytor*, 38 L. J. M. C. 63.

The court held, under the definition of "article" in the Factory Act, 1867, that a ship was not an article, and a person employed solely in and upon a ship would not be within the operation of the Factory or Workshop Acts, although an article which would eventually form part of a ship was held to be within the definition of "article" in the Act of 1867.

(e) *Quarries*.—It was held in the case of *Kent v. Astley*, 39 L. J. M. C. 3, that "a slate quarry occupying with its accessories a large tract of land uninclosed and approachable by no definite road or entrance, and furnished with covered sheds to which the rough blocks of material when raised are conveyed, and there converted by a manufacturing process into slabs, flags, and other saleable articles is not within the meaning of the term premises in 30 & 31 Vict. c. 103. The case of a cement works, *Redgrave v. Lee* (L. R. 9 Q. B. 363), was decided upon the same grounds. Hence the necessity for the special enactment in section 93.

(f) *Pit Banks*.—The employment of women above ground is not under any restriction under the Metalliferous Mines Regulation Act, and consequently all labour above ground at a metalliferous mine will be subject to the provisions of this Act.

The employment of women above ground is under restrictions by the Coal Mines Regulation Act: for instance, a woman may not be employed between 9 P.M. and 5 A.M. nor on Sundays, nor after 2 P.M. on Saturdays; and due intervals must be allowed for meals.

If women only be employed in connection with a metalliferous mine, or in connection with a coal mine, in such circumstances as to exclude them from the operation of the Coal Mines Regulation Act, and their labour be not in connection with a steam engine or other mechanical power, they will then be subject only to the provisions in section 15, part 2 of this Act, as amended by section 13 of the Act of 1891. If children or young persons are also employed then they will be subject to the whole of the provisions of this Act.

The control of quarries, and the works adjacent thereto, is now transferred under certain conditions to the inspectors of mines by 57 & 58 Vict. c. 42 (An Act to provide for the better Regulation of Quarries).

FIFTH SCHEDULE.

SPECIAL EXEMPTIONS.

Straw plaiting. Pillow-lace making. Glove making.

SIXTH SCHEDULE.

Acts Repealed.

1878 Act,
Sched. 6.

Section 107.

Session and Chapter.	Title of Act.	Extent of Repeal.
42 Geo. 3, c. 73.	An Act for the preservation of the health and morals of apprentices and others employed in cotton and other mills, and cotton and other factories.	The whole Act.
3 & 4 Will. 4, c. 103.	An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom.	The whole Act.
7 & 8 Vict. c. 15.	An Act to amend the laws relating to labour in factories.	The whole Act.
9 & 10 Vict. c. 40.	An Act to declare certain ropeworks not within the operation of the Factory Acts.	The whole Act.
13 & 14 Vict. c. 54.	An Act to amend the Acts relating to labour in factories.	The whole Act.
16 & 17 Vict. c. 104.	An Act further to regulate the employment of children in factories.	The whole Act.
19 & 20 Vict. c. 38.	The Factory Act, 1856.	The whole Act.
24 & 25 Vict. c. 117.	An Act to place the employment of women, young persons, youths, and children in lace factories under the regulations of the Factories Acts.	The whole Act.
26 & 27 Vict. c. 40.	The Bakehouse Regulation Act, 1863.	The whole Act.
27 & 28 Vict. c. 48.	The Factory Acts Extension Act, 1864.	The whole Act.

1878 Act, Sched. 6.	Session and Chapter.	Title of Act.	Extent of Repeal.
	29 & 30 Vict. c. 90.	The Sanitary Act, 1866.	The following words (so far as unrepealed) in section 19, "not already under the operation of any general Act for the regulation of factories or bake-houses."
	30 & 31 Vict. c. 103.	The Factory Acts Extension Act, 1867.	The whole Act.
	30 & 31 Vict. c. 146.	The Workshop Regulation Act, 1867.	The whole Act.
	33 & 34 Vict. c. 62.	The Factory and Workshop Act, 1870.	The whole Act.
	34 & 35 Vict. c. 19.	An Act for exempting persons professing the Jewish religion from penalties in respect of young persons and females professing the said religion working on Sundays.	The whole Act.
	34 & 35 Vict. c. 104.	The Factory and Workshop Act, 1871.	The whole Act.
	37 & 38 Vict. c. 44.	The Factory Act, 1874.	The whole Act.
	38 & 39 Vict. c. 55.	The Public Health Act, 1875.	The following words in section 4, "more than twenty," and the words "at one time," and the following words in section 91, "not already under the operation of any

Session and Chapter.	Title of Act.	Extent of Repeal.
38 & 39 Vict. c. 55 —(con.),	The Public Health Act, 1875.—(con.)	general Act for the regu- lation of fac- tories or bake- houses."
39 & 40 Vict. c. 79	The Elementary Educa- tion Act, 1876.	Section 8 and the following words in sec- tion 48, "The Factory Acts, 1833 to 1874, as amended by this Act, and includes the Workshop Acts, 1867 to 1871, as amended by this Act."

FACTORY AND WORKSHOP ACT, 1883.

46 & 47 VICT. CAP. 53.

*An Act to amend the Law relating to certain
Factories and Workshops.*

[25th August, 1883.]

BE it enacted as follows :—

1883 Act,
Sect. 1. **1.** This Act may be cited as the Factory and
Workshop Act, 1883.

Short title.

White Lead Factories.

Certificate
of conform-
ity with
Act.

2. After the thirty-first day of December, one thousand eight hundred and eighty-three, it shall not be lawful to carry on a white lead factory unless such factory is certified by an inspector to be in conformity with this Act.

Conditions
of certifi-
cate.

3. (1.) A white lead factory shall not be certified to be in conformity with this Act unless the scheduled conditions, that is to say, the conditions specified in the schedule to this Act, as amended by any order of a Secretary of State under this section, and including any conditions added by any such order, have been complied with.

(2.) A Secretary of State may at any time, by writing under his hand, revoke, alter, add to, or modify all or any of the conditions specified in the schedule to this Act.

Grant of
certificate
on com-

4. Within a reasonable time after written application in that behalf, addressed to the chief in-

pector of factories by the occupier of any white lead factory, such factory shall be inspected by an inspector, and if he finds that the scheduled conditions have been complied with he shall certify to a Secretary of State that the factory is in conformity with this Act; and a copy of the certificate, signed by the inspector, shall be forthwith given to the occupier.

1883 Act,
Sect. 4.
pliance with
conditions.

5. If at any time after a white lead factory has been certified to be in conformity with this Act it appears to an inspector that the factory is not kept in conformity with this Act, he shall forthwith give notice to the occupier specifying in what respects default is made; and unless the default is within a reasonable time after the notice remedied to the satisfaction of an inspector, a Secretary of State may, if he sees fit, withdraw the certificate until the default is remedied.

Withdrawal
of certifi-
cate.

6. The occupier of a white lead factory which, after the thirty-first day of December one thousand eight hundred and eighty-three, is carried on without a certificate under this Act shall for every day during which it is so carried on, be liable on summary conviction to a fine not exceeding two pounds.

Penalty
on carrying
on factory
without
certificate.

[7. (1.) *There shall be established not later than the first day of January one thousand eight hundred and eighty-four, in every white lead factory, such special rules for the guidance of the persons employed therein as may appear best calculated to enforce the use by them of the requirements provided under this*

[Special
rules for
every white
lead
factory.]

1883 Act, *Act, and generally to prevent injury to health in*
Sect. 7. *the course of their employment.*

(2.) *Such special rules when established shall be observed in and about the factory as if they were enacted in this Act.*

(3.) *If any person who is bound to observe the special rules established for any white lead factory acts in contravention of or fails to comply with any of such special rules he shall be liable on summary conviction to a fine not exceeding two pounds ; and the occupier of such factory shall also be liable on summary conviction to a fine not exceeding five pounds, unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing the said rules, to prevent such contravention or non-compliance.*

[Framing
and
approval of
new special
rules.]

8. (1.) *The occupier of every white lead factory shall frame and transmit to the chief inspector, for approval by a Secretary of State, special rules for such factory within three months after the passing of this Act, or within three months after the opening for work of any white lead factory not opened for work before the passing of this Act.*

(2.) *The proposed special rules, together with a printed notice specifying that any objection to such rules on the ground of anything contained therein or omitted therefrom may be sent by any of the persons employed in the factory to the chief inspector, shall, during not less than two weeks before such rules are transmitted to the chief inspector, be posted up in like manner as is provided in this Act respecting the publication of special rules for the information of*

persons employed in the factory: and a certificate that such rules and notice have been so posted up shall be sent to the chief inspector, with the rules signed by the person sending the same. 1883 Act,
Sect. 8.

(3.) The Secretary of State may approve such rules either with or without any omission, alteration or addition, and on his approval being signified in such manner as he may think fit the special rules as approved shall be established. But no such omission, alteration or addition shall be made without sufficient notice to the occupier to enable him to state his objections, if any, thereto.

9. (1.) After special rules are established under this Act in any white lead factory the occupier of such factory may from time to time propose in writing to the chief inspector, for the approval of a Secretary of State, any amendment of such rules or any new special rules, and the provisions of this Act with respect to the original special rules shall apply to all such amendments and new rules in like manner, as near as may be, as they apply to the original rules. [Amend-
ment of
special
rules.]

(2.) A Secretary of State may at any time propose to the occupier of any white lead factory any new special rules or any amendments to the special rules: and such new rules or amendments shall, as settled after time given for consideration of the objections, if any, of the occupier, be established as from a date to be fixed by a Secretary of State and specified therein.

10. If the occupier of any white lead factory to which this Act applies makes any false statement with respect to the posting up of the special rules [False
statements
and trans-
mission of
rules.]

1883 Act,
Sect. 10.

and notices, he shall be liable on summary conviction to a fine not exceeding twenty pounds ; and if special rules for any white lead factory are not transmitted within the time limited by this Act to the chief inspector, for the approval of a Secretary of State, such Secretary may by writing under his hand establish for that factory such special rules as he may see fit, to come into operation as from a date to be fixed by him and specified therein.

[Publica-
tion of
special
rules.]

11. (1.) Printed copies of all special rules for the time being in force in any white lead factory under this Act shall be kept posted up in legible characters in conspicuous places in the factory where they may be conveniently read by the persons employed.

(2.) A printed copy of such rules shall be given by the occupier to any person affected thereby on his or her application.

(3.) If the occupier of any white lead factory fails to comply with any provision of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

[Defacing
copies of
rules, &c.]

12. Every person who pulls down, injures, or defaces any proposed special rules, notice, or special rules when posted up in pursuance of the provisions of this Act with respect to special rules, or any notice posted up in pursuance of the special rules, shall be liable on summary conviction to a fine not exceeding five pounds.]

Sections 7—12, providing for special rules in white lead factories are repealed by the Second Schedule of the Act of 1891 and other provisions are enacted (ss. 8, 9, 11, 12).

Explanation of certain Provisions of Factory, &c., 1883 Act,
Act, 1878. Sect. 13.

13. It is hereby declared that—

(a.) Section fifty-three of the Factory and Workshop Act, 1878, only authorises overtime employment of *young persons*(a) or women to take place in any factory or workshop on *forty-eight* days in the whole in any twelve months ; and that in reckoning such period of *forty-eight*(b) days, every day on which any *young person*(a) or woman has been employed overtime is to be taken into account ; and that

(b.) Section fifty-six of the said Act only authorises overtime employment of women to take place in any factory or workshop on *ninety-six*(c) days in the whole in any twelve months, and that in reckoning such period of *ninety-six* days, every day on which any woman has been employed overtime is to be taken into account.

(a) Young persons may not now be employed overtime under section 53 of the Act of 1878 (see section 14 (1) of the Act of 1895, p. 206).

(b) The period of 48 days is now reduced to 30 (see section 14 (2) of the Act of 1895, p. 206).

(c) The period of 96 days is now reduced to 60 (see section 14 (2) of the Act of 1895, p. 206).

14. Notwithstanding anything in section twelve(a) or section fourteen(b) of the Factory and Workshop Act, 1878, the period of employment for a child in an afternoon set in a factory or

Explanation
of s. 53 of
41 & 42 Vict.
c. 16.

Amendment
as to period
of employ-
ment of
children in
certain
cases.

1883 Act, workshop, where the dinner-time does not begin
Sect. 14. before two o'clock in the afternoon, may begin at noon; provided that in such case the period of employment in the morning set shall end at noon.

This section is intended to meet the case of factories and workshops where the dinner-time is from 2 P.M. to 3 P.M., and it is desired to employ the children in morning and afternoon sets.

(a) See p. 14, *ante*.

(b) See p. 17, *ante*.

Bakehouses.

Regulations
for new
bakehouses.

15. It shall not be lawful to let or suffer to be occupied as a bakehouse, or to occupy as a bakehouse, any room or place [*which was not so let or occupied before the first day of June, one thousand eight hundred and eighty-three*], (a) unless the following regulations are complied with:—

- (i.) No water-closet, earth-closet, privy, or ash-pit shall be within or communicate directly with the bakehouse;
- (ii.) Any cistern for supplying water to the bakehouse shall be separate and distinct from any cistern for supplying water to a water-closet;
- (iii.) No drain or pipe for carrying off fæcal or sewage matter shall have an opening within the bakehouse.

Any person who lets or suffers to be occupied or who occupies any room or place as a bakehouse in contravention of this section shall be liable, on summary conviction, to a fine not exceeding forty shillings, and to a further fine not exceeding five

shillings for every day during which any room or place is so occupied after a conviction under this section. 1883 Act,
Sect. 15.
—

(a) The words in brackets and italics are repealed by section 27 (2) of the Act of 1895 (see p. 223).

16. Where a court of summary jurisdiction is satisfied on the prosecution of an inspector or a local authority that any room or place used as a bakehouse (whether the same was or was not so used before the passing of this Act) is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable, on summary conviction, to a fine not exceeding forty shillings, and on a second or any subsequent conviction, not exceeding five pounds. Penalty for
bakehouse
being unfit
on sanitary
grounds for
use as a
bakehouse.

The court of summary jurisdiction, in addition to or instead of inflicting such fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues.

17. (1.) As respects every retail bakehouse, the provisions of this part of this Act and of sections three, thirty-three, thirty-four, and thirty-five of the Factory and Workshop Act, 1878 (which relate to cleanliness, ventilation, over- Enforce-
ment of law
as to retail
bakehouses
by local
authorities.

1883 Act,
Sect. 17.
—

crowding, and other sanitary conditions), shall be enforced by the local authority of the district in which the retail bakehouse is situate, and not by an inspector under the Factory and Workshop Act, 1878 ; and for the purposes of this section the medical officer of health of the local authority shall have and exercise all such powers of entry, inspection, taking legal proceedings and otherwise, as an inspector under the Factory and Workshop Act, 1878.

[(2.) If any child, young person, or woman is employed in any retail bakehouse, and the medical officer of the local authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.]

(3.) An inspector under the Factory and Workshop Act, 1878, shall not, as respects any retail bakehouse, exercise the powers of entry and inspection conferred by that Act, unless he has notice or reasonable cause to believe that a child, young person, or woman is employed therein.]

Sub-sections 2 and 3 repealed by the Act of 1891, section 39, and Second Schedule ; section 2 is re-enacted as to workshops generally by section 3 of Act of 1891 (see p. 167).

Construc-
tion of Act
and defini-
tions.
41 & 42 Vict.
c. 16.

18. This Act shall be construed as one with the Factory and Workshop Act, 1878 ; and in this Act, unless the context otherwise requires,—

The expression “white lead factory” includes every factory and workshop in which the manufacture of white lead is carried on :

The expression “retail bakehouse” means any bakehouse or place, the bread, biscuits, or

confectionery baked in which are not sold wholesale but by retail in some shop or place occupied together with such bakehouse.^(a) 1883 Act, Sect. 18.

The expression "local authority" means, as respects the City of London and the liberties thereof, the Commissioners of Sewers; as respects the parishes and districts mentioned in the Schedules A. and B. annexed to the Metropolis Management Act, 1855, and any parish to which the said Act may be extended by Order in Council in manner in the said Act provided, the vestries and district boards elected under the said Act; and as respects any urban sanitary district, the urban sanitary authority, and as respects any rural sanitary district, the rural sanitary authority, within the meaning of the Public Health Act, 1875. 18 & 19 Vict. c. 120. 33 & 39 Vict. c. 55.

(a) Not to include any bakehouse which is a factory. Section 36 of Act of 1891 (see p. 192).

Application of Act to Scotland and Ireland.

19. In the application of this Act to Scotland the expression "local authority" means the local authority within the meaning of the Public Health (Scotland) Act, 1867. Application of Act to Scotland, 30 & 31 Vict. c. 101.

20. In the application of this Act to Ireland the expression "local authority" means, as regards any urban sanitary district, the urban sanitary authority, and as regards any rural sanitary district the rural sanitary authority, within the meaning of the Public Health (Ireland) Act, 1878. Application of Act to Ireland, 41 & 42 Vict. c. 52.

1883 Act,
Sched.

THE SCHEDULE.

CONDITIONS OF OBTAINING CERTIFICATE.

(1.) The stacks and stoves in the factory must be efficiently ventilated.

(2.) There must be provided for the use of the persons employed in the factory sufficient means of frequently washing hands and feet, with a sufficient supply of hot and cold water, soap, towels, and brushes.

(3.) There must be provided in addition, for the use of women employed in the factory, sufficient baths, with a sufficient supply of hot and cold water, soap, towels, and brushes.

(4.) There must be provided for the use of the persons employed in the factory (but not in any part of the factory where any work is carried on) a proper room for meals.

(5.) There must be provided for every person working at any tank an overall suit with head covering, and for every person working at any white-bed a respirator or covering for the mouth and nostrils and head covering, and for every person working at any dry stove or rollers an overall suit with head covering, and a respirator or covering for the mouth and nostrils.

(6.) There must be accessible to all persons employed in the factory a sufficient supply of acidulated drink.

N.B.—The special rules for white lead works under section 8 of the Act of 1891, are much more elaborate.

FACTORY AND WORKSHOP ACT, 1891.

54 & 55 VICT. CAP. 75.

An Act to amend the Law relating to Factories and Workshops. [5th August, 1891.]

WHEREAS it is expedient to amend the Factory and Workshop Act, 1878 (hereinafter referred to as the principal Act): ^{41 Vict. c. 16.}

Be it therefore enacted as follows :—

Sanitary Provisions.

1. (1.) If the Secretary of State is satisfied that the provisions of the law relating to public health as to effluvia arising from any drain, privy, or other nuisance, or with respect to cleanliness, ventilation, overcrowding, (a) or limewashing (b) are not observed in any workshops or class of workshops (including workshops conducted on the system of not employing any child, young person, or woman therein) or laundries, he may, if he thinks fit, by order, authorise and direct an inspector or inspectors under the principal Act to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing the said provisions.

1891 Act,
Sect. 1.

Powers of
Secretary of
State as to
sanitary
provisions
in work-
shops.

(2.) An inspector authorised in pursuance of this section shall, for the purpose of his duties, have the same powers with respect to workshops and laundries (c) to which this section applies, as he has under the principal Act as amended by this Act with respect to factories, and may for the same

1891 Act,
Sect. 1.
—

purpose take the like proceedings for punishing or remedying any default in compliance with the said provisions of the law relating to public health as might be taken by the sanitary authority of the district in which the workshops or laundries are situate, and shall be entitled to recover from that sanitary authority all such expenses in and about any proceedings in respect of such workshops or laundries as he may incur and are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

(a) As to overcrowding, the Act of 1895, s. 1 (1), provides that a factory or workshop shall be deemed to be overcrowded, if in any room therein the number of cubic feet in space bears to the number of persons employed at once therein a less proportion than 250, or, if overtime is being worked, 400 cubic feet of space to each person; and section 1 (2) gives the Secretary of State power in certain cases to substitute higher figures than those given above (see p. 197).

(b) See the Public Health Act, 1875, s. 44, as to lime-washing.

(c) Cf. section 22 of the Act of 1895, as to laundries.

Powers of
factory
inspector
after notice
to sanitary
authority.

2. (1.) Section four of the principal Act shall apply to workshops conducted on the system of not employing any child, young person, or woman therein, and to laundries.

(2.) Where notice of an act, neglect, or default is given by an inspector under the said section four, as amended by this Act, to a sanitary authority, and proceedings are not taken *within a reasonable time*(a) for punishing or remedying the act, neglect, or default, the inspector may take the like proceedings for punishing or remedying the same as the sanitary authority might have taken, and shall be entitled to recover from the sanitary authority all such expenses in and about the pro-

ceedings as the inspector incurs and are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.^(b) 1891 Act,
Sect. 2.

(a) By section 3 (2) of the Act of 1895, the words "within a reasonable time" in this section, are replaced by the words "within one month" (see p. 199).

(b) For further provisions see sections 2, 3, and 4 of the Act of 1895 (p. 199).

3. (1.) Sections three and thirty-three of the Factory and Workshop Act, 1878 (which relate to cleanliness, ventilation, and overcrowding in, and limewashing of, factories and workshops), shall cease to apply to workshops.^(a) Enforce-
ment by
sanitary
authority of
sanitary
provisions
as to
workshops.
41 & 42 Vict.
c. 16.

(2.) For the purpose of their duties with respect to workshops (not being workshops to which the Public Health (London) Act, 1891,^(b) applies), a sanitary authority and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings or otherwise, as an inspector under the principal Act. 54 & 55 Vict.
c. 76.

(3.) If any child, young person, or woman, is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector of the district.^(c)

(a) For sections 3 and 33 of the principal Act, see pp. 2 and 46, *ante*.

(b) The sections of the Public Health (London) Act (54 & 55 Vict. c. 76), which apply to workshops and bake-houses are sections 25—27. They will be found on p. 287, *post*.

(c) The words of this sub-section are identical with those of the 27th section of the Public Health (London) Act, 1891 (*post*, p. 289).

4. (1.) Every workshop as defined by the principal Act (including any workshop conducted Cleanliness
and lime-
washing of

1891 Act, on the system of not employing any child, young
 Sect. 4. person, or woman therein), and every workplace
 workshops. within the meaning of the Public Health Act,
 38 & 39 Vict. 1875,(a) shall be kept free from effluvia arising
 c. 55. from any drain, water-closet, earth-closet, privy,
 urinal, or other nuisance, and unless so kept shall
 be deemed to be a nuisance liable to be dealt with
 summarily under the law relating to public health.

(2.) Where on the certificate of a medical officer
 of health or inspector of nuisances it appears to
 any sanitary authority that the limewashing,
 cleansing, or purifying of any such workshop, or
 of any part thereof, is necessary for the health of
 the persons employed therein, the sanitary autho-
 rity shall give notice in writing to the owner or
 occupier of the workshop to limewash, cleanse, or
 purify the same or part thereof, as the case may
 require.

(3.) If the person to whom notice is so given
 fails to comply(b) therewith within the time therein
 specified, he shall be liable to a fine not exceeding
 ten shillings for every day during which he con-
 tinues to make default, and the sanitary authority
 may, if they think fit, cause the workshop or part
 to be limewashed, cleansed, or purified, and may
 recover in a summary manner the expenses in-
 curred by them in so doing from the person in
 default.(c)

(4.) This section shall not apply to any workshop
 54 & 55 Vict. or workplace to which the Public Health (London)
 c. 76. Act, 1891, applies.

(a) By section 52 of the Act of 1895, the expression
 "Public Health Act, 1875," where it occurs in this section,
 shall, in the application of the Factory Acts to Ireland, be

construed as meaning the Public Health (Ireland) Act, 1891 Act, 1878, and the Acts amending the same (see p. 239). **Sect. 4.**

(b) By section 43 of the Act of 1895, failure to enter in the register kept in pursuance of section 77 of the principal Act, the prescribed particulars as to limewashing shall be *prima facie* evidence of failure to observe the provisions of the Factory Acts as to limewashing (see p. 236).

(c) For further provisions see Act of 1895, ss. 29, 30, 31, 32, 33, and 35 (pp. 224—8).

5. In section three of the principal Act, for the word “privy,” shall be substituted the words “water-closet, earth-closet, privy, urinal,” and for the words “injurious to the health of the persons employed therein” shall be substituted the words “dangerous or injurious to the health of the persons employed therein.”(a) Amendment of 41 & 42 Vict. c. 16, s. 3, as to sanitary provisions.

(a) See p. 2, *ante*.

Safety.

6. (1.) The words “near to which any person is liable to pass or to be employed” in sub-section (1) of section five of the principal Act(a) are hereby repealed. Amendment of 41 & 42 Vict. c. 16, s. 5, as to fencing of machinery.

(2.) In sub-section three of the same section(a) before the words “every part” shall be inserted the words “all dangerous parts of the machinery and.”

(a) See p. 5, *ante*.

For further amendments as to the fencing of machinery, see section 7 of the Act of 1895 (p. 201); and for regulations as to the position in which any self-acting machine is to be placed, see section 9 of the same Act (p. 202). Cf. also sections 4 and 8 of the Act of 1895, as to dangerous parts of machinery.

7. (1.) Every factory of which the construction is commenced after the first day of January one thousand eight hundred and ninety-two, and Provision against fire.

1891 Act, in which more than forty persons are employed,
 Sect. 7. shall be furnished with a certificate from the sanitary authority of the district in which the factory is situate that the factory is provided on the storeys above the ground floor with such means of escape in case of fire(a) for the persons employed therein as can reasonably be required under the circumstances of each case, and a factory not so furnished shall be deemed not to be kept in conformity with the principal Act, and it shall be the duty of the sanitary authority to examine every such factory, and on being satisfied that the factory is so provided to give such a certificate as aforesaid.(b)

(2.) With respect to all factories to which the foregoing provisions of this section do not apply, and in which more than forty persons are employed, it shall be the duty of the sanitary authority of every district, as soon as may be after the passing of this Act, and afterwards from time to time, to ascertain whether all such factories within their district are provided with such means of escape as aforesaid, and, in the case of any factory which is not so provided, to serve on the person being within the meaning of the Public Health Act, 1875,(c) the owner of the factory a notice in writing specifying the measures necessary for providing such means of escape as aforesaid, and requiring him to carry out the same before a specified date, and thereupon such owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements, and, unless such requirements are so complied with, such owner shall be

38 & 39 Vict
 c. 75.

liable to a fine not exceeding one pound for every day that such non-compliance continues. In case of a difference of opinion between the owner of the factory and the sanitary authority, the difference shall, on the application of either party, be referred to arbitration, *(d)* and thereupon the provisions of the First Schedule to this Act shall have effect, except that the parties to the arbitration shall be the sanitary authority on the one hand and the owner on the other, and the award on the arbitration shall be binding on the parties thereto. If the owner alleges that the occupier of the factory ought to bear or contribute to the expense of complying with the requirement, he may apply to the county court having jurisdiction where the factory is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case. *(e)*

1891 Act,
Sect. 7.

(3.) All expenses incurred by a sanitary authority in the execution of this section shall be defrayed—

(a.) In the case of an authority of an urban district, as part of their expenses of the general execution of the Public Health Act, 1875 ; and

(b.) In the case of an authority of a rural district, as special expenses incurred in the execution of the Public Health Act, 1875 ; and such expenses shall be charged to the contributory place in which the factory is situate.

(4.) In the application of this section to the administrative county of London, the London

1891 Act,
Sect. 7.
—

18 & 19 Vict.
c. 122.

County Council(*d*) shall take the place of the sanitary authority, and their expenses in the execution of this section shall be defrayed as part of their expenses in the management of the Metropolitan Building Act, 1855, and the Acts amending the same.

(*a*) Further provisions are made by section 10 of the Act of 1895 in respect of escape from fire, as follows:—

By section 10 (1), moveable fire-escapes may be ordered to be provided, on complaint by an inspector, by a court of summary jurisdiction.

By section 10 (2), while people are employed in a factory, doors are not to be bolted or locked so that they cannot be easily opened from the inside.

By section 10 (3), in works constructed after the 1st of January, 1896, doors, if they are not sliding doors, are to be so made as to open outwards (p. 203).

(*b*) By section 10 (4) of the Act of 1895, this sub-section is made to apply to all workshops constructed after 1st of January, 1896, and in which more than forty persons are employed, in like manner as it applies to factories (p. 204).

(*c*) In the application of the Factory Acts to Ireland, section 52 of the Act of 1895 enacts that the expression “Public Health Act, 1875,” as used here, is to be construed as meaning the “Public Health (Ireland) Act, 1878 and the Acts amending the same” (p. 239).

(*d*) By section 11 (1) of the Act of 1895, the application must be made within one month after the time the difference arises (see p. 204), and section 11 (2) provides that where such a difference is referred to arbitration, the notice of the sanitary authority or council shall be discharged, amended, or confirmed in accordance with the award in the arbitration (see p. 205).

(*e*) By section 10 (4) of the Act of 1895, this sub-section is made to apply to all workshops (to which the first part of the sub-section (4) of section 10 of the 1895 Act does not apply), in like manner as it applies to factories.

For the purpose of enforcing the provisions of this section, the inspector, by section 10 (5) of the Act of 1895, is given power to give the like notice and take the like proceedings as under section 4 of the principal Act and section 2 of this Act, and the provisions of those sections shall apply accordingly (see p. 204).

These new regulations provide a penalty on the occupier.

Special Rules and Requirements.

1891 Act,
Sect. 8.

8. (1.) Where the Secretary of State certifies that in his opinion any machinery or process or particular description of manual labour used in a factory or workshop(a) (other than a domestic workshop) is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, or that the provisions for the admission of fresh air is not sufficient, or that the quantity of dust generated or inhaled in any factory or workshop is dangerous or injurious to health, the chief inspector may serve on the occupier of the factory or workshop a notice in writing, either proposing such special rules or requiring the adoption of such special measures as appear to the chief inspector to be reasonably practicable and to meet the necessities of the case.

Special rules and requirements as to dangerous and unhealthy incidents of employment.

(2.) Unless within twenty-one days after receipt of the notice the occupier serves on the chief inspector a notice in writing that he objects to the rules or requirement, the rules shall be established, or, as the case may be, the requirement shall be observed.

(3.) If the notice of objection suggests any modification of the rules or requirement, the Secretary of State shall consider the suggestion and may assent thereto with or without any further modification which may be agreed on between the Secretary of State and the occupier, and thereupon the rules shall be established, or, as the case

1891 Act, may be, the requirement shall be observed, subject
 Sect. 8. to such modification.

(4.) If the Secretary of State does not assent to any objection or modification suggested as aforesaid by the occupier, the matter in difference between the Secretary of State and the occupier shall be referred to arbitration^(b) under this Act, and the date of the receipt of the notice of objection by the Secretary of State shall be deemed to be the date of the reference, and the rules shall be established, or the requisition shall have effect, as settled by an award on arbitration.

(5.) Any notice under this section may be served by post.

(6.) With respect to arbitrations under this Act the provisions in the First Schedule to this Act shall have effect.^(c)

(7.) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of this section.

(a) By section 28 of the Act of 1895, this section and the four following (9, 10, 11, and 12), are declared to extend to workshops conducted on the system of not employing children, young persons, and women, and by the same section a chief inspector may now make special rules as to the employment of persons in dangerous trades to which no objection can be made except, and in the case of adults only, in the House of Commons (see *post*, p. 224).

(b) Provision is now made by section 12 of the Act of 1895 for the representation of workmen on any arbitration under this section, if they apply to be so represented (see p. 205).

(c) See p. 193.

By virtue of this section, the Secretary of State has certified the following occupations to be dangerous, and has required special rules to be observed :—

Processes in—

1891 Act,
Sect. 8.

The manufacture of white lead.

” ” paints, colours,
And in the extraction of arsenic.

The enamelling of iron plates.

(*London Gazette*, 13th May, 1892.)

The manufacture of lucifer matches, except such as
are made with red or amorphous phosphorus.

(*London Gazette*, 7th June, 1892.)

The manufacture of earthenware.

” ” explosives in which di-nitro-
benzole is used.

Chemical works.

Quarries.

(*London Gazette*, 27th December, 1892.)

The manufacture of red, orange, or yellow lead.

Lead smelting.

The tinning and enamelling of iron hollow-ware.

Electric accumulator works.

Flax mills and linen factories.

(*London Gazette*, 5th January, 1894.)

Brass mixing and casting.

(*London Gazette*, 11th May, 1894.)

The tinning and enamelling of metal hollow-ware and
cooking utensils.

(*London Gazette*, 22nd June, 1894.)

Which yellow chromate of lead is used or in which
goods dyed with it undergo the process of bundling
or noddling, winding, reeling, weaving, or any other
treatment.

(*London Gazette*, 19th April, 1895.)

9. (1.) If any person who is bound to observe any special rules established for any factory or workshop under this Act acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable on summary conviction to a fine not exceeding ten pounds, unless he proves that he had taken all reasonable means, by publishing, and to the best

Penalty for
contraven-
tion of
special rules
or require-
ment.

1891 Act, of his power enforcing, the rules to prevent the
Sect. 9. contravention or non-compliance.(a)

(2.) A factory or workshop in which there is a contravention of any requirement made under this Act shall be deemed not to be kept in conformity with the principal Act.

(a) As regards the recovery of the fine and appeal, see section 89 of the Act of 1878, and also the Summary Jurisdiction Acts, 1879 and 1884 (see also note (a) to s. 8, above).

Amendment
of special
rules.

10. (1.) After special rules are established under this Act in any factory or workshop, the Secretary of State may from time to time propose to the occupier of the factory or workshop any amendment of the rules or any new rules; and the provisions of this Act with respect to the original rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules.

(2.) The occupier of any factory or workshop in which special rules are established may from time to time propose in writing to the chief inspector, with the approval of the Secretary of State, any amendment of the rules or any new rules, and the provisions of this Act with respect to a suggestion of an occupier for modifying the special rules proposed by a chief inspector shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to such a suggestion.

See note (a) to section 8, *ante*.

Publication
of special
rules.

11. (1.) Printed copies of all special rules for the time being in force under this Act in any

factory or workshop shall be kept posted up in 1891 Act,
legible characters in conspicuous places in the Sect. 11.
factory or workshop where they may be con-
veniently read by the persons employed. In a
factory or workshop in Wales or Monmouthshire
the rules shall be posted up in the Welsh language
also.

(2.) A printed copy of all such rules shall be given by the occupier to any person affected thereby on his or her application.

(3.) If the occupier of any factory or workshop fails to comply with any provision of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(4.) Every person who pulls down, injures, or defaces any special rules when posted up in pursuance of this Act, or any notice posted up in pursuance of the special rules, shall be liable on summary conviction to a fine not exceeding five pounds.

See note (a) to section 8, *ante*.

12. An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules for the time being established under this Act for any factory or workshop, and a copy so certified shall be evidence (but not to the exclusion of other proof) of those special rules, and of the fact that they are duly established under this Act.

Certified
copies of
special
rules to be
evidence.

See note (a) to section 8, *ante*.

1891 Act,
Sect. 13.

Period of
employment
for women.

Period of Employment.

13. (1.) For sub-section (2) of section fifteen of the principal Act the following sub-section shall be substituted. namely:—

(2.) In a workshop which is conducted on the system of not employing therein either children or young persons, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system—

(a.) The period of employment for a woman shall, except on Saturday, be a specified period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours, taken between six o'clock in the morning and four o'clock in the afternoon; and

(b.) There shall be allowed to a woman for meals and absence from work during the period of employment, a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.(a)

(a) For further regulations as to employment, see sections 14—16 of the Act of 1895 (pp. 206—8).

Notice as
to overtime.

14. (1.) The report required by section sixty-six of the principal Act respecting the employment of a child, young person,(a) or woman in pursuance of an exception relating to employment overtime, must be sent to an inspector not later than eight o'clock in the evening on which the child, young

person, or woman is employed in pursuance of the **1891 Act, Sect. 14.**
exception.

(2.) Where, under the said section sixty-six, the occupier of a factory or workshop is required to make an entry and report respecting the employment overtime of a child, young person, (a) or woman in the factory or workshop, he shall cause a notice containing the prescribed particulars respecting the employment to be kept affixed in the factory or workshop during the prescribed time, and in default of so doing shall be liable, on summary conviction, to a fine not exceeding five pounds.

(a) A young person must now be employed overtime in pursuance of section 53 of the principal Act (s. 14 (1) of the Act of 1895, p. 206).

15. For section eighteen of the principal Act, the following section shall be substituted, namely,—

Period of employment on Saturday for young persons and women not employed more than eight hours.

In a non-textile factory or workshop where a young person or woman has not been actually employed for more than eight hours on any day in a week, and notice of such non-employment has been affixed in the factory or workshop and served on the inspector, the period of employment on Saturday in that week for that young person or woman may be from six o'clock in the morning to four o'clock in the afternoon, with an interval of not less than two hours for meals.

**1891 Act,
Sect. 16.***Holidays.*

Amend-
ment of
41 & 42 Vict.
c. 16, s. 22,
as to holi-
days.

16. For sub-section (4) of section twenty-two of the principal Act the following sub-section shall be substituted, namely :

(4.) Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop during the first week in January, and a copy thereof has on the same day been forwarded to the inspector of the district : Provided that any such notice may be changed by a subsequent notice affixed and sent in like manner not less than fourteen days before the holiday or half holiday to which it applies.

This section is somewhat modified by section 17 of the Act of 1895 (p. 209).

Conditions of Employment.

Prohibition
of employ-
ment of
women
after child-
birth.

17. An occupier of a factory or workshop shall not knowingly allow a woman to be employed therein within four weeks after she has given birth to a child.

Prohibition
of employ-
ment of
children
under
eleven years
of age.

18. On and after the first day of January, one thousand eight hundred and ninety-three, no child under the age of eleven years shall be employed in a factory or workshop.

Provided always, that any child lawfully employed under the principal Act, or any Act relating to the employment of children, at the time that

the provisions of this section come into operation, shall be exempt from its provisions.

1891 Act,
Sect. 18.

19. Every certifying surgeon acting under this or the principal Act shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year, and the results of the inspection. (a)

Report of
certifying
surgeon.

(a) A certifying surgeon may, by section 46 of the Act of 1895, be directed by the Secretary of State to make any special inquiry or re-examination of any young person or child, and the expense incurred under this provision shall be defrayed as other expenses incurred by him under the Factory Acts (see p. 237).

20. Where the age of any child or young person under the age of sixteen years is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child or young person, any person shall, on presenting a written requisition, in such form, and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that child or young person; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

Certificate
of birth in
case of
children
and young
persons
under 16.

21. There shall be repealed so much of section sixty-one of the principal Act(a) as enacts that

Amendment
of 41 & 42
Vict. c. 16,
s. 61, as to

1891 Act, the provisions therein mentioned shall not apply to a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.

Sect. 21.
exemption
of certain
workshops-

(a) See p. 76, *ante*.

Miscellaneous.

[Amendment
of 41 & 42
Vict. c. 16,
s. 31, as to
notice of
accidents.]

22. [(1.) *In section thirty-one of the principal Act for the words "and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident" shall be substituted the words "and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop and doing five hours work on any day during the next three days after the occurrence of the accident."*](a)

(2.) The notice required under that section shall, where the person killed or injured is not removed to his own residence, state both his residence and the place to which he has been removed.

(3.) Where a death has occurred by accident in any factory or workshop, the coroner shall forthwith advise the district inspector under this Act of the time and place of the holding of the inquest, and at such inquest any relative of any person whose death may have been caused by the accident with respect to which the inquest is being held, and any inspector under the principal Act, and the occupier of the factory or workshop in which the accident occurred, and any person

appointed by the order in writing of the majority of the workpeople employed in the said factory or workshop shall be at liberty to attend and examine any witness either in person or by his counsel, solicitor, or agent, subject nevertheless to the order of the coroner.

1891 Act,
Sect. 22.
—

(a) This sub-section is repealed by section 18 and schedule 3 of the Act of 1895 which substitutes a new section altogether in place of section 31 of the Act of 1878 which this sub-section amended (see p. 42, *ante*). A register of accidents has to be kept by every occupier of a factory or workshop by section 20 of the Act of 1895 (see p. 212).

23. In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

Inspectors
in Wales and
Monmouth-
shire.

For the appointment, payment, &c., of inspectors, see section 67 of the principal Act.

[24. *Every person who is engaged as a weaver in the cotton, worsted, or woollen, or linen or jute trade, or as a winder, weaver, or reeler in the cotton trade, and is paid by the piece, in or in connection with any factory or workshop, shall have supplied to him with his work sufficient particulars to enable him to ascertain the rate of wages at which he is entitled to be paid for the work, and the occupier of the factory or workshop shall supply him with such particulars accordingly.*

[Particulars
to be supplied
in case of
payment by
piece.]

If the occupier of any factory or workshop fails to supply such particulars then, unless he proves that he has given the best information in his power with respect to such particulars, he shall be liable

1891 Act,
Sect. 24. *for each offence to a fine not exceeding ten pounds and in the case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence not less than one pound.*

Provided always, that in the event of anyone who is engaged as an operative in any factory or workshop receiving such particulars, and subsequently disclosing the same with a fraudulent object or for the purpose of gain, whether they be furnished directly to him or to a fellow workman, he shall be liable for each offence to a fine not exceeding ten pounds.

Provided also, that anyone who shall solicit or procure a person so engaged in any factory to disclose such particulars with the object or purpose aforesaid, or shall pay or reward such person, or shall cause such person to be paid or rewarded, for so disclosing such particulars, shall be guilty of an offence, and shall be liable for each offence to a fine not exceeding ten pounds.](a)

(a) This section is repealed by schedule 3 of the Act of 1895, and section 40 of that Act takes its place, and also makes further provision for the publishing by the occupier of a textile factory of particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied. The Secretary of State may extend these provisions to non-textile factories and workshops (see p. 234).

Powers of
entry.

25. The powers of entry conferred by section sixty-eight of the principal Act on an inspector under that Act may be exercised without the authority or warrant required in certain cases by section sixty-nine of that Act.(a)

(a) The powers of an inspector to take with him a constable under section 68 of the Act of 1878 are extended by

section 45 of the Act of 1895 to a workshop as well as a factory (see p. 237). **1891 Act, Sect. 25.**

26. (1.) Section seventy-five of the principal Act (which requires notice to be given of the occupation of a factory) shall apply to a workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) in like manner as it applies to a factory. Notice of opening workshop.

(2.) Where an inspector receives notice in pursuance of this section with respect to a workshop, he shall forthwith forward the notice to the sanitary authority of the district in which the workshop is situate.

(a) This section should be read in conjunction with the seventy-fifth section of the principal Act (p. 96) which it extends, and with section 41 of the Act of 1895 (p. 235) which contains further provisions as to notice.

27. (1.) The occupier of every factory and workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein), and every contractor employed by any such occupier in the business of the factory or workshop shall, if so required by the Secretary of State by an Order made in accordance with section 65 of the principal Act, and subject to any exceptions mentioned in the order, keep in the prescribed form and with the prescribed particulars lists showing the names of all persons directly employed by him, either as workman or as contractor, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed, and every such list shall be open to inspection by any inspector Lists of out-workers.

1891 Act, under the principal Act or by any officer of a sanitary authority. (a)
Sect. 27.

(2.) In the event of a contravention of this section by the occupier of a factory or workshop, or by a contractor, the occupier or contractor shall be liable to a fine not exceeding forty shillings.

(a) This section is extended by section 42 of the Act of 1895. Besides having to keep a list of outworkers occupiers and contractors, to whom this section applies, have now to send twice a year a copy of that list to the inspector for the district, and for the purposes of the two sections a place from which the work of making wearing apparel for sale is given out is a workshop and so comes within their operation (see p. 236). The other occupations which come within their operation (by virtue of an Order gazetted November 4th, 1892) are :—

The manufacture of articles of wearing apparel.

The manufacture of electro plate.

Cabinet and furniture making and upholstery work.

The manufacture of files.

The forms prescribed by the Secretary of State for the required lists are as follows :—

Out-Workers.

Form for use of Occupier.

FORM PRESCRIBED BY THE SECRETARY OF STATE.

Factory and Workshop Act (54 & 55 Vict. c. 75, s. 27).

(Out-Workers.)

Address of Factory or Workshop.

Name of Occupier of Factory or Workshop.

Business carried on

Name of persons employed by the Occupier outside the Factory (or Workshop) in the business of the Factory (or Workshop), and places where they are employed, viz :—

A. Persons so employed as Workmen.

Christian and Surname.	Place where employed.

B. Persons so employed as Contractors.

1891 Act,
Sect. 27.

Christian and Surname.	Place where employed.

NOTE.—In order that these lists may be correct lists of persons employed at any given time, it will be necessary that the name of any person newly taken into employment should be immediately entered, and the name of any person ceasing to be employed should be immediately struck through.

Out-Workers.

Form for use of Contractor.

FORM PRESCRIBED BY THE SECRETARY OF STATE.

Factory and Workshop Act (54 & 55 Vict. c. 75, s. 27).

(Out-Workers.)

Address of Factory or Workshop.

Name of Occupier of Factory or Workshop.

Business carried on .

Names of persons who are employed outside the Factory (or Workshop) in the business of the Factory (or Workshop), by A. B., a Contractor with the occupier and place where they are employed, viz. :—

A. Persons so employed as Workmen.

Christian and Surname.	Place where employed.

B. Persons so employed as Contractors.

Christian and Surname.	Place where employed.

NOTE.—In order that these lists may be correct lists of persons employed at any given time, it will be necessary that the name of any person newly taken into employment should be immediately entered, and the name of any person ceasing to be employed should be immediately struck out.

1891 Act,
Sect. 28.

Minimum
penalties
in certain
cases.

28. The fine imposed on a conviction under sections sixty-eight, eighty-one, eighty-two, or eighty-three of the principal Act, for any offence in relation to a factory, shall, in case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence, be not less than one pound for each offence.(a)

(a) See pp. 90, 101—3, *ante*.

Limitation
of time for
summary
proceedings.

29. In summary proceedings for offences and fines under the principal Act as amended by any subsequent Act, an information may be laid within three months after the date at which the offence comes to the knowledge of [*a factory inspector*],(a) or in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it shall not be laid after the expiration of six months from the commission of the offence.

(a) By section 44 (2) of the Act of 1895 the words “a factory inspector” are altered to “the factory inspector for the district within which the offence is charged to have been committed.”

Amendment
of 41 & 42
Vict. c. 16,
s. 92.

30. Section ninety-two of the principal Act shall apply to a workshop in like manner as it applies to a factory.(a)

(a) See p. 112, *ante*.

Amendment
of 41 & 42
Vict. c. 16,
s. 93.

31. In section ninety-three of the principal Act for the words “a place solely used as a dwelling shall not be deemed to form part of the factory or workshop for the purposes of this Act,” shall be substituted the words “a room solely used for the

purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act.” (a) 1891 Act,
Sect. 31.

(a) See p. 116, *ante*.

32. Nothing in the principal Act as amended by this Act shall apply to the process of cleaning and preparing fruit so far as is necessary to prevent the spoiling of the fruit on its arrival at a factory or workshop during the months of June, July, August, and September. (a) Saving for persons employed in process of cleaning fruit.

(a) See p. 71, *ante*. Cf. sections 62 and 100 of the Act of 1878.

33. In the application of this Act to Scotland, the following modifications shall be made, namely,— Application to Scotland.

(1.) The expression “Births and Deaths Registration Acts, 1836 to 1874,” shall mean the Acts relating to the registration of births, deaths, and marriages in Scotland :

(2.) The expression “Public Health Act, 1875,” where it occurs in section seven of this Act shall mean the Public Health (Scotland) Act, 1867, and the Acts amending the same :

(3.) The Board of Supervision shall be substituted for the Local Government Board :

(4.) In lieu of Christmas Day, and either Good Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop within a burgh 38 & 39 Vict.
c. 101.

1891 Act,
Sect. 33.

or police burgh, the two days in each year set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, and in such burghs or police burghs where such fast days have been abolished or discontinued there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop in such burghs or police burghs such two whole days in each year, separated by an interval of not less than three months, as shall be fixed by the magistrates or police commissioners in such burghs or police burghs, and such magistrates or police commissioners, as the case may be, are hereby required to fix, and from time to time, if it shall seem expedient to them to do so, to alter such holidays, and give public notice thereof fourteen days before the date at any time fixed.

- (5.) [*Where a death has occurred by accident in any factory or workshop a public inquiry in open court shall be held by the sheriff, upon the petition of any party interested, and the sheriff shall forthwith advise the district inspector under this Act of the time and place of the holding of the inquiry, and at such inquiry any relative of any person whose death has been caused by the accident with respect to which the inquiry is being held, and the occupier or*

manager of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the work-people employed in the said factory or workshop, shall be at liberty to attend and examine any witness, either in person, or by his counsel, solicitor, or agent, subject nevertheless to the order of the sheriff.](a)

1891 Act,
Sect. 33.

(a) This sub-section is repealed by Schedule 3 of the Act of 1895 (p. 242).

For present regulations as to notice of accidents, see section 18 of the Act of 1895 (p. 210).

34. For sub-section (2) of section one hundred and six of the principal Act, the following sub-section shall be substituted :—

Amendment
of 41 Vict.
c. 16, s. 106,
as to holi-
days in
Ireland.

(2.) In lieu of any two half-holidays allowed under the provisions of sub-section (2) of section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of the seventeenth day of March, when that day does not fall on a Sunday, or at the option of the occupier of the factory or workshop, either Good Friday (unless that day is otherwise fixed as a holiday) or Easter Tuesday.(a)

(a) Further as to holidays, see section 17 of the Act of 1895 (p. 209).

35. The fee to be charged in pursuance of section one hundred and four of the principal Act shall not exceed sixpence, and that section shall

Amendment
of 41 & 42
Vict. c. 16,
s. 104.

1891 Act,
Sect. 35.
— apply in the case of a young person under the age of sixteen years in like manner as it applies in the case of a child.(a)

(a) Form of Requisition for Ireland prescribed by Secretary of State, dated 19th June, 1895.

Amendment
of 46 & 47
Vict. c. 33,
s. 18.

36. The expression “retail bakehouse” in the Factory and Workshops Act, 1883, shall not include any place which is a factory within the meaning of the principal Act.

Definitions
of “machinery” and
“domestic workshop.”

37. (1.) For the purposes of the principal Act and this Act the expression “machinery” shall include any driving strap or band, and the expression “process” shall include the use of any locomotive.

(2.) In this Act the expression “domestic workshop” means a workshop to which section sixteen of the principal Act applies.(a)

(a) See p. 22, *ante*.

Amendment
of 41 & 42
Vict. c. 16,
Sch. IV.

38. There shall be added in line three, subsection (3), of the Fourth Schedule of the principal Act, after “earthenware” the words “or china.”(a)

(a) See p. 146, *ante*.

Repeal.

39. The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Provided that any special rules or requirements made under any enactment repealed by this Act shall continue to have effect as if made under this Act, and the provisions of this Act shall apply thereto accordingly.

40. This Act shall, except where it is otherwise expressed, come into operation on the first day of January one thousand eight hundred and ninety-two.

**1891 Act,
Sect. 40.**
Commence-
ment of Act.

41. (1.) This Act may be cited as the Factory and Workshop Act, 1891, and shall be construed as one with the Factory and Workshop Act, 1878.

Short title
and con-
struction.
41 & 42 Vict.
c. 16.
46 & 47 Vict.
c. 53.
52 & 53 Vict.
c. 62.

(2.) The Factory and Workshop Act, 1878, the Factory and Workshop Act, 1883, and the Cotton Cloth Factories Act, 1889, may, together with this Act, be cited collectively as the Factory and Workshops Acts, 1878 to 1891.

SCHEDULES.

—◆—
FIRST SCHEDULE.

1. The parties to the arbitration are in this schedule deemed to be the occupiers of the factory or workshop on the one hand and the chief inspector, on behalf of the Secretary of State, on the other.

Sections 7, 8.

2. Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

3. No person shall act as arbitrator or umpire under this Act who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

4. The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.

5. The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

6. If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the

1891 Act, matter in difference, and in that case the award of the single arbitrator shall be final.

Sched. 1.

7. If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

8. In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator who shall then act as if no failure had occurred.

9. If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.

10. The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

11. If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

12. If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

13. The decision of every umpire on the matters referred to him shall be final.

14. If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

15. Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

16. The arbitrators and the umpire, or any of them may

examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult. 1891 Act,
Sched. 1.

17. The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain, and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under the principal Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of non-payment be recovered in the same manner as fines under the principal Act.

SECOND SCHEDULE.

Section 39.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 16.	The Factory and Workshop Act, 1878.	<p>In section three, the words "and a workshop," and "or workshop" wherever they occur.</p> <p>In section five, sub-section (1), the words "near to which any person is liable to pass or to be employed."</p> <p>Sections six, seven, and eight.</p> <p>Section fifteen, from "and" at the end of sub-section (1) to the end of the section.</p> <p>In section twenty-two, sub-section (4).</p> <p>In section thirty-one the words "and is of such a nature as to prevent the person injured by it from</p>

1891 Act,
Sched. 2.SECOND SCHEDULE—*continued.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 16.	The Factory and Workshop Act, 1878.	<p>returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident."</p> <p>In section thirty-three the words "and workshop," "or workshop," and "or workshops," wherever they respectively occur.</p> <p>Section sixty-one, from "or" at the end of the paragraph marked (a) to the words "workshop on that system."</p> <p>Section sixty-nine.</p> <p>Section ninety-one, from "(1.) The information shall be laid" to "commission of the offence."</p> <p>In section one hundred and one, the words "or workshop."</p>
46 & 47 Vict. c. 53.	The Factory and Workshop Act, 1883.	Sections seven to twelve and sub-sections (2) and (3) of section seventeen.
51 & 52 Vict. c. 22.	The Factory and Workshop Amendment Scotland (Act), 1888.	The whole Act.
52 & 53 Vict. c. 62.	The Cotton Cloth Factories Act, 1889.	Section twelve.

FACTORY AND WORKSHOP ACT, 1895.

58 & 59 VICT. CAP. 37.

*An Act to amend and extend the Law relating to
Factories and Workshops.*

[6th July, 1895.]

BE it enacted as follows :

GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

Sanitary Provisions and Safety.

1895 Act,
Sect. 1.

1. (1.) A factory shall for the purpose of section three of the principal Act, and a workshop shall for the purpose of the law relating to public health, be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed at once in the room a proportion less than two hundred and fifty, or, during any period of overtime, four hundred cubic feet of space to every person.(a)

Over-
crowding of
factory or
workshop.

(2.) Provided that the Secretary of State may, by order made in accordance with section sixty-five of the principal Act, modify this proportion for any period during which artificial light other than electric light is employed for illuminating purposes, and may by like order, as regards any particular manufacturing process or handicraft,

1895 Act,
Sect. 1.
— substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and thereupon this section shall have effect as modified by the order.(b)

(3.) Section seventy-eight of the principal Act shall be read as if there were included among the notices required by that section to be affixed a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of this section.(c)

(a) This section is definitive of section 3 of the principal Act as amended by section 3 of the Act of 1891. Overcrowding is here defined for the first time (see p. 2, ante).

(b) New power given to Secretary of State.

(c) New notice required. For other notices required, see section 78 of the principal Act (p. 98, ante).

Power to
make order
as to
dangerous
factory or
workshop.

2. (1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any place used as a factory or workshop or as part of a factory or workshop is in such a condition that any manufacturing process or handicraft carried on therein cannot be so carried on without danger to health or to life or limb, by order, prohibit the place from being used for the purpose of that process or handicraft, until such works have been executed as are in the opinion of the court necessary to remove the danger.

(2.) Provided that proceedings shall not be taken under this section in cases where proceedings might be taken by or at the instance of any sanitary authority under the provisions of the law relating to public health, unless the inspector is authorised to take proceedings in pursuance of section one or section two of the Act of 1891.(a)

(3.) If there is any contravention of an order under this section the occupier of the place shall be liable to a fine not exceeding forty shillings a day during such contravention. ^{1895 Act, Sect. 2.} (b)

(a) See pp. 165, 166, *ante*.

(b) See also section 4 as to court of summary jurisdiction's powers to make order as to dangerous machine. The powers given to the court under these two sections are new.

3. (1.) Where notice of an act, neglect, or default is given by an inspector under section four of the principal Act (a) to a sanitary authority, it shall be the duty of the sanitary authority to inform the inspector of the proceedings taken in consequence of the notice. ^{Provision as to notice to sanitary authority.}

(2.) In section two of the Act of 1891, for the words "within a reasonable time" shall be substituted the words "within one month." (b)

(a) See p. 4, *ante*.

(b) See p. 166, *ante*.

4. (1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any machine used in a factory or workshop is in such a condition that it cannot be used without danger to life or limb, by order prohibit the machine from being used, or, if it is capable of repair or alteration, from being used until it is duly repaired or altered. ^{Power to make order as to dangerous machine.}

(2.) Where a complaint has been made under this section the court or a justice may, on application *ex parte* by the inspector, and on receiving evidence that the use of any such machine involves imminent danger to life, make an interim order prohibiting either absolutely or subject to condi-

1895 Act, tions the use of the machine until the earliest
Sect. 4. opportunity for hearing and determining the
— complaint.

(3.) If there is any contravention of an order under this section, the person entitled to control the use of the machine shall be liable to a fine not exceeding forty shillings a day during such contravention.

An entirely new provision.

Penalty for
employment
of persons
in places
injurious
to health.

5. (1.) If an inspector gives notice in writing to the occupier of a factory or workshop, or to any contractor employed by any such occupier, that any place in which work is carried on for the purpose of or in connection with the business of the factory or workshop is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor after the expiration of one month from receipt of the notice gives out work to be done in that place, and the place is found by the court having cognizance of the case to be so injurious or dangerous, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(2.) This section shall apply in the case of the occupier of any place from which any work is given out as if that place were a workshop.

(3.) Provided that this section shall not apply except in the case of persons employed in such classes of work, and in the case of persons giving out employment and employed within such areas, as may from time to time be specified by the Secretary of State by order made in accordance

with section sixty-five of the principal Act, and no such order shall be made except with respect to an area where, by reason of the number and distribution of the population or the conditions under which work is carried on, there are special risks of injury or danger to the health of the persons employed and of the district.^(a)

1895 Act,
Sect. 5.

(a) For enactments of 1878 and 1891 referring to employment, as supplemented by this section, see pp. 2, 173, *ante*.

6. If any occupier of a factory or workshop or laundry or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired in any dwelling-house or building occupied therewith, whilst any inmate of the dwelling-house is suffering from scarlet fever or smallpox, then, unless he proves that he was not aware of the existence of the illness in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be liable to a fine not exceeding ten pounds.

Penalty for allowing wearing apparel to be made in place where there is infectious disease.

A new provision.

7. (1.) In paragraph (1) of section five of the principal Act for the words "a steam engine and water wheel" shall be substituted the words "any water wheel or engine worked by any such power."

Amendment of 41 & 42 Vict. c. 16, s. 5, as to fencing.

(2.) In paragraph (3) of the same section after the word "employed," the words "or working" shall be inserted.

(3.) In paragraph (4) of the same section for the words "for the purpose of any manufacturing process" shall be substituted the words "except

1895 Act, where the parts are under repair or under examination in connection with repair, or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine.”

See Act of 1878, s. 5 (p. 5).

Amendment of 41 & 42 Vict. c. 16, s. 9, as to restriction on cleaning of machinery in motion.

8. The first paragraph of section nine of the principal Act (which relates to the cleaning of machinery) shall apply, so far as the dangerous parts of machinery are concerned, to young persons in like manner as it applies to children, and for this purpose such parts of the machinery shall, unless the contrary is proved, be presumed to be dangerous as are so notified by an inspector to the occupier of the factory.(a)

(a) This section is an extension of the provisions of the 9th section of the Act of 1878, for which see p. 11, *ante*.

Regulation as to position of self-acting machine.

9. (1.) In a factory erected after the commencement of this Act, the traversing carriage of any self-acting machine shall not be allowed to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it so runs out is a space over which any person is liable to pass, whether in the course of his employment or otherwise.

(2.) A person employed in a factory shall not be allowed to be in the space between the fixed and the traversing portions of a self-acting machine unless the machine is stopped with the traversing portion on the outward run, but for the purpose of this provision the space in front of a self-acting

machine shall not be included in the space aforesaid. 1895 Act,
Sect. 9.

(3.) A factory in which a traversing carriage is allowed to run out in contravention of this section shall be deemed not to be kept in conformity with the principal Act, and any person allowed to be in the space aforesaid in contravention of this section, shall be deemed to be employed contrary to the provisions of the principal Act. (a)

(a) A new provision as to self-acting machines supplementary to sections 5 and 9 of the principal Act and section 6 of the Act of 1891 (see pp. 5, 11, 169, *ante*).

10. (1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that the provision of a moveable fire escape or moveable fire escapes is required for the safety of any of the persons employed in a factory or workshop, by order require the occupier of the factory or workshop to provide and maintain a moveable fire escape or moveable fire escapes sufficient for that purpose. Provisions
for escape
from fire.

(2.) While any person employed in a factory or workshop is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, shall not be locked or bolted or fastened in such a manner that they cannot be easily and immediately opened from the inside.

(3.) In every factory or workshop the construction of which is commenced after the commencement of this Act, the doors of each room in which more persons than ten are employed, shall, except

1895 Act, in the case of sliding doors, be constructed so as
Sect. 10. to open outwards.

(4.) Sub-section one of section seven of the Act of 1891 shall apply to all workshops the construction of which is commenced after the commencement of this Act, and in which more than forty persons are employed, in like manner as it applies to factories, and sub-section two of that section shall apply to all workshops to which the foregoing provision of this sub-section does not apply, in like manner as it applies to factories.

(5.) For the purpose of enforcing the provisions of section seven of the Act of 1891 with respect to fire escapes, an inspector may give the like notice and take the like proceedings as under section four of the principal Act and section two of the Act of 1891, and the provisions of those sections shall apply accordingly.

(6.) If there is any contravention of an order under this section the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings a day during such contravention, and a factory or workshop in which there is a contravention of the requirements of this section shall be deemed not to be kept in conformity with the principal Act. (a)

(a) The first three sub-sections are new. Sub-sections (4) and (5) extend section 7 of the Act of 1891 (p. 169). The occupier is hereby made responsible for observance of the above provisions.

Provision as
to arbitra-
tion with
respect to
fire escapes.

11. (1.) An application to refer, under section seven of the Act of 1891, a difference as to a notice by a sanitary authority or by the London County

Council must be made within one month after the time when the difference arises. 1895 Act,
Sect. 11.

(2.) Where such a difference is referred to arbitration, the notice of the sanitary authority or council shall be discharged, amended, or confirmed in accordance with the award in the arbitration.(a)

(a) This section provides a limit of time within which an application to refer to arbitration must be made, in extension of section 7 (2) of the Act of 1891 (see p. 169).

12. Where any matter in difference is referred to arbitration under section eight of the Act of 1891, the arbitrators or umpire may, on the application of any of the workmen employed in the class of employment to which the arbitration relates, and on such security, if any, as may appear to the arbitrators or umpire sufficient to provide for the costs of and consequential on the application, appoint any person to represent the workmen, or any class of them, on the arbitration, and any person so appointed shall be entitled to attend and take part in the proceedings of the arbitration either in person or by his counsel, solicitor, or agent to such extent and in such manner as the arbitrators or umpire may direct, and shall be subject to the same liability with respect to such costs as aforesaid as if he were a party to the arbitration.(a)

Representation of workmen on arbitration as to special rules.

(a) A new provision. For reference to arbitration, see p. 170, *ante*.

13. Section eighty-two of the principal Act, which provides penal compensation to persons injured by neglect to fence machinery, shall extend

Extension of 41 & 42 Vict. c. 16, s. 82, to death or injury

1895 Act, to any death or bodily injury or injury to health
 Sect. 13. in consequence of the occupier of a factory or
 caused by workshop having neglected to observe any pro-
 neglect of Act or vision of the Factory Acts or any special rule or
 special rules. requirement made in pursuance of the Act of 1891.
 Provided that in the case of injury to health the
 occupier shall not be liable under this section
 unless the injury was caused directly by such
 neglect.(a)

(a) See Act of 1878, s. 82 (p. 102).

Employment.

Restriction
 of overtime
 employ-
 ment.

14. (1.) A young person shall not be employed
 overtime in pursuance of section fifty-three of the
 principal Act.

(2.) A woman shall not be employed overtime
 in pursuance of section fifty-three of the principal
 Act for more than three days in any one week or
 for more than thirty days in any twelve months,
 and shall not be employed overtime in pursuance
 of section fifty-six of the principal Act for more
 than sixty days in any twelve months; and,
 accordingly, in section fifty-three the words "three
 days," and "thirty days," shall be substituted for
 the words "five days," and "forty-eight days,"
 and in section fifty-six the words "sixty days"
 shall be substituted for the words "ninety-six
 days."

(3.) Section fifty-eight of the principal Act
 shall, from and after the first day of January one
 thousand eight hundred and ninety-seven, apply
 only to male young persons of fourteen years of

age or upwards, and the powers of the Secretary of State under section sixty-three of the principal Act shall extend to making orders as to the total number of hours of employment in each week, the periods of employment, and the intervals between such periods, which are to be conditions of the employment of young persons at night, and to rescinding such orders. 1895 Act,
Sect. 14.

(4.) Section fifty-eight of the principal Act shall not authorise in any factory specified in Part Six of the Third Schedule to the principal Act the employment during the night of young persons in any process other than a process incidental to the business of the factory as described in Part One of the Fourth Schedule to that Act.

(5.) A young person shall not, in pursuance of section fifty-nine of the principal Act, be employed more than twelve hours continuously.

(6.) Section sixty of the principal Act shall, from and after the first day of January one thousand eight hundred and ninety-seven, apply only to male young persons of fourteen years of age and upwards, and nothing in that section shall be construed as authorising the employment of any person on Sunday.

(7.) For paragraph (4) of the said section sixty shall be substituted the following sub-section:—

“(4.) Such young person shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.”

(8.) Nothing in the Factory Acts shall be construed as authorising work during overtime on

1895 Act, Sect. 14. Saturday, or on any day substituted for Saturday as a half holiday, but work in accordance with section fifty of the principal Act shall not be deemed work during overtime.(a)

(a) For the effect of this section, see sections 53, 58, 59, and 60 of the Act of 1878 (pp. 67, 73—75, *ante*), in conjunction with which it should be read. It will be seen that considerable restrictions are placed upon overtime employment by this new enactment.

Registers of children, &c., made compulsory in certain workshops.

15. Section seventy-seven of the principal Act, which requires registers to be kept of children and young persons, shall apply to all workshops to which section fifty-three of the principal Act applies.

This will ensure the occupier taking proper steps to prevent the employment of young persons overtime.

Restrictions on employment inside and outside factory or workshop on the same day.

16. (1.) A child shall not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop.

(2.) A young person or woman shall not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the young person or woman is employed in the factory or workshop both before and after the dinner hour.

(3.) For the purposes of this section a child, young person, or woman to or for whom any work is given out, or who is allowed to take out any work to be done by him or her outside a factory or workshop, shall be deemed to be employed out-

side the factory or workshop on the day on which the work is so given or taken out. 1895 Act,
Sect. 16.

(4.) If a young person or woman is employed by the same employer on the same day both in a factory or workshop and in a shop, the whole period of employment of that young person or woman shall not exceed the number of hours permitted by the Factory Acts for his or her employment in the factory or workshop.

(5.) The principal Act shall apply as if any child, young person, or woman employed in contravention of this section were employed in a factory or workshop contrary to the provisions of that Act.

(6.) Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of factories or workshops, or parts thereof, either generally or situate in any particular locality, require that such trade should be exempted from the operation of this section, he may by order grant to such class of factories or workshops, or parts thereof, such special exemption as may be necessary. (a)

(a) This section is new. For its effect on previous enactments, see sections 11—14 of the Act of 1878 (pp. 12—17). It practically deals with fetching or taking out work, and errands generally, and also with work at home.

Holidays.

17. Subject to and in the absence of any notice affixed and forwarded as provided by the principal Act and the Act of 1891, and substituting for any holiday hereinafter mentioned another holiday or

Days to be observed as holidays in England and Wales.

1895 Act
Sect. 17

two half holidays, the holidays to be observed in a factory or workshop in England and Wales in pursuance of paragraphs (1) and (2) of section twenty-two of the principal Act shall be the whole of Christmas Day and of Good Friday, and of every bank holiday, and, unless any other holidays or half holidays are so substituted, (a) it shall not be necessary to affix in the factory or workshop any notice of the holidays or half holidays to be observed, or to forward a copy of any such notice to the inspector of the district.

(a) *i.e.*, under ss. 22 and 50 of the principal Act (see pp. 27 and 64, *ante*, and notes thereto).

Accidents.

Notices of
accidents

18. For section thirty-one of the principal Act the following section shall be substituted, namely,—

(1.) Where there occurs in a factory or workshop any accident which either—

(a.) Causes loss of life to a person employed in the factory or in the workshop ; or

(b.) Causes to any person employed in the factory or workshop such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident, from being employed for five hours on his ordinary work,

written notice shall forthwith be sent to the inspector for the district.

- (2.) If the accident causes loss of life, or is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion or escape of gas, steam, or metal, then, unless notice thereof is required by section sixty-three of the Explosives Act, 1875, to be sent to a Government inspector, notice thereof shall forthwith be sent to the certifying surgeon of the district.
- (3.) The notice shall state the residence of the person killed or injured, and the place to which he has been removed.
- (4.)^a If any notice required by this section to be sent with respect to an accident in a factory or workshop is not so sent, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.
- (5.) If any accident to which this section applies occurs to a person employed in an iron mill or blast furnace, or other factory or workshop, where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.
- (6.) This section shall extend to workshops conducted on the system of not employing

1895 Act,
Sect. 18.

^{38 & 39 Vict.}
c. 17.

1895 Act,
Sect. 18.

any child, young person, or woman therein. (a)

(a) See notes to section 31 of the Act of 1878 (p. 43), and, in connection herewith, section 29 of this Act (p. 224). The words "ordinary work" at the end of sub-section (1) par. (b) should be specially noted. See also Appendix, p. 263, *post*.

Inquests.

19. Where a death has occurred by accident in any factory or workshop, the coroner shall adjourn the inquest, unless the inspector or some person on behalf of a Secretary of State is present to watch the proceedings, and shall at least four days before holding the adjourned inquest send to the inspector notice in writing of the time and place of holding the adjourned inquest.

Provided that if the accident has not occasioned the death of more than one person, and the coroner has sent to the inspector notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the same, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary so to adjourn.

This section is supplementary to sub-section 3 of section 22 of the Act of 1891, and should be read in conjunction with it (see p. 182, *ante*).

Register of
accidents.

20. (1.) Every occupier of a factory or workshop shall keep a register of accidents, and shall enter therein every accident occurring in the factory or workshop of which notice is required by the Factory Acts within one week after the

occurrence of the accident, and this register shall be at all times open to inspection by the inspector and by the certifying surgeon for the district. 1895 Act,
Sect. 20.

(2.) If any occupier of a factory or workshop makes default in complying with the requirements of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

This section is supplementary to section 32 of the Act of 1878, and section 22 (2) of the Act of 1891 (see pp. 44, 182, *ante*).

As to registers, see also section 77 of the Act of 1878 (p. 97, *ante*).

21. (1.) Where it appears to the Secretary of State that a formal investigation of any accident occurring in a factory or workshop and its causes and circumstances is expedient, the Secretary of State may direct that such an investigation be held, and with respect to any such investigation the provisions of sections forty-five and forty-six of the Coal Mines Regulation Act, 1887, shall have effect, except that references to the said Act in the said section forty-five shall be construed as references to the Factory Acts. Power to
direct
formal in-
vestigation.

50 & 51 Vict.
c. 58.

(2.) This section shall extend to workshops conducted on the system of not employing any child, young person, or woman therein.

This section also supplements the regulations of the previous Acts with regard to accidents.

1895 Act,
Sect. 22.

SPECIAL RULES AND REQUIREMENTS.

Laundries.

Application
of Factory
Acts to
laundries.

22. (1.) In any laundry carried on by way of trade, or for purpose of gain, the following provisions shall apply:—

- (i.) The period of employment, exclusive of meal hours and absence from work, shall not exceed, for children, ten hours, for young persons, twelve hours, for women, fourteen hours, in any consecutive twenty-four hours; nor a total for children of thirty hours, for young persons and women of sixty hours, in any one week, in addition to such overtime as may be allowed in the case of women.
- (ii.) A child or young person or woman shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.
- (iii.) Children, young persons, and women employed in laundries shall have allowed to them the same holidays as are allowed to children, young persons, and women employed in a factory or workshop under the Factories and Workshops Acts, 1878 to 1895.
- (iv.) So far as regards sanitary provisions, safety, accidents, the affixing of notices and abstracts, and the matters to be specified in such notices (so far as they apply to laundries), notice of occupation of a factory or workshop, powers of

inspectors, fines, and legal proceedings for any failure to comply with the provisions of this section, and education of children, the Factory Acts shall have effect as if every laundry in which steam, water, or other mechanical power is used in aid of the laundry process were a factory, and every other laundry were a workshop ; and as if every occupier of a laundry were the occupier of a factory or of a workshop.

1895 Act
Sect. 22.

- (v.) The notice to be affixed in each laundry shall specify the period of employment and the times for meals, but the period and times so specified may be varied before the beginning of employment on any day.
- (vi.) Sections seventeen and eighteen of the Act of 1891 shall apply to laundries in like manner as to factories or workshops.
- (2.) In the case of every laundry worked by steam, water, or other mechanical power—
 - (a.) A fan or other means of a proper construction shall be provided, maintained, and used for regulating the temperature in every ironing-room, and for carrying away the steam in every washhouse in the laundry ; and
 - (b.) All stoves for heating irons shall be sufficiently separated from any ironing room, and gas irons emitting any noxious fumes shall not be used ; and
 - (c.) The floors shall be kept in good condition

**1895 Act,
Sect. 22.**

and drained in such manner as will allow the water to flow off freely.

A laundry in which these provisions are contravened shall be deemed to be a factory not kept in conformity with the principal Act.

(3.) Nothing in this section shall apply to any laundry in which the only persons employed are—

- (a.) Inmates of any prison, reformatory, or industrial school, or other institution for the time being subject to inspection under any Act other than the Factory Acts; or
 - (b.) Inmates of an institution conducted in good faith for religious or charitable purposes;
- or

(c.) Members of the same family dwelling there, or in which not more than two persons dwelling elsewhere are employed.

(4.) Women employed in laundries may work overtime, subject to the following conditions:—

- (a.) No woman shall work more than fourteen hours in any day.
- (b.) The overtime worked shall not exceed two hours in any day.
- (c.) Overtime shall not be worked on more than three days in any week or more than thirty days in any year.
- (d.) The requirements of section sixty-six of the principal Act and of section fourteen of the Act of 1891 with respect to notices shall be observed.

This section is almost entirely new. Formerly laundries, except those in which new goods were “got up,” only came within the scope of the Factory Acts as far as regards sani-

tary provisions (under the Act of 1891), but now they are either factories or workshops, as the case may be, and as such come under the operation of the Factory Acts for almost all purposes. It should be noticed, however, that by the above section they have special regulations of their own as to employment and meal times ; as to notices specifying the same ; as to ventilation and drainage of the floors, and as to overtime. It will also be observed that the provisions as to cessation of work on Saturday afternoons do not apply under this section.

1895 Act,
Sect. 22.

Docks, &c.

- 23.** (1.) The following provisions, namely :—
- (i.) Section eighty-two of the principal Act ;(a)
 - (ii.) The provisions of the Factory Acts with respect to accidents ;(b)
 - (iii.) Section sixty-eight of the principal Act with respect to the powers of inspectors ;(c)
 - (iv.) Sections eight to twelve of the Act of 1891 with respect to special rules for dangerous employments ;(d) and
 - (v.) The provisions of this Act with respect to the power to make orders as to dangerous machines(e)

Extension to
docks, &c.,
of certain
provisions
of Factory
Acts.

shall have effect as if—

- (a.) Every dock, wharf, quay, and warehouse, and, so far as relates to the process of loading or unloading therefrom or thereto, all machinery and plant used in that process ; and
- (b.) Any premises on which machinery worked by steam, water, or other mechanical power, is temporarily used for the purpose of the construction of a building or any structural work in connection with a building,

1895 Act,
Sect. 23.
—

were included in the word factory, and the purpose for which the machinery is used were a manufacturing process, and as if the person who by himself, his agents, or workmen temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises ; and for the purpose of the enforcement of those sections the person having the actual use or occupation of a dock, wharf, quay, or warehouse, or of any premises within the same or forming part thereof, and the person so using any such machinery, shall be deemed to be the occupier of a factory.

(2.) The provisions of this Act with respect to notice of accidents and the formal investigation of accidents (*f*) shall have effect as if—

(a.) Any building which exceeds thirty feet in height, and which is being constructed or repaired by means of a scaffolding ; and

(b.) Any building which exceeds thirty feet in height, and in which more than twenty persons, not being domestic servants, are employed for wages ;

were included in the word “ factory,” and as if, in the first case, the employer of the persons engaged in such construction or repair, and, in the second case, the occupier of the building, were the occupier of a factory.

(a) *i.e.*, penal compensation to persons injured by want of fencing to machinery (see p. 102, *ante*).

(b) *i.e.*, section 31 of the principal Act (p. 42), section 22 (3) of the Act of 1891 (p. 182), and sections 18—21 of this Act (pp. 210—13).

(c) See p. 87, *ante*.

(d) See pp. 173—77, *ante*.

(e) *i.e.*, section 4 (see p. 199, *ante*).

(f) Sections 18 and 21 (see pp. 210, 213, *ante*).

This section is an important extension of some of the provisions of the Factory Acts to docks, quays, warehouses, &c., and of the provisions of this Act with respect to accidents on buildings exceeding 30 feet in height in which more than 20 persons are employed or against which scaffolding is erected. The last two provisions (in subsection (2) above) are taken from the Notice of Accidents Act, 1894.

1895 Act,
Sect. 23.

Tenement Factories.

24. (1.) Where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft in such manner that those parts constitute in law separate factories, the owner (whether or not he is one of the persons so in occupation) of the building (which building is hereafter in this Act referred to as a tenement factory) shall, instead of the occupier, be liable for the observance, and punishable for non-observance, of the following provisions, namely :

Substitution
of owner of
tenement
factory for
occupier
for certain
purposes.

(a.) Section three of the principal Act, with respect to the sanitary condition of a factory ;(a) and

(b.) Sections five(b) and eighty-two(c) of the principal Act, with respect to the fencing of machinery in a factory, except so far as those sections relate to such parts of the machinery as are supplied by the occupier ; and

(e.) Save as hereinafter provided,(d) section nineteen(e) of the principal Act, with respect to the notices to be affixed in a

1895 Act,
Sect. 24.

factory, and the matters to be specified therein ; and

- (d.) Section thirty-three(*f*) of the principal Act, with respect to the limewashing and washing of the interior of a factory, so far as it relates to any engine house, passage, or staircase, or to any room which is let to more than one tenant ; and
- (e.) Section thirty-six(*g*) of the principal Act, with respect to the removal of dust, so far as that section requires the supply of pipes or other contrivances necessary for working the fan or other means for that purpose, and except in textile factories ; and
- (*f*.) Section seventy-eight(*h*) of the principal Act with respect to the affixing of an abstract and notices.

(2.) Where different industries are carried on in the same tenement factory, the obligation to affix the notice required by section nineteen(*e*) of the principal Act shall be on the occupier and not on the owner.

(3.) Sections eight to eleven(*i*) of the Act of 1891, shall, if and as far as in the case of a tenement factory the Secretary of State by order so directs, apply as if the owner of the factory were substituted for the occupier.

(4.) The provisions of this Act with respect to the power to make orders in the case of dangerous premises(*k*) shall apply in the case of a tenement factory as if the owner were substituted for the occupier.

(5.) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of the Factory Acts, any summons, notice, or proceeding, which for the purpose of any of those provisions is by the said Acts or any of them authorised or required to be served on or taken in relation to the occupier, is hereby authorised or required (as the case may be) to be served on or taken in relation to the owner.

1895 Act.
Sect. 24.
—

(6.) For the purpose of the provisions of this Act with respect to tenement factories all buildings situate within the same close or curtilage shall be treated as one building.

(7.) This section shall not apply in the case of any occupier paying a rent in excess of two hundred pounds a year.

(a) See p. 3, *ante*.

(b) See p. 5, *ante*.

(c) See p. 82, *ante*.

(d) See sub-section (2), of this section.

(e) See p. 25, *ante*.

(f) See p. 46, *ante*.

(g) See p. 51, *ante*.

(h) See p. 98, *ante*.

(i) See pp. 173—77, *ante*.

(k) See section 2, p. 198, *ante*.

The effect of this section is to place tenement factories for certain purposes in a class by themselves, or, in other words, to create a distinction in law as well as in fact between tenement factories and others. Formerly, as regards the occupier of a factory, his duties and liabilities were the same whether his factory stood by itself or formed one of several factories grouped together within one building or within the same close or curtilage for the purpose of sharing in a common supply of mechanical power. Now, if his factory is one of the latter class, he is, provided his rent does not exceed 200*l.* a year, exempt from certain liabilities imposed upon occupiers by the various provisions above enumerated which are transferred to the owner of the whole tenement. Additional liabilities are imposed upon owners of tenement factories by the next section (*q. v.*)

1895 Act,
Sect. 25.

Regulations
as to grind-
ing and
cutlery in
tenement
factory.

25. (1.) Where grinding is carried on in a tenement factory, the owner of the factory shall be responsible for the observance of the regulations set forth in the First Schedule to this Act.(a)

(2.) In every such tenement factory it shall be the duty of the owner and of the occupier of the factory respectively to see that such parts of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

(3.) In every tenement factory where grinding or cutlery is carried on the owner of the factory shall provide that there shall at all times be instantaneous communication between each of the rooms in which the work is carried on and both the engine-room and the boiler-house.

(4.) A tenement factory in which there is any contravention of this section shall be deemed not to be kept in conformity with the principal Act, but for the purposes of any proceeding in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.(b)

(5.) This section shall not apply to a textile factory.

(a) See p. 240, *post*.

(b) See notes to section 24, above.

Validity of
certificate of
fitness in
tenement
factory.

26. A certificate of the fitness of any young person or child for employment in a tenement

factory shall be valid for his similar employment in any part of the same tenement factory.

1895 Act,
Sect. 26.

This obviates the necessity for each individual occupier to obtain a fresh certificate for the same young person.

Bakehouses.

27. (1.) Sections thirty-four and thirty-five(a) of the principal Act shall apply to every bakehouse, and so much of those sections as limits the operation thereof to cities, towns, and places having a population of more than five thousand persons shall be repealed.

Provisions
as to bake-
houses.

(2.) In section fifteen of the Factory and Workshop Act, 1883, the words "which was not so let or occupied before the first day of June, one thousand eight hundred and eighty-three," shall be repealed.

46 & 47 Vict.
c. 53.

(3.) A place underground shall not be used as a bakehouse unless it is so used at the commencement of this Act, and if any place is so used in contravention of this Act it shall be deemed to be a workshop not kept in conformity with the principal Act.

(a) *Ante*, p. 50. The operation of sections 34 and 35 of the principal Act are, therefore, now made to extend to all cities, towns, and places alike, no matter their size. They contain special provisions applicable to bakehouses for cleansing and painting, and also as to sleeping places. Further, by sub-section (3) above, underground bakehouses except those in existence at the commencement of this Act (*i.e.*, January 1, 1896) are prohibited.

Special Restrictions as to Employment.

28. (1.) Section eight of the Act of 1891 shall extend to authorise the making of special rules or requirements prohibiting the employment of, or

Power to
prohibit or
restrict em-
ployment in
dangerous
trade.

1895 Act,
Sect. 28.
 modifying or limiting the period of employment for, all or any classes of persons in any process or particular description of manual labour which is certified by the Secretary of State in pursuance of that section to be dangerous or injurious to health, or dangerous to life or limb.(a) Provided that any special rules or requirements under this section which relate to the employment or period of employment of adult workers shall be laid for forty days before both Houses of Parliament before coming into operation.

(2.) Sections eight to twelve of the Act of 1891 are hereby declared to extend to workshops conducted on the system of not employing any child, young person, or woman therein.(b)

(a) This is a new power given to chief inspectors. Under section 8 of the Act of 1891 (see p. 173) a chief inspector could require the adoption of such measures as he might think fit in the case of dangerous trades; but his requirements were subject to a notice of objection on the part of the occupier which might subsequently be sustained upon reference to arbitration. Now a chief inspector may make rules as to employment which become binding there and then, except in the case of rules as to the employment of adults.

(b) See pp. 173—77, *ante*. The words in the sections are “any factory or workshop,” and these words in those sections are now definitely declared to include workshops conducted on the system of not employing children, young persons, and women.

Special Provisions for Health.

Notification
of certain
diseases to
chief
inspector.

29. (1.) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, or arsenical poisoning, or anthrax, contracted in any factory or workshop, shall (unless the notice required by this

section has been previously sent) send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full postal address of the patient and the disease from which in the opinion of the medical practitioner the patient is suffering, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence to be paid as part of the expenses incurred by the Secretary of State in the execution of the principal Act.

1895 Act,
Sect. 29.

(2.) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding forty shillings.

(3.) Written notice of every case of lead, phosphorus, or arsenical poisoning, or anthrax, occurring in a factory or workshop, shall forthwith be sent to the inspector and to the certifying surgeon for the district; and the provisions of the Factory Acts with respect to accidents shall apply to any such case in like manner as to any such accident as is in those sections mentioned. (a)

(4.) The Secretary of State may by order made in accordance with section sixty-five of the principal Act apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this section and the provisions referred to therein shall apply accordingly.

(a) See previous provisions as to reporting accidents (p. 210, *ante*).

This is an entirely a new provision. It should be noted that the Secretary of State is empowered to apply it by order to any disease occurring in a factory or workshop.

1895 Act,
Sect. 30.

Lavatories
in dangerous
trades.

30. (1.) In every factory or workshop where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences shall be provided for the use of the persons employed in any department where such substances are used.

(2.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

This applies to industries for which special rules have not hitherto been framed.

Provisions
as to humid
factories.
52 & 53 Vict.
c. 62.

31. (1.) The Cotton Cloth Factories Act, 1889,^(a) shall apply to every textile factory in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and which is not for the time being subject to special rules under section eight of the Act of 1891,^(b) with such modifications of the schedule with respect to the maximum limits of humidity as the Secretary of State by order made in accordance with section sixty-five of the principal Act may direct.

(2.) In section nine of the Cotton Cloth Factories Act, 1889, the words "and the arrangements for such ventilation shall be kept in operation subject, as far as possible, to the control of the persons employed therein,"^(c) shall be repealed.

(a) For the Cotton Cloth Factories Act, 1889, see p. 243.

(b) Which can only be applied in the case of trades certified by the Secretary of State to be dangerous or injurious to health.

(c) See p. 247, *post*.

Tempera-
ture in
factories and
workshops.

32. (1.) In every factory and workshop adequate measures shall be taken for securing and

maintaining a reasonable temperature in each room in which any person is employed. 1895 Act,
Sect. 32.

(2.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

This is supplementary to previous sanitary provisions.

33. Section thirty-six of the principal Act (a) shall extend to any factory or workshop where any process is carried on by which any gas, vapour, or other impurity is generated and inhaled by the workers to an injurious extent. Amend-
ment of
41 & 42 Vict.
c. 16, s. 36,
as to use
of fans.

(a) See p. 51, *ante*. Formerly an inspector had only power to direct that fans should be provided where grinding, glazing, polishing on a wheel, or any process by which dust is generated and inhaled, is carried on.

MISCELLANEOUS AMENDMENTS.

34. The occupier of every factory and workshop shall on or before the first day of March in every year send to the inspector of the district on behalf of the Secretary of State a correct return specifying, with respect to the year ending on the preceding thirty-first day of December, the number of persons employed in the factory or workshop, with such particulars as to the age and sex of the persons employed as the Secretary of State may direct, and in default of complying with this section shall be liable to a fine not exceeding ten pounds. Annual
returns of
persons
employed.

A new provision towards ensuring a correct return of places subject to the provisions of these Acts. Many previous returns have been made, but, owing to their voluntary nature, were lacking in accuracy as to totals.

1895 Act,
Sect. 35.

Sanitary
conveni-
ences.]
53 & 54
Vict c. 59.

35. (1.) In every place where section twenty-two of the Public Health Acts Amendment Act, 1890, (a) is not in force every factory or workshop shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at the factory or workshop, and also where persons of both sexes are employed or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

(2.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

(a) See p. 286, *post*.

By section 38 of the Public Health Act, 1875 (see *post*, p. 285), which is enforceable by the local authority wherever section 22 of the Act of 1890 is not adopted, the local authority may, if they think fit, enforce similar provisions to the above in "any house used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any trade," &c. This gives the requisite powers to local authorities in cases in which inspectors under the Factory Acts cannot interfere. See further the notes to section 3 of the principal Act (*ante*, p. 2). This provision exists in the Public Health (London) Act, 1891, s. 38.

Amendment
of 41 & 42
Vict. c. 16,
ss. 13, 14, as
to period of
employ-
ment.

36. (1.) In the regulation numbered (1) in section thirteen of the principal Act, after the words "end at seven o'clock in the evening," shall be inserted the words "or begin at eight o'clock in the morning and end at eight o'clock in the evening."

(2.) In the regulation numbered (2) in the same section, after the words "two o'clock in the afternoon," shall be inserted the words "or when

it begins at seven o'clock in the morning, at three o'clock in the afternoon, or begin at eight o'clock in the morning and end at four o'clock in the afternoon."

1895 Act,
Sect. 36.

(3.) If in a non-textile factory or workshop the period of employment of young persons and women is from eight o'clock in the morning to eight o'clock in the evening, then, subject to the provisions of section fourteen of the principal Act, the period of employment of a child in a morning set may begin at eight o'clock in the morning, and in an afternoon set may end at eight o'clock in the evening, or on Saturday at four o'clock in the afternoon, and the period of employment of a child employed on the alternate day system may begin at eight o'clock in the morning, and end at eight o'clock in the evening, or on Saturday at four o'clock in the afternoon.

This section amends and amplifies the provisions of sections 13 and 14 of the principal Act, and should be read in connection therewith (see pp. 16—19, *ante*). The combined effect of the sections so read is that young persons and women in non-textile factories and workshops may now (subject to the exceptions mentioned in the principal Act) be employed between the hours of 6 A.M. and 6 P.M., or between 7 A.M. and 7 P.M., or between 8 A.M. and 8 P.M. on ordinary days, and on Saturdays between 6 A.M. and 2 P.M., or between 7 A.M. and 3 P.M., or between 8 A.M. and 4 P.M. Children may also be employed in morning sets which commence at 8 A.M., or in afternoon sets which finish at 8 P.M. on ordinary days, and at 4 P.M. on Saturdays, or on the alternate day system they may work from 8 A.M. to 8 P.M. on ordinary days, and from 8 A.M. till 4 P.M. on Saturdays in such non-textile factories and workshops as employ women and young persons between the hours of 8 A.M. and 8 P.M.

Hitherto certain scheduled trades only were allowed to work between 8 A.M. and 8 P.M., and notices were required to be served on the inspector and exhibited in the works as in the case of other exceptions.

1895 Act,
Sect. 37.

Amendment
of 41 & 42
Vict. c. 16,
s. 53, and
Third
Schedule,
Part III.

37. (1.) In section fifty-three of the principal Act(a)—

For the words “the factories and workshops or parts thereof” shall be substituted the words “the non-textile factories and workshops or parts thereof and warehouses”; and

For the words “the factories and workshops and parts thereof” shall be substituted the words “the non-textile factories and workshops and parts thereof and warehouses,”

wherever those words respectively occur in that section.

(2.) In Part Three of the Third Schedule to the principal Act,(b) before the word “factories” shall be inserted the word “non-textile,” the words “and also” are hereby repealed, and for the paragraph marked “(x.)” there shall be substituted the following paragraph, namely :

“The said exception applies also to any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing-up goods.”

(a) See p. 67, *ante*, and notes.

(b) See p. 141, *ante*.

This section amends section 53 of the principal Act with regard to the overtime employment of women, and Part 3 of Schedule 3 of the principal Act which enumerates the various industries in which overtime may be worked, and should therefore be read in conjunction therewith. The provisions of section 14 of this Act also deal with overtime and should be noted. They include an enactment

that young persons may no longer be employed overtime under section 53 of the principal Act. **1895 Act, Sect. 37.**

The definition of warehouse should be carefully noted, also that warehouses are the only parts of textile factories in which overtime may be worked under section 53 of the Act of 1878.

38. Nothing in the principal Act shall prevent the employment of male young persons to whom section fifty-eight(a) of that Act applies in three shifts of not more than eight hours each, provided that there is an interval of two unemployed shifts between each two shifts of employment. Amendment of 41 & 42 Vict. c. 16, s. 58, as to shifts.

(a) See p. 73, *ante*. This section gives an alternative scheme for the employment during the night of male young persons in certain industries specified in Part 6 of the Third Schedule to the principal Act to that allowed by section 58 of the principal Act. Formerly, male young persons could only be employed on night work for periods of not more than twelve hours with a clear twelve hours' rest before and after each period and only on six (or in some cases, seven) nights in every two weeks. Now, by the shift system, they may be employed every night provided they have two shifts' rest between each period of work. By section 14 (3) of this Act they must, after the 1st of January, 1897, be of the age of fourteen years and upwards (see p. 206, *ante*). Note also the provisions of section 14 (4), on page 207.

39. The Secretary of State may by order made in accordance with section sixty-five of the principal Act direct, with respect to any class of factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or any of the purposes of the Factory Acts, be treated as if they were different factories or workshops. Power to treat separate branches as separate factories.

40. (1.) In every textile factory the occupier shall, for the purpose of enabling each worker who Particulars respecting wages to be

1895 Act, is paid by the piece to compute the total amount
 Sect. 40. of wages payable to him in respect of his work,
 furnished in cause to be published particulars of the rate of
 certain wages applicable to the work to be done, and also
 cases. particulars of the work to which that rate is to be
 applied, as follows :—

- (a.) The particulars of the rate of wages applicable to the work to be done by each weaver in the worsted and woollen, other than the hosiery, trades shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible :
- (b.) The particulars of the rate of wages applicable to the work to be done by each worker, other than such a weaver as aforesaid, shall be furnished to him in writing at the time when the work is given out to him ; provided that if the same particulars are applicable to the work to be done by each of the workers in one room it shall be sufficient to exhibit them in that room on a placard not containing any other matter, and posted in a position where it is easily legible :
- (c.) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be furnished to him in

writing at the time when the work is given out to him : 1895 Act,
Sect. 40.

(d.) The particulars either as to rate of wages or as to work shall not be expressed by means of symbols :

(e.) Where an automatic indicator is used for ascertaining work, such indicator shall have marked upon its case the number of teeth in each wheel and the diameter of the driving roller, except that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked in substitution for the diameter of the driving roller :

(f.) Where such particulars of the work to be done by each worker as affect the amount of wages payable to him are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room, in pursuance with an agreement between employers and workmen and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with this section.

(2.) If the occupier fail to comply with the requirements of this section, or fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any workman fraudulently alters an automatic

1895 Act,
Sect. 40.
— indicator, the occupier or workman, as the case may be, shall be liable for each offence to a fine of not more than ten pounds, and, in case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound. Provided that an indicator shall not be deemed false if it complies with the requirements of this section.

(3.) If anyone engaged as a worker in any factory or workshop, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person so engaged in any factory to disclose such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

(5.) This section shall take effect instead of section twenty-four of the Act of 1891.(a)

(6.) The Secretary of State, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of non-textile factories, or to any class of workshops, may, if he thinks fit, by order made in accordance with section sixty-five of the principal Act, apply the provisions of this section to any such class, subject to such modifications as may in his opinion

be necessary for adapting those provisions to the 1895 Act, circumstances of the case. Sect. 40.

(a) See page 183, *ante*. The section is re-enacted and considerably amplified by the above.

41. Every person who is in occupation of a workshop at the commencement of this Act shall before the expiration of twelve months from the commencement of this Act, unless he has already done so in pursuance of section twenty-six of the Act of 1891, serve on the inspector for the district a written notice containing the name of the workshop, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, and the name of the person or firm under which the business of the workshop is carried on, and in default shall be liable to a fine not exceeding five pounds. Any notice so served shall be forthwith forwarded to the sanitary authority of the district in which the workshop is situate.

Notice of existing workshops.

This section should be read in conjunction with section 75 of the principal Act and section 26 of the Act of 1891 (see pp. 96 and 185, *ante*).

42. (1.) Every occupier of a factory or workshop to whom section twenty-seven of the Act of 1891(a) for the time being applies, and every contractor employed by any such occupier in the business of the factory or workshop, shall, on or before the first day of March and the first day of September in each year, send to the inspector for the district in which the factory or workshop is situate a list showing the names of all persons directly employed by him, either as workmen or

Amendment and extension of 54 & 55 Vict. c. 75, s. 27, respecting list of out-workers.

1895 Act,
Sect. 42.

as contractors, in the business of the factory or workshop outside the factory or workshop, and the places where they are employed, and in default of so doing shall be liable to a fine not exceeding forty shillings.

(2.) Section twenty-seven of the Act of 1891(a) and this section shall apply to any place from which any work of making wearing apparel for sale is given out, and to the occupier of that place, and to every contractor employed by any such occupier in connection with the said work, as if that place were a workshop.

(a) See p. 185, *ante*. Formerly occupiers and contractors had only to keep lists of their out-workers which were to be open to inspection. Now these lists have to be sent to the inspector for the district. For the form of list, &c., prescribed by the Secretary of State, see p. 186.

Evidence as
to failure to
limewash.†

43. Failure to enter in the register kept in pursuance of section seventy-seven of the principal Act(a) the prescribed particulars as to lime-washing shall be *prima facie* evidence of failure to observe the requirements of the Factory Acts with respect to lime-washing.

(a) See p. 97, *ante*.

Amendment
of 41 & 42
Vict. c. 16,
ss. 66, 75,
and
54 & 55 Vict.
c. 75, s. 29.

44. (1.) In sections sixty-six(a) and seventy-five(b) of the principal Act the words "the inspector for the district" shall be substituted for the words "an inspector" wherever they occur in those sections.

(2.) In section twenty-nine of the Act of 1891,(c) the words "the factory inspector for the district within which the offence is charged to

have been committed" shall be substituted for the words "a factory inspector." **1895 Act, Sect. 44.**

- (a) See p. 82, *ante*.
- (b) See p. 96, *ante*.
- (c) See p. 188, *ante*.

45. Section sixty-eight of the principal Act shall have effect as if in the paragraph numbered (2), which empowers an inspector to take with him a constable into a factory, the words "or workshop" were inserted after the word "factory."

Amendment of 41 & 42 Vict. c. 16, s. 68, as to powers of inspector.

- (a) See p. 88, *ante*.

46. (1.) Every certifying surgeon shall, if so directed by the Secretary of State, make any special inquiry and re-examine any young person or child, and any expense incurred by the Secretary of State under this provision shall be defrayed as other expenses incurred by him in the execution of the Factory Acts.

Special inquiries and re-examinations by certifying surgeons.

(2.) The fees to be paid to certifying surgeons in cases where, in pursuance of this section or of special rules under the Factory Acts, they are required to examine the persons employed in a factory or workshop shall be in accordance with the scale set forth in the Second Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State.

(3.) Such fees shall, where the examination is in pursuance of this section, be paid by the Secretary of State, and where the examination is in pursuance of special rules be paid by the occupier of the factory or workshop.

See further section 27 of the principal Act and notes

1895 Act, thereto (p. 38, *ante*), and sections 71—74 of the principal Sect. 46. Act (pp. 92—95, *ante*), and Second Schedule of this Act.

Publication
of orders.

47. Every order made in accordance with section sixty-five of the principal Act shall be published in such manner as the Secretary of State thinks best adapted for the information of all persons interested.

Service of
documents
on owner.

48. Any notice, order, requisition, summons, or document, required or authorised by the Factory Acts to be served on the owner, as defined by this Act, of a factory or workshop, may be served by delivering the same or a true copy thereof to the agent of the owner as so defined.

Competency
of defendant
to give
evidence.

49. A person charged with an offence under the Factory Acts may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witness.

Payment of
costs by
actual
offender in
lieu of
occupier.

50. Where, in pursuance of section eighty-seven of the principal Act, (a) some person other than the occupier of a factory or workshop is brought before a court of summary jurisdiction, and convicted of an offence with which the occupier was charged, that person shall in the discretion of the court be liable to pay any costs incidental to the proceeding.

(a) See p. 106, *ante*.

Right of
inspector to
conduct

51. An inspector, if so authorised in writing under the hand of the Secretary of State, may,

although he is not a counsel, or solicitor, or law agent, prosecute, conduct, or defend, before a court of summary jurisdiction or justice, any information, complaint, or other proceeding arising under the Factory Acts, or in the discharge of his duty as such inspector.

1895 Act,
Sect. 51.

proceedings
before
magistrates.

This is to define the position of the inspectors in court, although by long usage they have always conducted cases under the Acts.

52. In the application of the Factory Acts to Ireland—

Application
to Ireland.
41 & 42 Vict.
c. 52.

The expression "Public Health (Ireland) Act, 1874," where it occurs in sub-section eleven of section one hundred and six of the principal Act, and the expression "Public Health Act, 1875," where it occurs in sections four and seven of the Act of 1891, shall be construed as meaning the Public Health (Ireland) Act, 1878, and the Acts amending the same.

53. In this Act, unless the context otherwise requires—

Interpreta-
tion.

(1.) The expression "the Factory Acts" means the Factory and Workshop Acts, 1878 to 1891, and this Act :

The expression "the principal Act" means the Factory and Workshop Act, 1878 :

The expression "the Act of 1891" means the Factory and Workshop Act, 1891 :

The expression "owner" has the mean-

1895 Act,
Sect. 53.

38 & 39 Vict.
c. 55.

ing given to it by section four of the Public Health Act, 1875.

- (2.) References to any section of the Factory Acts shall be construed as references to that section as amended by subsequent enactments, including this Act.

Repeal.

54. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Commence-
ment of Act.

55. This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-six.

Short titles
and con-
struction.

56. This Act may be cited as the Factory and Workshop Act, 1895, and shall be construed as one with the Factory and Workshop Acts, 1878 to 1891, and those Acts and this Act may be cited collectively as the Factory and Workshop Acts, 1878 to 1895.

FIRST SCHEDULE.

REGULATIONS AS TO GRINDING IN TENEMENT FACTORY.

(1.) Boards to fence the shafting and pulleys, locally known as drum boards, shall be provided and kept in proper repair.

(2.) Hand rails shall be fixed over the drums and kept in proper repair.

(3.) Belt guards, locally known as scotchmen, shall be provided and kept in proper repair.

(4.) Every floor, which is constructed after the commencement of this Act, shall be so constructed and maintained as to facilitate the removal of slush, and all necessary shoots, pits, and other conveniences shall be provided for facilitating such removal.

(5.) Every grinding-room or hull, which is established after the commencement of this Act, shall be so constructed that for the purpose of light grinding there shall be a clear space of three feet at least between each pair of troughs and for the purpose of heavy grinding there shall be a clear space of four feet at least between each pair of troughs and six feet at least in front of each trough.

(6.) The sides of all drums in every grinding-room or hull shall be closely fenced.

(7.) Except in pursuance of a special exemption granted by the Secretary of State, no grindstone shall be run before any fire place or in front of another grindstone.

(8.) No grindstone erected after the commencement of this Act shall be run before any door or other entrance.

SECOND SCHEDULE.

Section 46.

SCALE OF FEES TO CERTIFYING SURGEONS.

Under 10 hands	-	-	-	2s. 6d.	per visit.
" 20	"	-	-	3s.	"
" 30	"	-	-	3s. 6d.	"
" 50	"	-	-	4s.	"
" 75	"	-	-	4s. 6d.	"
" 100	"	-	-	5s.	"
Over 100	"	-	-	7s. 6d.	"

With the addition of 1s. for every mile or portion of a mile in excess of one mile from the certifying surgeon's residence.

THIRD SCHEDULE.

Section 54.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 16.	The Factory and Workshop Act, 1878.	Sections thirty-one and forty-two. Part One of the Third Schedule. Part Three of the Third Schedule, from "and also" to "packing-up goods."

1895 Act,
Schd. 3.ENACTMENTS REPEALED—*continued.*

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 75.	The Factory and Workshop Act, 1891.	Sub-section one of section twenty-two, and section twenty-four and sub-section five of section thirty-three.
57 & 58 Vict. c. 28.	The Notice of Accidents Act, 1894.	In paragraph (1) of the Schedule the word "gaswork" and the words "harbour, dock, port, pier, quay." Paragraph (2) of the Schedule.

COTTON CLOTH FACTORIES ACT, 1889,

52 & 53 VICT. CAP. 62.

*An Act to make further provision for the Regulation
of Cotton Cloth Factories.*

[30th August, 1889.]

Be it enacted as follows :

1. This Act may be cited as the Cotton Cloth
Factories Act, 1889. 1889 Act,
Sect. 1.

Short title.

In section 31 (1) of the Act of 1895 it is provided that this Act shall apply to all textile factories in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and which is not for the time being subject to special rules under section 8 of the Act of 1891 (see p. 173); with such modifications of the schedule with respect to the maximum limits of humidity as the Secretary of State may from time to time direct (see p. 244).

2. This Act shall come into operation on the
first day of March, one thousand eight hundred
and ninety, which day is in this Act referred to as
the commencement of this Act. Commence-
ment.

3. This Act shall be construed as one with the
Factory and Workshop Act, 1878. Construc-
tion.
41 & 42 Vict.
c. 16.

4. In this Act—
The expression “cotton cloth factory” shall
mean any room, shed, or workshop, or any
part thereof in which the weaving of cotton
cloth is carried on. Interpreta-
tion.

1889 Act,
Sect. 4.

Expressions referring to the artificial raising of temperature or production of humidity shall include the raising of temperature or production of humidity by any artificial means whatsoever except by gas when used for lighting purposes only.

Tempera-
ture and
humidity of
the atmos-
phere.

5. (1.) The amount of moisture in the atmosphere of a cotton cloth factory shall not at any time be in excess of such amount as is represented by the number of grains of moisture per cubic foot of air shown in Column I. of the table in Schedule A. to this Act opposite to such figure in Column II. as represents the temperature existing in such cotton cloth factory at such time.

Provided that in a cotton cloth factory the temperature shall not at any time be artificially raised above seventy degrees, except in so far as may be necessary in the process of giving humidity to the atmosphere and according to the table in Schedule A. of this Act.

(2.) The fact that one of the wet bulb thermometers in such factory gives a higher reading than the figure shown in Column III. of Schedule A. to this Act opposite to such figure in Column II. as represents the temperature existing in such factory, shall be evidence that the amount of moisture in the atmosphere exceeds the limit in the last preceding sub-section prescribed.

Power to
alter table
of humidity.

6. One of Her Majesty's principal Secretaries of State may from time to time by order repeal or

vary the table in Schedule A. of this Act, and substitute any new or amended table therefor : ^{1889 Act,} Sect. 6. Provided always, that such varied or substituted table shall be laid in a complete form before both Houses of Parliament if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament ; and if such table shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such table shall be void and of no effect : Provided also, that no such table shall come into force or operation until the same shall have been laid before Parliament for forty days ; but after the expiration of such forty days, if the table has not been disapproved of as aforesaid, the Secretary of State shall cause a copy thereof to be published in the *London Gazette*, and to be given to every occupier of a cotton cloth factory who, in pursuance of this Act, has given notice of humidity of the atmosphere being artificially produced in such factory, and after the expiration of fourteen days from the first publication thereof in the *London Gazette*, the varied or substituted table shall be deemed to be the table of Schedule A. of this Act.

7. For the purpose of recording the humidity of the atmosphere and the temperature in a cotton cloth factory, there shall be provided, maintained, and kept in correct working order in every such factory two sets of standardised wet and dry bulb thermometers. Thermometers to be employed.

1889 Act,
Sect. 7.
—

The following regulations shall be observed with reference to the employment of such thermometers in each cotton cloth factory :—

- (i.) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as may be directed or sanctioned by an inspector of factories, so as to be plainly visible to the operatives.
- (ii.) The occupier or manager or person for the time being in charge of each factory shall read the thermometers twice in the day, viz., between ten o'clock and eleven o'clock in the forenoon and between three o'clock and four o'clock in the afternoon, on every day that any operatives are employed in the factory, and shall record the readings of each thermometer at each of such times on a form provided for the purpose for each set of thermometers in the form and in accordance with the regulations contained in Schedule B. of this Act.
- (iii.) The form in which the readings of each thermometer provided for in sub-section (ii.) of this section are to be recorded shall be kept hung up near the thermometers, and after being duly filled up, shall be forwarded at the end of each month to the inspector of the district, and a copy shall be kept at the factory for reference.
- (iv.) There shall be kept hanging up in a frame,

and properly glazed, in a conspicuous position and near to each set of thermometers a copy of the table set out in Schedule A. of this Act. 1889 Act,
Sect. 7.

- (v.) Each form shall be *prima facie* evidence of the humidity of the atmosphere and temperature in the factory in which such form was hung up.

8. The occupier of any cotton cloth factory in which humidity of the atmosphere is artificially produced shall give notice thereof in writing to the chief inspector of factories. Notice of
artificial
production
of humidity
to be given.

The notice shall be given in the case of a factory in which humidity is so produced at the commencement of this Act within one week after the commencement of this Act, and in the case of any other factory at or before the time at which the artificial production of humidity is commenced in the factory.

9. In every factory in respect of which such notice has been given, arrangements shall be made and maintained to the satisfaction of the inspector of factories for the district for admitting in every hour during which work is carried on not less than six hundred cubic feet of fresh air for each person employed therein; [*and the arrangements for such ventilation shall be kept in operation subject, as far as possible, to the control of the persons employed therein.*](a) Admission
of fresh air.

(a) The words in italics and in brackets are now repealed by section 31 (2) of the Act of 1895 (see p. 226, *ante*).

1889 Act,
Sect. 10.

Inspectors
to visit
the
factories.

10. Every factory in respect of which such notice has been given shall be visited by an inspector of factories once at least in every three months. The inspector shall examine into the temperature, humidity of the atmosphere, ventilation, and quantity of fresh air in the factory, and shall report to the chief inspector of factories in accordance with the form printed in Schedule C. of this Act.

Notice of
cessation of
artificial
production
of humidity.

11. If at any time the occupier of any factory in respect of which notice has been given in conformity with the eighth section of this Act shall cease to produce humidity by artificial means, he may give notice in writing of such cessation, and from the date of such notice, and so long as humidity is not artificially produced in the factory, the provisions of this Act with respect to factories in which humidity of the atmosphere is artificially produced shall not apply to such factory.

[Provisions
for prevent-
ing and
inhalation
of dust.]

12. [*Where an inspector considers that dust is generated, and such dust is inhaled by the workers to an injurious extent, and it appears to such inspector that such inhalation could be prevented by the use of mechanical or other means, the following provisions shall apply:—*

- (1.) *The inspector shall serve on the occupier of the factory a notice requiring him to adopt such mechanical or other means as the said inspector requires to prevent the inhalation of such dust:*

- (2.) *The occupier, within seven days after the receipt of the notice, may serve on the inspector a requisition to refer the matter to arbitration; and thereupon the matter shall be referred to arbitration, and two skilled arbitrators shall be appointed, the one by the inspector and the other by the occupier; and the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration shall, subject to the express provisions of this section, apply to the said arbitration, and the arbitrators or their umpire shall give the decision within twenty-one days after the last of the arbitrators, or, in the case of the umpire, after the umpire is appointed, or within such further time as the occupier and inspector, by writing, allow; and if the decision is not so given, the matter shall be referred to the arbitration of an umpire to be appointed by the judge of the county court within the jurisdiction of which the factory is situate:*
- 1889 Act,
Sect. 12.
- 8 & 9 Vict.
c. 16.
- (3.) *If the arbitrators or their umpire decide that it is unnecessary or impossible to prevent the inhalation of such dust, or that the means required to be adopted by the inspector are not reasonable, the notice shall be cancelled, and the occupier shall not be required to carry out the notice of the said inspector, and the expenses of the arbitra-*

1889 Act,
Sect. 12.

tion shall be paid as the expenses of the inspectors under this Act :

- (4.) *If the occupier does not within the said seven days serve on the inspector a requisition to refer the matter to arbitration, or does not appoint an arbitrator within seven days after he served that requisition, or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to prevent the inhalation of such dust, or that the means required to be adopted by the inspector are not reasonable, the occupier shall prevent the inhalation of dust in accordance with the notice or with the award of the arbitrators or umpire if it modifies the notice, and the expenses of the arbitration shall be paid by the occupier, and shall be recoverable from him by the inspector in the county court :*
- (5.) *Where the occupier of a factory fails to comply within a reasonable time with the requirements of this section as to the inhalation of dust in accordance with the notice or award, or fails to keep and to maintain such factory in accordance therewith, he shall be deemed to contravene this Act.]*

This section made provisions for preventing the inhalation of dust. General provisions are now made applicable to all factories. Section 8, Act of 1891 (see p. 173).

Penalties
for offences.

13. If in the case of any cotton cloth factory there is a contravention of or non-compliance with any of the provisions of this Act, the inspector

shall give notice in writing to the occupier of the same of the acts or omissions constituting the contravention or non-compliance, and if such acts or omissions, or any of them, are continued or not remedied, or are repeated within twelve months after such notice has been given, the occupier of such factory shall be liable, on summary conviction, for the first offence, to a penalty of not less than five pounds nor more than ten pounds, and for every subsequent offence to a penalty of not less than ten pounds nor more than twenty pounds.

1889 Act,
Sect. 13.

1889 Act,
Sched. A.

SCHEDULES.

SCHEDULE A.

MAXIMUM LIMITS OF HUMIDITY OF THE ATMOSPHERE AT
GIVEN TEMPERATURES.

I. Grains of Moisture per Cubic Foot of Air.	II. Dry Bulb Thermo- meter Readings. Degrees Fahrenheit.	III. Wet Bulb Thermo- meter Readings. Degrees Fahrenheit.
5.1	60	58
5.2	61	59
5.4	62	60
5.6	63	61
5.8	64	62
6	65	63
6.2	66	64
6.4	67	65
6.6	68	66
6.9	69	67
7.1	70	68
7.1	71	68.5
7.1	72	69
7.4	73	70
7.4	74	70.5
7.65	75	71.5
7.7	76	72
8	77	73
8	78	73.5
8.25	79	74.5
8.55	80	75.5
8.6	81	76
8.65	82	76.5
8.85	83	77.5
8.9	84	78
9.2	85	79
9.5	86	80
9.55	87	80.5
9.9	88	81.5
10.25	89	82.5
10.3	90	83
10.35	91	83.5
10.7	92	84.5
11	93	85.5
11.1	94	86
11.5	95	87

SCHEDULE B.

1889 Act,
Sched. B.

**FORM FOR RECORDING THE READINGS OF THE
THERMOMETER.**

Name of occupier

Factory No.

Number of operatives employed in it

						Readings.		Remarks.	If no Artificial Humidity produced insert No Steam.
Date.			Between 10 & 11 A.M.		Between 3 & 4 P.M.				
Year.	Month.	Day.	Dry Bulb Thermometer. Degrees Fah.	Wet Bulb Thermometer. Degrees Fah.	Dry Bulb Thermometer. Degrees Fah.	Wet Bulb Thermometer. Degrees Fah.			
		1						†	
		2							
		3							
		4							
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		29							
		30							
		31							

† Fill in :—*e.g.*, Too damp.

(Signed)

A. B.,

Correct, &c.

Occupier or Manager.

QUARRIES ACT, 1894.

57 & 58 VICT. CAP. 42.

An Act to provide for the better Regulation of Quarries. [25th August, 1894.]

BE it enacted . . . as follows :

1. This Act shall apply to every place (not being a mine) in which persons work in getting slate, stone, coprolites, or other minerals, and any part of which is more than twenty feet deep, and every such place is in this Act referred to as a quarry under this Act.^(a)

Quarries
Act, 1894,
Sect. 1.

Application
of Act.

(a) The control of quarries and adjacent works is by this Act transferred to the inspectors of mines (see section 3), though they may be factories or workshops under Schedule 4, Part 2 of the Act of 1878.

2. (1.) The provisions of the Metalliferous Mines Regulation Acts, 1872 and 1875, and the Metalliferous Mines (Isle of Man) Act, 1891, specified in the schedule to this Act, shall, subject to the modifications therein specified, apply in the case of every quarry under this Act in like manner as they apply in the case of a mine.

Application
to quarries
of certain
provisions
of 35 & 36
Vict. c. 77.
38 & 39 Vict.
c. 39.
54 & 55 Vict.
c. 47.

(2.) The inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875, shall be inspectors of the quarries under this Act.

(3.) In the appointment of such inspectors in

Quarries Act, 1894,
Sect. 2. — Wales and Monmouthshire among candidates equally qualified persons having a knowledge of the Welsh language shall be preferred.

Modifica-
tions of
applica-
tion of
Factory
Acts to
quarries.

3. In the application of the Factory and Workshop Acts, 1878 to 1891, and of any future Act amending the same, to quarries under this Act, the following modifications shall be made—

- (a.) In every such quarry the powers of the inspectors under those Acts shall be transferred to and exercised by the inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875 ;
- (b.) Sections thirty-one and thirty-two of the Factory and Workshop Act, 1878, shall not apply to any such quarry ;
- (c.) Nothing in section fifty-eight of the Factory and Workshop Act, 1878, shall prevent the employment in any such quarry of young persons in three shifts for not more than eight hours each.(a)

(a) Cf. section 38 of the Act of 1895.

Commence-
ment of
Act.

4. This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-five.

Short title.

5. This Act may be cited as the Quarries Act, 1894.

SCHEDULE.

Quarries
Act, 1894,
Sched.

PROVISIONS OF METALLIFEROUS MINES ACTS APPLIED TO
QUARRIES.

Section 2.

Metalliferous Mines Regulation Act, 1872 (35 & 36
Vict. c. 77) :—

Section nine.

Section eleven, with the substitution of the word
“explosive” for the word “powder.”

Sections fifteen to eighteen.

Sections twenty to twenty-two.

Sections twenty-four to forty.

In section forty-one, the definitions of “owner” and
“agent,” and the definition of “court of summary
jurisdiction” so far as it relates to Scotland.

Sections forty-two and forty-three.

Metalliferous Mines Regulation Act, 1875 (38 &
Vict. c. 39) :—

Section one, except the proviso.

Metalliferous Mines (Isle of Man) Act, 1891 (54 & 55
Vict. c. 47) :—

Section one.

APPENDIX.

TABLE OF NOTICES

REQUIRED TO BE SERVED ON H. M. INSPECTORS OR EXHIBITED IN THE WORKS, AND OF THE SECTIONS TO WHICH THEY REFER (see p. 99).

Official No. of Notice.	Description of Notice.	Act and Section.
	TO BE SERVED ON H.M. INSPECTOR.	
35	Notice of occupation of a factory or workshop.	41 Vict. c. 16, s. 75. 54 & 55 Vict. c. 75, s. 26.
		58 & 59 Vict. c. 37, s. 41.
29	Notice of intention to employ adults only.	54 & 55 Vict. c. 75, s. 13.
	(In this case the prescribed periods of employment of women under ss. 15, 42, 43, are relaxed.)	
	Notice of intention to employ adults only in scutch mills.	41 Vict. c. 16, s. 62.
	(Relaxation as to period of employment of women.)	
	Notice of production of artificial humidity in cotton cloth factories.	52 & 53 Vict. c. 62, s. 8. 58 & 59 Vict. c. 37, s. 31.
	Notice of ceasing to produce artificial humidity in cotton cloth factories.	52 & 53 Vict. c. 62, s. 11.
43	Notices of accident, poisoning, &c.	58 & 59 Vict. c. 37, ss. 18, 29.
	TO BE SERVED ON H.M. INSPECTOR AND EXHIBITED IN THE WORKS.	
30	Notice of intention to work eight hours on Saturdays.	54 & 55 Vict. c. 75, s. 15.
	(Where the ordinary period of employment does not exceed eight hours per diem, such hours may be worked on Saturday.)	

Official No. of Notice.	Description of Notice.	Act and Section.
31	Notice of intention to alter period of employment. (The hours of work must be fixed and exhibited in a notice. Notice of intention to make any change must be sent and affixed on premises.)	41 Vict. c. 16, s. 19.
32	Notice of intention to alter meal hours. (This must be dealt with in same manner as alteration of period of employment.)	41 Vict. c. 16, s. 19.
33	Notice of intention to alter system of employment of half-time children. (<i>i.e.</i> , either on half days only, or on alternate days only.)	41 Vict. c. 16, s. 19.
34	Notice of fixture of statutory holidays during the year.	41 Vict. c. 16, s. 22. 54 & 55 Vict. c. 75, s. 16.
44	Lists of outworkers.	58 & 59 Vict. c. 37, s. 42.
7	TO BE EXHIBITED IN THE PART OF THE WORKS AFFECTED. Notice of places forbidden for work. (Children and young persons are not allowed to work in specified factories, or workshops, or parts thereof.)	41 Vict. c. 16, s. 38, Sched. I.
8	Notice of places forbidden for meals. (Children, young persons, and women are not allowed to take a meal, or remain during meal hours, in certain specified parts of factories or workshops.	41 Vict. c. 16, s. 39, Sched II.
	Notice setting forth the number of persons allowed in each room.	58 & 59 Vict. c. 37, s. 1.

Appndx.

Official No. of Notice.	Description of Notice.	Act and Section.
	Special rules in trades scheduled as dangerous.	54 & 55 Vict. c. 75, s. 10 (1).
	Rates of wages in textile factories.	58 & 59 Vict. c. 37, s. 40 (a).
	TO BE SERVED ON H.M. INSPECTOR AND EXHIBITED IN THE WORKS.	
	VARIATION OF PERIODS OF EMPLOYMENT, &c.	
9a, 9c, 9d	Notice of intention to work between 9 A.M. and 9 P.M. (A limited class of non-textile factories and workshops may work on this system.)	41 Vict. c. 16, ss. 43, 66.
10	Notice of intention to employ male young persons over 16 in lace factories overtime.	41 Vict. c. 16, ss. 44—5, 66.
11	Notice of intention to employ male young persons over 16 years in bakehouses between 5 A.M. and 9 P.M. (This is permitted under strict conditions as to meals and rest, and intervals between periods of employment.)	41 Vict. c. 16, ss. 45, 46.
13	Notice of intention to substitute another day for Saturday. (In certain occupations and districts another early closing day may be fixed instead of Saturday.)	41 Vict. c. 16, ss. 46, 66.
15	Notice of intention to continue work for five hours without an interval. (Extended only to a certain class of textile factories.)	41 Vict. c. 16, ss. 48, 66, Sched. 3, part 7.

Official No. of Notice.	Description of Notice.	Act and Section.
16	Notice of intention to allow different holidays to different sets of persons employed. (In certain occupations and districts the annual statutory holidays may be allowed to various persons at various dates.)	41 Vict. c. 16, ss. 49, 66.
17, 18	Notice of intention of Jewish occupier to avail himself of modifications in respect to holidays, overtime, and Sunday employment. (Privileges allowed in case of the Jewish Sabbath, &c.)	41 Vict. c. 16, ss. 50, 51, 66.
19, 20	Notice of intention to allow different meal hours to different sets, and the employment of one set during the meal hour of another. (Trades in which continuous processes are carried on, in which night work is allowed, &c., are entitled to this modification, also a few others.)	41 Vict. c. 16, ss. 52, 66, Sched. 3, part 2.
21	Notice of intention to work overtime (women only).	41 Vict. c. 16, s. 53, Sched. 3, part 3.
22	Notice of intention to work additional half hour (in complete process).	41 Vict. c. 16, s. 54, Sched. 3, part 4.
23	Notice of intention to work to prevent damage (Turkey Red Dyeing).	41 Vict. c. 16, s. 55.
24	Notice of intention to work overtime (women only).	41 Vict. c. 16, s. 56, Sched. 3, part 5.
25	Notice of intention to recover lost time in water mills.	41 Vict. c. 41, ss. 57, 66.

Appndx.

Official No. of Notice.	Description of Notice.	Act and Section.
26	Notice of intention to employ male young persons on night shifts. (In trades in which continuous processes are carried on, young persons may be employed at night on alternate weeks.)	41 Vict. c. 16, ss. 58, 66, Sched. 3, part 6.
27	Notice of intention to employ male young persons over 16 as adults on two nights a week on newspaper work.	41 Vict. c. 16, ss. 59, 66.
28	Notice of intention to employ male young persons during the accustomed hours of the trade in glass works. (<i>i.e.</i> , on night and day shifts with an equivalent interval for rest between periods of employment.)	41 Vict. c. 16, ss. 60, 66.
REPORTS UNDER COTTON CLOTH FACTORIES ACT.		
	Thermometer records. Limits of humidity.	52 & 53 Vict. c. 62, s. 7.

FORM OF NOTICE OF ACCIDENT

TO BE SENT TO H. M. INSPECTOR OF FACTORIES AND
WORKSHOPS FOR THE DISTRICT, AND THE
CERTIFYING SURGEON OF THE DISTRICT.

Name and address of firm -

Nature of industry carried
on - - - -

Date of accident - - -

Full name of injured person

Age of injured person -

Occupation of injured per-
son - - - -

Residence of injured person
(street and number) -

Place to which injured
person has been re-
moved - - - -

Nature of injury, *i.e.*, parts
injured - - - -

Nature of injury, slight or
severe - - - -

By what part of what
machinery in motion -

Or in what other way caused
(see (a) and (b) above)

Signature of Occupier, Manager,
or Agent _____

Date _____

Appndx.

TRUCK ACT, 1831.

1 & 2 WILL. 4, CAP. 37.

An Act to prohibit the Payment, in certain Trades, of Wages in Goods, or otherwise than in the Current Coin of the Realm.

[15th October, 1831.]

WHEREAS it is necessary to prohibit the payment, in certain trades, of wages in goods, or otherwise than in the current coin of the realm; be it therefore enacted that in all contracts (a) hereafter to be made for the hiring of any artificer [*in any of the trades hereinafter enumerated*] (b) or for the performance by any artificer of any labour [*in any of the said trades*], (b) the wages of such artificer shall be made payable in the current coin of this realm only, and not otherwise; and that if in any such contract, the whole or any part of such wages, shall be made payable in any manner other than in the current coin aforesaid, such contract shall be and is hereby declared illegal, null, and void.

(a) For definition of contract, see section 25. See also the Act of 1887, s. 6 (p. 272).

(b) The above words italicised and enclosed within square brackets wherever they occur in this and subsequent sections refer to the repealed section 19, and are repealed by the Statute Law Revision Act, 1891.

Contracts for the hiring of artificers must be made in the current coin of the realm;

and must not contain any stipulations as to the manner in which the wages shall be expended.

2. If in any contract hereafter to be made between any artificer [*in any of the trades hereinafter enumerated*] and his employer, any provision shall be made directly or indirectly respecting the place where, or the manner in which, or the person or persons with whom, the whole or any part of the wages due or to become due to any such

artificer shall be laid out or expended, such contract shall be and is hereby declared illegal, null, and void. Appndx.

3. . . . The entire amount of the wages earned by or payable to any artificer [*in any of the trades hereinafter enumerated*] in respect of any labour by him done [*in any such trade*] shall be actually paid to such artificer in the current coin of this realm, and not otherwise; and every payment made to any such artificer by his employer, of or in respect of any such wages, by the delivering to him of goods, or otherwise than in the current coin aforesaid, except as hereinafter mentioned, shall be and is hereby declared illegal, null, and void.

All wages must be paid to the workman in coin.

Payment in goods declared illegal.

Bank notes, if artificer consents, are as effectual in payment as the current coin (s. 8).

4. . . . Every artificer [*in any of the trades hereinafter enumerated*] shall be entitled to recover from his employer [*in any such trade*], in the manner by law provided for the recovery of servant's wages, or by any other lawful ways and means, the whole or so much of the wages earned by such artificer in such trade as shall not have been actually paid to him by such his employer in the current coin of this realm.

Artificers may recover wages, if not paid in the current coin.

5. . . . In any action, suit, or other proceeding to be hereafter brought or commenced by any such artificer as aforesaid, against his employer, for the recovery of any sum of money due to any such artificer as the wages of his labour [*in any of the trades hereinafter enumerated*] the defendant shall not be allowed to make any set-off, nor to claim any reduction of the plaintiff's demand, by reason or in respect of any goods, wares, or merchandise had or received by the plaintiff as or on

In an action brought for wages no set-off shall be allowed for goods supplied by the employer, or by any shop in which the employer is interested.

Appndx. account of his wages or in reward for his labour, or by reason or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

See also Truck Act, 1887, s. 6.

No employer shall have any action against his artificer for goods supplied to him on account of wages.

6. . . . No employer of any artificer [*in any of the trades hereinafter enumerated*] shall have or be entitled to maintain any suit or action in any court of law or equity against any such artificer, for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to any such artificer by any such employer, whilst in his employment, as or on account of his wages or reward for his labour, or for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

See Truck Act, 1887, s. 5.

7. [*If the artificer or his wife or children become chargeable to the parish, the overseers may recover any wages earned within the three preceding months, and not paid in cash.*]

8. [*Not to invalidate the payment of wages in bank notes, if artificer consents.*]

It is not necessary for the purposes of this book to give these two sections in full.

Penalties on employers entering

9. . . . Any employer of any artificer [*in any of the trades hereinafter enumerated*], who

shall, by himself, or by the agency of any other person or persons, directly or indirectly enter into any contract or make any payment hereby declared illegal, shall for the first offence forfeit a sum not exceeding ten pounds [*nor less than five pounds*], (a) and for the second offence any sum not exceeding twenty pounds nor less than ten pounds, and in the case of a third offence any such employer shall be and be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine only, at the discretion of the court, so that the fines shall not in any case exceed the sum of one hundred pounds.

Appndx.
into contracts hereby declared illegal.

(a) Repealed by the Summary Jurisdiction Act, 1884.

10. [*Proviso as to second and third convictions.*]

11. [*The power of justices to compel the attendance of witnesses, and*

12. *To levy penalties by distress.*] (a)

(a) These sections were repealed by the Act of 1887 (50 & 51 Vict. c. 46), sched.; the enforcement of the provisions of the Act being under the Summary Jurisdiction Act.

13. . . . No person shall be liable to be convicted of any offence against this Act committed by his or her co-partner in trade, and without his or her knowledge, privity, or consent; but it shall be lawful, when any penalty, or any sum for wages, or any other sum, is ordered to be paid under the authority of this Act, and the person or persons ordered to pay the same shall neglect or refuse to do so, to levy the same by distress and sale of any goods belonging to any co-partnership, concern or business in the carrying on of which such charges may have become due or such offence may have

A partner not to be liable in person for the offence of his co-partner, but the partnership property to be so liable.

Appndx. been committed ; and in all proceedings under this Act to recover any sum due for wages it shall be lawful in all cases of co-partnership for the justices, at the hearing of any complaint for the non-payment thereof, to make an order upon any one or more co-partners for the payment of the sum appearing to be due ; and in such case the service of a copy of any summons or other process, or of any order, upon one or more of such co-partners, shall be deemed to be a sufficient service upon all.

How sum-
mons
are to be
served.

14. In all cases it shall be deemed and taken to be sufficient service of any summons to be issued against any offender or offenders by any justice or justices of the peace, under the authority of this Act, if a duplicate or true copy of the same be left at or upon the place used or occupied by such offender or offenders for carrying on his, her, or their trade or business, or at the place of residence of any such offender or offenders, being at or upon any such place as aforesaid, the same being directed to such offender or offenders by his, her, or their right or assumed name or names.

15, 16. [*Relating to forms of conviction, &c.*]

These two sections were repealed by the Act of 1887 (50 & 51 Vict. c. 46), sched.

Convictions
not to be
quashed if
for want
of form.

17. No conviction, order, or adjudication made by any justices of the peace under the provisions of this Act shall be quashed for want of form, nor be removed by *certiorari* or otherwise into any of His Majesty's superior Courts of Record ; [*and no warrant of distress, or of commitments, in default of sufficient distress, shall be held void by reason of any defect therein, provided it be therein*

alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.](a) Appndx.

(a) Repealed except as to Ireland by the Statute Law Revision Act, 1891.

18. [*As to power of justices to award penalties.*]

19. [*Specification of trades to which the Act is to apply.*]

These last two sections are repealed by the Act of 1887.

20. . . . Nothing herein contained shall extend to any domestic servant. Domestics.

21, 22. [*As to penalties, jurisdiction of justices, &c.*]

These two sections are repealed by the Act of 1887.

23. . . . Nothing herein contained shall extend or be construed to extend to prevent any employer of any artificer, or agent of any such employer, from supplying or contracting to supply to any such artificer any medicine or medical attendance, or any fuel, or any materials, tools, or implements to be by such artificer employed in his trade or occupation, if such artificers be employed in mining, or any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such artificer in his trade and occupation; nor from demising to any artificer [*workman, or labourer employed in any of the trades or occupations enumerated in this Act*] the whole or any part of any tenement at any rent to be thereon reserved; nor from supplying or contracting to supply to any such artificer any victuals dressed or prepared under the roof of any such employer, and there consumed by such artificer; nor from making or contracting to make any stoppage or deduction Particular exceptions to the generality of the law.

Appndx. from the wages of any such artificer, for or in respect of any such rent ; or for or in respect of any such medicine or medical attendance ; or for or in respect of such fuel, materials, tools, implements, hay, corn, or provender, or of any such victuals dressed and prepared under the roof of any such employer ; or for or in respect of any money advanced to such artificer for any such purpose as aforesaid : Provided always, that such stoppage or deduction shall not exceed the real and true value of such fuel, materials, tools, implements, hay, corn, and provender, and shall not be in any case made from the wages of such artificer, unless the agreement or contract for such stoppage or deduction shall be in writing, and signed by such artificer.

Deductions for sharpening tools, &c., are not to be made without the consent in writing of the workman. See Truck Act, 1887, s. 8.

Accounts of deductions for education, medical attendance, and tools are to be rendered and audited. See Truck Act, 1887, s. 9.

Employers may advance money to artificers for certain purposes.

24. . . . Nothing herein contained shall extend or be construed to extend to prevent any such employer from advancing to any such artificer any money to be by him contributed to any friendly society or bank for savings duly established according to law, nor from advancing to any such artificer any money for his relief in sickness, or for the education of any child or children of such artificer, nor from deducting or contracting to deduct any sum or sums of money from the wages of such artificer for the education of any such child or children of such artificer

See Truck Act, 1887, ss. 7, 8, 9.

Definition of terms.

25. . . . In the meaning and for the purposes of this Act any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever

Appndx.

on the subject of wages, whether written or oral, whether direct or indirect, to which the employer and artificer are parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them, shall be and be deemed a "contract."

26. [*Commencement of Act.*]

27. [*To extend over Great Britain and Ireland.*]

TRUCK AMENDMENT ACT, 1887.

50 & 51 VICT. CAP. 46.

An Act to amend and extend the Law relating to Truck. [16th September, 1887.]

BE it enacted . . . as follows :

1. This Act may be cited as the Truck Amendment Act, 1887. The Act of the session of the first and second years of the reign of King William the Fourth, chapter thirty-seven, intituled "An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm" (in this Act referred to as the principal Act) may be cited as the Truck Act, 1831, and that Act and this Act may be cited together as the Truck Acts, 1831 and 1887, and shall be construed together as one Act.

Short title.

1 & 2 WILL. 4, c. 37.

Application of principal Act to workman as defined by 38 & 39 Vict. c. 90.

2. The provisions of the principal Act shall extend to, apply to, and include any workman as defined in the Employers and Workmen Act, 1875, section ten, and the expression "artificer" in the

Appndx. principal Act shall be construed to include every workman to whom the principal Act is extended and applied by this Act, and all provisions and enactments in the principal Act inconsistent herewith are hereby repealed.

The Employers and Workmen Act 1875 (38 & 39 Vict. c. 90), s. 10, enacts as follows:—

Workman does not include a domestic or menial servant, but, save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be expressed or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour.

Advance of wages.

3. Whenever by agreement, custom, or otherwise a workman is entitled to receive in anticipation of the regular period of the payment of his wages an advance as part or on account thereof, it shall not be lawful for the employer to withhold such advance or make any deduction in respect of such advance on account of poundage, discount, or interest, or any similar charge.

Saving for servant in husbandry

4. Nothing in the principal Act or this Act shall render illegal a contract with a servant in husbandry for giving him food, drink, not being intoxicating, a cottage, or other allowances, or privileges in addition to money wages as a remuneration for his services.

Order for goods as a deduction from wages illegal.

5. In any action brought by a workman for the recovery of his wages, the employer shall not be entitled to any set off or counter-claim in respect of any goods supplied to the workman by any person under any order or direction of the employer, or any agent of the employer, and the employer of a workman or any agent of the employer, or any

person supplying goods to the workman under any order or direction of such employer or agent, shall not be entitled to sue the workman for or in respect of any goods supplied by such employer or agent, or under such order or direction, as the case may be. **Appndx.**

Provided that nothing in this section shall apply to anything excepted by section twenty-three of the principal Act.

6. No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman any terms as to the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid to the workman are or is to be expended, and no employer shall by himself or his agent dismiss any workman from his employment for or on account of the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid by the employer to such workman are or is expended or fail to be expended. No contracts with workman as to spending wages at any particular shop, &c.

7. Where any deduction is made by an employer from a workman's wages for education, such workman on sending his child to any State-inspected school selected by the workman shall be entitled to have the school fees of his child at that school paid by the employer at the same rate and to the same extent as the other workmen from whose wages the like deduction is made by such employer. Deduction for education.

In this section "State-inspected" school means any elementary school inspected under the direction of the Education Department in England or Scotland or of the Board of National Education in Ireland.

Appndx. 8. No deduction shall be made from a workman's wages for sharpening or repairing tools, except by agreement not forming part of the condition of hiring.

Deduction
for sharpen-
ing tools,
&c.

Audit of
deductions.

9. Where deductions are made from the wages of any workmen for the education of children or in respect of medicine, medical attendance, or tools, once at least in every year the employer shall, by himself or his agent, make out a correct account of the receipts and expenditure in respect of such deductions, and submit the same to be audited by two auditors appointed by the said workmen, and shall produce to the auditors all such books, vouchers, and documents, and afford them all such other facilities as are required for such audit.

Artificer
to be paid
in cash and
not by way
of barter
for articles
made by
him.

10. Where articles are made by a person at his own home, or otherwise, without the employment of any person under him except a member of his own family, the principal Act and this Act shall apply as if he were a workman, and the shopkeeper, dealer, trader, or other person buying the articles in the way of trade were his employer, and the provisions of this Act with respect to the payment of wages shall apply as if the price of an article were wages earned during the seven days next preceding the date at which any article is received from the workman by the employer.

This section shall apply only to articles under the value of five pounds knitted or otherwise manufactured of wool, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk, or of any combination thereof, or made or prepared of bone, thread, silk, or cotton lace, or of lace made of any mixed materials.

Where it is made to appear to Her Majesty the Queen in Council that, in the interests of persons making articles to which this section applies in any county or place in the United Kingdom, it is expedient so to do, it shall be lawful for Her Majesty, by Order in Council, to suspend the operation of this section in such county or place, and the same shall accordingly be suspended, either wholly or in part, and either with or without any limitations or exceptions, according as is provided by the Order.

Appndx.

11. If any employer or his agent contravenes or fails to comply with any of the foregoing provisions of this Act, such employer or agent, as the case may be, shall be guilty of an offence against the principal Act, and shall be liable to the penalties imposed by section nine of that Act, as if the offence were such an offence as in that section mentioned.

Offences.

12. (1.) Where an offence for which an employer is, by virtue of the principal Act or this Act, liable to a penalty has in fact been committed by some agent of the employer or other person, such agent or other person shall be liable to the same penalty as if he were the employer.

Fine on person committing offence for which employer is liable, and power of employer to exempt himself from penalty on conviction of actual offender.

(2.) Where an employer is charged with an offence against the principal Act or this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved the employer proves to the satisfaction of the court that he had used due diligence to enforce the

Appndx. execution of the said Acts, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.

When it is made to appear to the satisfaction of an inspector of factories or mines, or in Scotland a procurator fiscal, at the time of discovering the offence, that the employer had used due diligence to enforce the execution of the said Acts, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer, then the inspector or procurator fiscal shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

Recovery of penalties.

13. (1.) Any offence against the principal Act or this Act may be prosecuted, and any penalty therefor recovered in manner provided by the Summary Jurisdiction Acts, so, however, that no penalty shall be imposed on summary conviction exceeding that prescribed by the principal Act for a second offence.

(2.) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of the principal Act and this Act within their districts so far as respects factories, workshops, and mines inspected by them respectively, and such inspectors shall for this purpose have the same powers and authorities^(a) as they respectively have for the purpose of enforcing the provisions of any Acts relating to factories, workshops, or mines, and all expenses incurred by them under this section shall be defrayed out of moneys provided by Parliament.

(3.) In England all penalties recovered under the principal Act and this Act shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund. Appndx

(4.) In Scotland—

(a.) The procurators fiscal of the sheriff court shall, as part of their official duty, investigate and prosecute offences against the principal Act or this Act, and such prosecution may also be instituted in the sheriff court at the instance of any inspector of factories or inspector of mines ;

(b.) All offences against the said Acts shall be prosecuted in the sheriff court.

(a) See section 68 of the Act of 1878 (p. 87, *ante*).

14. In this Act, unless the context otherwise requires,— Definitions.

The expression "Summary Jurisdiction Acts" means, as respects England, the Summary Jurisdiction Acts as defined by the Summary Jurisdiction Act, 1879 ; and, as respects Scotland, means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same :

Other expressions have the same meaning as in the principal Act.

15. So much of the principal Act as disqualifies any justice from acting as such under the principal Act is hereby repealed. Disqualifi-
cation of
justice.

A person engaged in the same trade or occupation as an employer charged with an offence against the principal Act or this Act shall not act as a justice of the peace in hearing and determining such charge.

Appndx. 16. The provisions of the principal Act conferring powers on any overseers or overseer of the poor shall be deemed to confer those powers in the case of England on the guardians of a union, and in the case of Scotland on the inspectors of the poor.

Amendment
of 1 & 2
Will. 4,
c. 37, as to
overseers.

Repeal. 17. The Acts mentioned in the Schedule to this Act are hereby repealed to the extent in the third column of the said Schedule mentioned, without prejudice to anything heretofore done or suffered in respect thereof.

**Application
of Acts to
Ireland.** 18. The principal Act, so far as it is not hereby repealed, and this Act shall extend to Ireland, subject to the following conditions:—

- (1.) Any offence against the principal Act or this Act may be prosecuted and any penalty therefor may be recovered in the manner provided by the Summary Jurisdiction (Ireland) Acts; (that is to say,) within the Dublin Metropolitan Police District the Acts regulating the powers and duties of justices of the peace and of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same:
- (2.) Penalties recovered under the principal Act or this Act shall be applied in the manner directed by the Fines (Ireland) Act, 1851, and the Acts amending the same.

SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal
12 Geo. 1, c. 34.	An Act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages.	Section three, and so much of section eight as applies to section three.
22 Geo. 2, c. 27.	An Act, the title of which begins with "An Act for the more effectual preventing of frauds," and ends with the words "and for the better payment of their wages."	So much of section twelve as applies to any enactment repealed by this Act.
30 Geo. 2, c. 12.	An Act, the title of which begins with the words "An Act to amend an Act," and ends with the words "payment of the workmen's wages in any other manner than in money."	Sections two and three.
57 Geo. 3, c. 115.	An Act, the title of which begins with the words "An Act to extend the provisions of an Act," and ends with the words "articles of cutlery."	The whole Act.
57 Geo. 3, c. 122.	An Act, the title of which begins with the words "An Act to extend the provisions, and ends with the words "extending the provisions of the said Acts to Scotland and Ireland."	The whole Act.

Appndx.

SCHEDULE—*continued.*

Session and Chapter.	Title of Act.	Extent of Repeal.
1 & 2 Will. 4, c. 37.	An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm.	Section ten, down to "be produced to the court and jury" inclusive; section eleven, section twelve, section fifteen, section sixteen, section eighteen, section nineteen, in section twenty the words "or servant in husbandry"; section twenty-one, section twenty-two, section twenty-four from "and unless the agreement" inclusive to end of section, and section twenty-five from "all workmen" to "purposes aforesaid" both inclusive, and the schedules.

ELEMENTARY EDUCATION ACT, 1876.

39 & 40 VICT. CAP. 79.

7. Provided that it shall be the duty of the inspector and sub-inspector acting under the Acts regulating factories, workshops, and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories, workshops, and mines, of the provisions of this Act, respecting the employment of children, but it shall be the duty of the local authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise.

The penalty for the contravention of this Act is as follows by section 6:—Every person who takes a child into his employment in contravention of this Act shall be liable on summary conviction to a penalty not exceeding forty shillings.

ELEMENTARY EDUCATION ACT, 1880.

43 & 44 VICT. CAP. 23.

4. Every person who takes into his employment a child of the age of ten years, and under the age of thirteen years resident in a school district, before that child has obtained a certificate of having reached the standard of education fixed by a by-law in force in the district for the total or partial exemption of children of the like age from the obligation to attend school, shall be deemed to take such child into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty accordingly.

This enactment now applies to children employed in factories and workshops between the ages of eleven and thirteen. See the Factory and Workshop Act of 1891, s. 18.

The penalty for contravention of the section under the Elementary Education Act, 1876, s. 6, is not to exceed forty shillings.

EDUCATION (SCOTLAND) ACT, 1883.

46 & 47 VICT. CAP. 50.

6. From and after the first day of September, one thousand eight hundred and eighty-five, notwithstanding the provisions of section five of the Education (Scotland) Act, 1878, and of any Act of Parliament regulating the education of children employed in labour, the said Acts shall be read and have effect as if they provided that it shall not be lawful for any person to take into his employment a child being of the age of ten years and not more than fourteen years, unless such child (1) has passed the third standard prescribed by the minutes of the Scotch Education Department

Provisions
as to chil-
dren em-
ployed in
labour.

Appndx. regulating the administration of the parliamentary grant for education in Scotland for the year one thousand eight hundred and eighty-three, or a corresponding standard prescribed by the said minutes for any subsequent year, and is attending a public or inspected school in accordance with the provisions of the twenty-third section of the Factory and Workshop Act, 1878, or of any minute of the Scotch Education Department fixing the number of the attendances at school to be required of such children ; or (2) has obtained a certificate of ability to read and write, and of a knowledge of elementary arithmetic under the seventy-third section of the Education (Scotland) Act, 1872, as amended by the immediately succeeding section.

Nothing in this section shall make it lawful to take into full-time employment any child under the age of thirteen years in a factory or workshop which is subject to the provisions of the Factory and Workshop Act, 1878.

Provided that nothing in this section shall prevent an employer from employing any child who is employed by him or by any other person before the first day of September, one thousand eight hundred and eighty-five, and who attends school in accordance with the provisions of the Factory and Workshop Act, 1878.

Amendment
of s. 73 of
the Educa-
tion (Scot-
land) Act,
1872.

7. A certificate of ability to read and write, and of a knowledge of elementary arithmetic, shall not be granted in favour of any child by one of Her Majesty's inspectors, under section seventy-three of the Education (Scotland) Act, 1872, unless such child has passed the fifth standard prescribed by the minutes of the Scotch Education Department regulating the administration of the parliamentary grant for education in Scotland for the year one

thousand eight hundred and eighty-three or a corresponding standard prescribed by the said minutes for any subsequent year. **Appndx.**

8. Passing a standard within the meaning of the two immediately preceding sections signifies passing in each of the three subjects of reading, writing, and elementary arithmetic, as prescribed for the respective standards of examination by the minutes of the Scotch Education Department regulating the administration of the parliamentary grant for education in Scotland for the year one thousand eight hundred and eighty-three, or for any subsequent year. Meaning passing standard.

PREVENTION OF CRUELTY TO CHILDREN ACT, 1894.

57 & 58 VICT. CAP. 41.

3. (1.) A petty sessional court, or in Scotland the School Board, may, notwithstanding anything in this Act, grant a licence for such time and during such hours of the day, and subject to such restrictions and conditions as the court or board think fit, for any child exceeding seven years of age,— Licences for employment of children.

(a.) To take part in any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid; or

(b.) To be trained as aforesaid; or

(c.) For both purposes;

if satisfied of the fitness of the child for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and

Appndx. kind treatment of the children taking part in the entertainment or series of entertainments or being trained as aforesaid, and the court or board may, upon sufficient cause, vary, add to, or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

41 & 42 Vict.
c. 16.

(2.) A Secretary of State may assign to any inspector appointed under section sixty-seven of the Factory and Workshop Act, 1878, specially and in addition to any other usual duties, the duty of seeing whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector has to enter, inspect, and examine a factory or workshop under section sixty-eight of the same Act.

(3.) Where any person applies for a licence under this section he shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(4.) Where a licence is granted under this section to any person, that person shall, not less than ten days after the granting of the licence, cause a copy thereof to be sent to the inspector of factories

and workshops acting for the district in which the licence is to take effect, and if he fails to cause such copy to be sent, shall be liable on summary conviction to a fine not exceeding five pounds. Appndx.

(5.) Nothing in this or in the last preceding section shall affect the provisions of the Elementary Education Act, 1876, or the Education (Scotland) Act, 1878. 39 & 40 Vict.
c. 79.
41 & 42 Vict
c. 78.

The penalty for illegally employing children under this Act is a fine not exceeding 25*l.*, or in default of payment, or in addition thereto, imprisonment for not exceeding three months (s. 2).

A special form of licence has been drawn up, and is used in the Metropolitan Police Division: it prescribes the hours for rehearsal and performance with proper intervals; the safe conduct and care of the child; and authorises the inspector to require proof of age and to interfere if the employment of the child appear to be injurious.

For powers of inspector to make full investigation, see p. 87, *ante*.

PUBLIC HEALTH ACT, 1875.

38 & 39 VICT. CAP. 55.

38. Where it appears to any local authority by the report of their surveyor that any house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade or business, the local authority may, if they think fit, by written notice require the owner or occupier of such house, within the time therein specified, to construct a sufficient number of water-closets earth-closets or privies and ashpits for the separate use of each sex.

Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to

Appndx. a further penalty not exceeding forty shillings for every day during which the default is continued.

Failure to make adequate provision as above required is now an offence punishable under the Factory Acts, by section 35 of the Factory Act of 1895 (see p. 228).

91. (6.) Any factory, workshop, or workplace (not already under the operation of any general Act for the regulation of factories or bakehouses) not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases vapours dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein shall be deemed to be a nuisance liable to be dealt with summarily in manner provided by this Act.

PUBLIC HEALTH ACTS AMENDMENT
ACT, 1890.

53 & 54 VICT. CAP. 59.

22. (1.) Every building, used as a workshop or manufactory, or where persons are employed or intended to be employed in any trade or business, whether erected before or after the adoption of this part of this Act in any district, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at such building, and also where persons of both sexes are employed, or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

(2.) Where it appears to an urban authority on Appndx. the report of their surveyor that the provisions of this section are not complied with in the case of any building, the urban authority may, if they think fit, by written notice, require the owner or occupier of any such building to make such alterations and additions therein as may be required to give such sufficient, suitable, and proper accommodation as aforesaid.

(3.) Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding forty shillings.

(4.) Where this section is in force (a) section thirty-eight of the Public Health Act, 1875, shall be repealed.

(a) This Act being adoptive, its provisions only apply where they have been adopted by the local authority, but section 35 of the Factory Act of 1895 provides for cases where this Act is not in force.

PUBLIC HEALTH (LONDON) ACT, 1891.

54 & 55 VICT. CAP. 76.

25. (1.) Where, on a certificate of a medical officer of health or sanitary inspector, it appears to any sanitary authority that the lime-washing, cleansing, or purifying of any workshop (other than a bakehouse), or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall serve notice in writing on the owner or occupier of the workshop to limewash, cleanse, or purify the workshop or part as the case requires, within the time specified in the notice; and if the person upon whom notice is so served

Appndx. fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding ten shillings for every day during which he continues to make default after conviction; and the sanitary authority may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person on whom the notice is served.

(2.) This section shall apply to any factory which is not subject to the provisions of the Factory and Workshop Act, 1878, and the Acts amending the same, and to any workplace, in like manner as it applies to a workshop.

26. (1.) Sections thirty-four, thirty-five, and eighty-one of the Factory and Workshop Act, 1878, and sections fifteen and sixteen of the Factory and Workshop Act Amendment Act, 1883 (which relate to cleanliness, ventilation, and other sanitary conditions), shall, as respects every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate, and they shall be the local authority within the meaning of those sections.

(2.) For the purposes of this section the provisions of this Act with respect to the admission of the sanitary authority and their officers into any premises for any purpose in relation to nuisances shall apply in like manner as if they were herein re-enacted and in terms made applicable to this section; and every person refusing or failing to allow the sanitary authority or their officer to enter any premises in pursuance of those provisions for the purposes of this section shall be subject to a fine.

27. If any child, young person, or woman is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.

Appndx.

The above Act applies only to London. As to the division of authority in sanitary matters affecting "factories" and "workshops" between inspectors of factories and local authorities, cf. 38 & 39 Vict. c. 55, s. 91 (6); 41 Vict. c. 16, ss. 3 and 101; 54 & 55 Vict. c. 76, s. 25 (2), and s. 2 (g).

SHOP HOURS ACT, 1892.

55 & 56 VICT. CAP. 62.

An Act to amend the Law relating to the Employment of Young Persons in Shops.

[28th June, 1892.]

WHEREAS the health of many young persons employed in shops and warehouses is seriously injured by reason of the length of the period of employment :

Be it therefore enacted . . . as follows :

1. This Act may be cited as the Shop Hours Act, 1892. Short title.

2. This Act shall come into operation on the first day of September, one thousand eight hundred and ninety-two. Commence ment of Act.

3. (1.) No young person shall be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week. Hours of employment in shops.

(2.) No young person shall to the knowledge of his employer be employed in or about a shop having

Appndx. been previously on the same day employed in any factory or workshop, as defined by the Factory and Workshop Act, 1878, for the number of hours permitted by the said Act or for a longer period than will together with the time during which he has been so previously employed complete such number of hours.

41 & 42 Vict.
c. 16.

Notice of
hours to be
given.

4. In every shop in which a young person is employed a notice shall be kept exhibited by the employer in a conspicuous place referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed in that shop. (a)

(a) The penalty is under the Shop Hours Act, 1895 (see p. 293).

Fine for
employing
persons
contrary to
the Act.

5. Where any young person is employed in or about a shop contrary to the provisions of this Act, the employer shall be liable to a fine not exceeding one pound for each person so employed.

Power of
occupier to
exempt
himself
from fine;
on conviction
of
actual
offender.

6. Where the employer of any young person is charged with any offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said employer proves to the satisfaction of the court that he has used due diligence to enforce the execution of the Act, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

Summary
proceedings.

7. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, in

like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Act, 1878, and sections eighty-eight, eighty-nine, ninety, and ninety-one of the said Act, and so much of section ninety-two thereof as relates to evidence respecting the age of any person, and the provisions relating to the application of the said Act to Scotland and Ireland, so far as those provisions are applicable, shall have effect as if re-enacted in this Act and in terms made applicable thereto. Appndx.

8. The council of any county or borough, and in the city of London the common council, may appoint such inspectors as they may think necessary for the execution of this Act within the areas of their respective jurisdictions, and sections sixty-eight and seventy of the Factory and Workshop Act, 1878, shall apply in the case of any such inspector as if he were appointed under that Act, and as if the expression workshop as used in those sections included any shop within the meaning of this Act. Appoint-
ment of
inspectors.

The powers conferred by this section may be exercised in Ireland by the council of any municipal borough and by the commissioners of any town or township.

9. In this Act, unless the context otherwise requires— Interpre-
tation.

“Shop” means retail and wholesale shops, markets, stalls, and warehouses in which assistants are employed for hire, and includes licensed public-houses and refreshment houses of any kind:

“Young person” means a person under the age of eighteen years:

Appndx.

Other words and expressions have the same meanings respectively as in the Factory and Workshop Act, 1878.

41 & 42 Vict.
c. 16.

Exemption
of members
of the same
family, and
servants.

10. Nothing in this Act shall apply to a shop where the only persons employed are members of the same family, dwelling in the building of which the shop forms part or to which the shop is attached, or to members of the employer's family so dwelling, or to any person wholly employed as a domestic servant.

SHOP HOURS ACT, 1893.

56 & 57 VICT. CAP. 67.

An Act to amend the Shop Hours Act, 1892.

[21st December, 1893.]

BE it enacted as follows:

Short titles.

1. This Act may be cited as the Shop Hours Act, 1893, and this Act and the Shop Hours Act, 1892, may be cited together as the Shop Hours Acts, 1892 and 1893.

Salaries and
expenses.

2. (1.) Any salaries payable or other expenses incurred by the council of a county or borough for the purposes of the Shop Hours Act, 1892, shall be defrayed by the council of a county out of the county fund, and by the council of a borough out of the borough fund or borough rate.

(2.) In Ireland, such salaries and expenses shall be defrayed, if payable or incurred by the council of a municipal borough out of the borough fund or borough rate, and, if payable or incurred by the commissioners of a town or township, out of any

rate leviable by them as such commissioners Appndx. throughout the whole of their district.

3. In the application to Scotland of the Shop Hours Act, 1892, and of this Act, Definitions.

The expression "council of a county or a borough" means the county council of a county and the commissioners of police of burghs in which there are such commissioners, and in burghs in which there are no such commissioners the town council.

The expressions "county fund" shall mean the general purposes rate, and "borough fund or borough rate" shall mean, in burghs in which there are commissioners of police, the police assessment, or in their option the public health assessment; and in burghs in which there are no such commissioners any assessment levied by the town council.

SHOP HOURS ACT, 1895.

58 VICT. CAP. 5.

An Act to amend the Shop Hours Act, 1892.

[9th April, 1895.]

BE it enacted . . . as follows:

1. If any employer fails to keep exhibited the notice required by section four of the Shop Hours Act, 1892, in manner required by that section, he shall be liable to a fine not exceeding forty shillings. Penalty on failure to comply with 55 & 56 Vict. c. 62, s. 4.

2. This Act may be cited as the Shop Hours Act, 1895, and shall be construed as part of the Shop Hours Act, 1892, and this Act may be cited collectively as the Shop Hours Acts, 1892 to 1895. Short title and construction.

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