



REDGRAVE'S
FACTORY ACT

Third Edition

G. SQZ

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Sturley F. Murphy

THE

Factory & Workshop

ACT, 1878,

WITH INTRODUCTION, COPIOUS NOTES,
AND AN ELABORATE INDEX.

BY

ALEXANDER REDGRAVE, ESQ., C.B.,

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

THIRD EDITION,

Containing all the Exceptions granted by the Secretary of State.

LONDON:

SHAW & SONS, FETTER LANE AND CRANE COURT, E.C.,
Law Printers and Publishers.

1885.

16855.

LONDON: PRINTED BY SHAW AND SONS, FETTER LANE.

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.

ably, Section 12 of the Insurance of the ...
Classes Act to ...

also sections 72, 73 & 75 of the Public
Health Act: 1875

Under section 4 ...
should be sent to ...

2. send ... to County Council & request
them to give notice to ...
with power to replace them in case
of default.

Every factory is bound to ...
not workshops



THE FACTORY AND WORKSHOP ACT, 1878

41 VICT. CHAP. 16.

INTRODUCTION.

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 this consolidating Act 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 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 this Act; 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 new Act.

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. I may, however, except from this description the interesting book by E. E. Von Plener, “The English Factory Legislation.”* Whenever the question be taken in hand, “The Factories and Workshop Act, 1878,” will be the text from which each division of the subject may be naturally divided. The steps by which each advance was made may be traced until one harmonious whole has been reached and consolidated in this Act.

* The English Factory Legislation, by Ernst Edler Von Plener, First Secretary to the Imperial and Royal Austro-Hungarian Embassy in London. Chapman and Hall, 1873.

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 this Act is essentially a consolidating Act, it maintains 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 afterward: 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,—printworks, bleachworks, dyeworks, and lace factories. Next, in 1864, 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 authorized 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 imperiled 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, Ireland, and in February, 1876, their Report, with a volume of evidence, was laid before Parliament. The Report deals exhaustively with the question; it traces out clearly and distinctly the course of legislation, the causes of the differences of regulations in different trades; it points out wherein some differences may cease, and others be mitigated, and by a series of resolutions lays down the groundwork for the consolidation of the various Acts.

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

The Act deals with five classes of works :

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

By its definitions a "factory" is 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 are now first used 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 definition of a Textile Factory remains the same as 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 reasons of fifty persons being employed, and in which mechanical power is 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, 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, the sanitary condition, 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 age and fitness will not be compulsory.

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 time of work and of meals must be the same as in Non-Textile Factories, but with more elasticity of arrangement, and the sanitary condition is to be cared for by the sanitary authority.

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 employed are members of the same family dwelling there.

In these the actual 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, and the sanitary condition is cared for by the Medical Officer of Health. The employment of women in Domestic Workshops is unrestricted.

But the Act 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, I annex a tabular analysis of the variations of the provisions which are applicable to each of these three classes of works.

TABULAR ANALYSIS OF THE REGULATIONS OF THE FACTORY AND
THE DIFFERENT

Regulations to be observed in Textile Factories.

SANITARY PROVISIONS.

- Sect. 3.—Every factory to be kept in a cleanly state, free from effluvia, &c., to be well ventilated, not to be overcrowded.
- Sect. 4.—If an inspector observe a nuisance he must report to sanitary authority.
Inspector authorized 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 7 years, when it must be washed once every 14 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.
- 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.

SAFETY AND ACCIDENTS.

- Sect. 5.—Hoist or Tackle, steam-engine, water-wheel, mill gearing, to be securely fenced.
- Sects. 6, 7, 8.—Inspector may give notice of machinery or of a vat or pan containing hot liquid, or metal, considered to be dangerous, or grindstone fixed in a faulty manner. Provisions made for submitting question to arbitration.
- Sect. 9.—Employment of a child in cleaning machinery in motion, and of a child, young person, or woman in cleaning mill gearing in motion, prohibited.
Employment between fixed and traversing parts of a self-acting machine forbidden.
- Sect. 31.—Notice of accidents to be sent to the inspector and certifying surgeon—
If fatal.
If caused by machinery moved by power, or vat or pan, and so as to prevent the injured person returning to his work for 48 hours after the accident.
The certifying surgeon to report the same to the inspector.
- Sect. 82.—If any person suffer bodily injury from neglect of fence 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.

WORKSHOP ACT, 1878; AND OF THE APPLICATION OF THEM TO
CLASSES OF WORKS.

Corresponding Regulations to be observed in

Non-Textile Factorics.	Workshops.
The same.	The same.
The same.	The same.
The same.	The same.
The same.	The same.
The same.	The same.
Where dust is generated by grinding, glazing, or polishing, a fan shall be provided, for preventing the inhalation of the dust.—s. 36.	The same.
Bakehouses to be limewashed once in six months, or where painted in oil to be washed once in six months.—s. 34.	The same.
The same.	None.
The same.	The same as to vat or pan.
The same.	None.
The same.	None.
The same.	Only fatal accidents and those caused by un-fenced vat or pan to be noticed.
The same.	The same.
The same.	The same if from vat or pan.

 TABULAR ANALYSIS OF THE REGULATIONS OF THE

 Regulations to be observed in Textile Factories.

EMPLOYMENT AND MEAL HOURS.

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

Young Persons and Women.

Seet. 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.

Seet. 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.

Seet. 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.

FACTORY AND WORKSHOP ACT, 1878—*continued.*

Corresponding regulations to be observed in

Non-Textile Factories.	Workshops.
The same.	The same.
The same. But the period of employment in the works named in Sched 3, Part 1, p. 160, may be between 8 a.m. and 8 p.m.—s. 42.	The same.
The Secretary of State is authorized to add other Non-Textile Factories to this list, and further may authorize 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 2 p.m.—s. 13. 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. 42.	The same. The same.
When working in day and night shifts, the Saturday Half-holiday is not compulsory for male young persons.—s. 58.	The same.
In Turkey red dyeworks, work may continue on Saturday until 4:30 p.m.—s. 47.	The same.
The Secretary of State is authorized 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 in any one week, they may be extended to eight hours on Saturday.	The same.
The same.	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.—s. 13.	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF THE

Regulations to be observed in Textile Factories.

Sect. 11.—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 2, 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 Saturdays as young persons.

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:—

Sect. 48.—Except 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. 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.

FACTORY AND WORKSHOP ACT, 1878—*continued.*

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
Not to be employed more than five hours without an interval of half an hour.—s. 13.	The same.
The same.—s. 14.	The same.
The same.	The same.
But the period of employment in the works named in Sched. 3, Part. 1, may be between 8 a.m. and 8 p.m., and 4 p.m. on Saturdays.—s. 43.	The same.
Children not to be employed after 8 p.m.—s. 43.	The same.
The same.	The same.
The same.	The same.
The morning set ends and the afternoon set begins on Saturdays the same as on other days.	The same.
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:—Provided that children can only work on alternate days if two hours are allowed for meals.	The same.
The same.	The same.
A child shall not be employed more than five hours without an interval of half an hour.	The same.
The same.	The same.
The same.	The same.
The same.	The same.
The same.	The same.
The same.	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF THE

Regulations to be observed in Textile Factories.

- Sect. 22.—In Scotland, instead of Christmas Day and Good Friday two days shall be set apart for holidays, separated by an interval of three months, one of which shall be the day set apart for the Sacramental Fast of the parish, or some other day substituted therefor by the occupier.
 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 must be given, and will reckon as two of the eight half-holidays.

EDUCATION OF CHILDREN:

- Sect. 23.—The parent of a child shall cause such child to attend a recognized 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 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.
 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.

FACTORY AND WORKSHOP ACT, 1878—*continued.*

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
The same.	The same.
The same.	The same.
The same.	The same.
The same. The Secretary of State is authorized to permit the holidays under certain conditions to be given to different sets on different days.—s. 49. When working in day and night shifts it is not compulsory to give eight half holidays to male young persons—s. 58.	The same. The same.
The same.	The same.
The same.	The same.
The same.	The same.
The same.	The same.
The same.	The same.
The same.	The same.
The same.	The same.
The same.	The same.
The same.	The same.
The same.	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF THE

Regulations to be observed in Textile Factories.

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 FOR EMPLOYMENT.

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.

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.

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.

FACTORY AND WORKSHOP ACT, 1878—*continued.*

Corresponding Regulations to be observed in

Non-textile Factories.

Workshops.

The same.

The same.

The same.

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.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

The same.

 TABULAR ANALYSIS OF THE REGULATIONS OF THE

Regulations to be observed in Textile Factories.

REGULATIONS AS TO MEAL TIMES.

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.

PROHIBITIONS OF EMPLOYMENT.

Sect. 20.—A child shall not be employed under the age of ten 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 NIGHTWORK.

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.

FACTORY AND WORKSHOP ACT, 1878—*continued.*

Corresponding Regulations to be observed in

Non-Textile Factories.

Workshops.

The same—but not to apply to the factories named in Sch. 3, Part 2.	The same.
The same—but not to apply to the factories named in Sch. 3, Part 2.	The same.
The Secretary of State authorized to extend these modifications in certain cases.—s. 52.	
Meals are not to be taken in certain parts of glass works, lucifer match works, and earthenware works.—Sch. 2.	
The Secretary of State power to prohibit meals being taken in places injurious to health—s. 39.	The same.
The same.	The same.
The same.	The same.
The same, except in Blast Furnaces and Paper-Mills.—s. 58.	The same.
The same.	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.	
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.	The same.
A child under eleven shall not be employed in metal grinding, other than dry metal grinding, or in fustian cutting.—Sch. 1.	The same.
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.

TABULAR ANALYSIS OF THE REGULATIONS OF THE

Regulations to be observed in Textile Factories.

- 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 authorize 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. 63.—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.
- Sect. 64.—Where an exception has been authorized, and it is found to be injurious to health, the Secretary of State may by order rescind such exception.

FACTORY AND WORKSHOP ACT, 1878—*continued.*

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
The same.	The same.
The same.	Nonc.
The same.	The same.
The same.	The same.
Young persons and 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. in the works named in Sch. 3, Part 3, for not more than five days in a week and forty-eight in a year; and in the works named in Sch. 3, Part 5, for ninety-six days in a year.—ss. 53, 56.	The same.
The Secretary of State authorized 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.
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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.	Nonc.
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Workshops.

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The same.

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The same.

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The same.

The same.

The same.

The same.

The same.

The same.

The same.

Secretary of State may require registers to be kept in workshops—s. 77.

The same.

The same.

The same.

None.

The same.

The same.

The same.

None.

The same.

The same.

The only provisions of this Act which apply to Workshops conducted on the system of not employing children and young persons (sect. 15) are the following:—

The period of employment for a woman shall be between 6 a.m. and 9 p.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, four hours and a half, except on Saturday, and on Saturday two hours and a half.

Prohibition of work on Sunday.

The only provisions of this Act which apply to Domestic Workshops (sect. 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 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.

Prohibition of work of children and young persons on Sunday.

In neither of the two above-described workshops can overtime be worked.

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.

With the exception of the maximum amount of the fines and of the power of entry of an inspector into a dwelling, those enactments also apply to Domestic Workshops. For the purpose of entry the inspector will first obtain a warrant, either from the Secretary of State or a justice of the peace.

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 (sect. 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 them in a private house (sect. 98), are entirely exempted from the provisions of the Act.

It will be seen from this short statement, and an examination of the Act itself, that whereas all previous Acts were based upon some special circumstances which were brought forward with respect to particular trades, this Act 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 systematized so that the reason for them can be traced out.

The Act, too, while it will be casier of administration than any former Act, does not give any additional authority to the inspectors, who, indeed, will be guided now by more defined enactments, and will have no necessity, as heretofore, to search for a construction and adaptation of the Act from a maze of apparently contradictory enactments.

ALEXANDER REDGRAVE.

London.

FACTORY AND WORKSHOP ACT, 1878.

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FACTORY AND WORKSHOP ACT, 1878.

41 VICT. CHAP. 16.

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

BE it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Preliminary.

1. This Act may be cited as the Factory and Workshop Act, 1878. Short title.

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 : Commencement of 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.

Any order granted by the Secretary of State under any of the repealed Acts may, if so directed by the Secretary of State, continue in force for three months after the commencement of the Act. Sect. 107, par. 5, p. 156.

PART I.

GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

(1.) *Sanitary Provisions.*

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, or other nuisance.

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, 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.

This section is an extension of the provision in the Factory Act, 1864 (sect. 4), which was incorporated in the Factory Act 1867, and it includes workshops which were not subject to it by the Workshop Act, 1867.

In order to secure uniformity and sufficiency with means of maintaining cleanliness, sect. 33, p. 82, requires both factories and workshops to be limewashed periodically.

Overcrowding and want of ventilation have to be determined very much by the construction of the rooms and the nature of the work carried on, but as a general rule, it has been held that at least 250 cubic feet should be allowed to each person employed.

This space is increased to 400 cubic feet, when overtime is being worked. See sect. 53, p. 102. In calculating cubic space it is assumed that three gas burners count as one person.

Under the Public Health Act, 1875, the administration of the provisions enumerated in this section is restricted to the inspectors of factories; but the local authority is to administer similar provisions in workshops, defined in sects. 15 and 16 of this Act. Sect. 101, p. 146.

4. Where it appears to an inspector under this Act that any act, neglect, or default in relation to any drain, watercloset, earthcloset, privy, ashpit, water-supply, nuisance or other matter in a factory or workshop is punishable or remediable under the law relating to public health, 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.

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

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.

This section is new: where the insanitary condition is caused by faults of or neglects in structural arrangements it becomes the duty of the inspector to give notice thereof to the sanitary authority, and it is the duty of the sanitary authority to act upon such notice.

The inspector may take a sanitary officer with him into a factory or workshop.

The Secretary of State will define (sect. 67, p. 111), the duties of the several inspectors under this and other sections.

Under the Public Health Act, 1875, 38 & 39 Vict. c. 55, the local authority has power to cause inspections to be made of any "house," as to the existence of any nuisance, and such inspections to be made between 9 a.m. and 6 p.m.

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

The local authority has also power to enforce proper and sufficient privy accommodation for both sexes. A house is defined to include "factories and other buildings in which persons are employed in any manufacture, trade, or business:" Sect. 4 of the Public Health Act restricted this definition to places, provided twenty or more persons are employed at one time, but sect. 101 of this Act (p. 146) repeals this proviso.

(2.) *Safety.*

Fencing of
certain
machinery.

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

- (1.) Every hoist or teagle near to which any person is liable to pass or to be employed, 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, 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.) 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 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.

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

For definition of mill-gearing, see sect. 96.

This section differs from the previous enactments in that it extends the necessity to fence the steam-engine, water-wheel, hoist and mill-gearing, so as to protect men as well as children, young persons and women.

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 :

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

- (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

8 & 9 Vict.
c. 16.

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:

- (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 awards 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 :
- (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.

This section does not differ much from previous enactments. It requires the proceedings to be regulated by the provisions of the Companies Clauses Consolidation Act, 1845, and adapts the application of them to factories.

7. Where an inspector considers that in a factory or workshop a vat, pan, or other structure

Fencing of
dangerous
vats or

structures of
which notice
is given by
inspector.

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.

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 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 :

This section is new. It applies only to cases in which danger is apprehended to children or young persons.

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.

— This section is a re-enactment of previous regulations.

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 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.

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.

A child, young person, or woman allowed to clean or to work in contravention of this section

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

shall be deemed to be employed contrary to the provisions of this Act.

The first paragraph is new. It was legal for children, young persons or women to clean *machinery* in motion, but it is now forbidden to children to clean machinery while in motion by the aid of steam, &c. Machinery may be moved by hand for the purpose of being cleaned by children.

The next paragraph applies to mill-gearing only, hence young persons and women may clean other parts of machinery while it is in motion.

(3.) *Employment and Meal Hours.*

Definition of Employment, see sect. 94.

Period of employment of children, young persons, and women.

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 employment, &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

(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.

The only exceptions to the above are:—

Continuous employment for five hours. Sect. 48.

Recovery of lost time in water-mills. Sect. 57.

Employment on Saturday and overtime in factories of Jewish occupiers. Sect. 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, 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, 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 morning set, nor in two successive periods of seven days in an afternoon set, and a 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.

There is no alteration in the regulations of the Act of 1874 in respect to textile factories, except that there is the express enactment that children employed on the alternate day system shall change the days of employment weekly. Par. 6. This was implied by the Act of 1844, but not enacted as it is in par. 6.

The only exception to the above is:—

Continuous employment for five hours in certain factories. Sect. 48.

When the dinner hour does not commence before two o'clock in the afternoon, the afternoon set may commence at noon, provided the morning set cease work at noon.

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

13. With respect to the employment of young persons and women in a non-textile factory, and of young persons in a workshop, the following regulations shall be observed :

- (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; 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; 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 con-

tinuously for more than five hours without an interval of at least half an hour for a meal.

Under the Factory Act of 1867 it was compulsory that work should in non-textile factories be between 6 a.m. and 6 p.m., unless the Secretary of State, upon representations made to him, issued an order authorizing the hours to be between 7 a.m. and 7 p.m., or 8 a.m. and 8 p.m. But this section gives the option of working between 6 a.m. and 6 p.m., or between 7 a.m. and 7 p.m. absolutely, to occupiers of non-textile factories, as in textile factories; a subsequent section (42) authorizes the hours of work of certain trades named in the Schedule 3, Part 1, to be between 8 a.m. and 8 p.m., and empowers the Secretary of State to extend the modification to other trades; and sect. 43 empowers him to authorize the hours to be between 9 a.m. and 9 p.m.

By the Workshops Act, 1867, the hours in workshops of young persons and women could be taken between 5 a.m. and 9 p.m. Workshops are now regulated in respect to hours of work precisely the same as non-textile factories. By the Workshops Act, moreover, the Saturday half-holiday was not compulsory in certain establishments where not more than five persons were employed. The Saturday half-holiday is now compulsory in all workshops, except those defined in sects. 15, 16.

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 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, 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 the Workshops 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 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 commence 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.

When the dinner hour does not commence before two o'clock in the afternoon, the afternoon set may commence at noon, provided the morning set close work at noon.

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, 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.

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 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 sect. 61.

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 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

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

Factory and Workshop Act, 1878.

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 suc-

cessive 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.

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

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 sect. 62.

Workshops coming within the definitions of those two sections 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 workrooms. See sect. 61. 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 the workshops are much less than is provided in other cases. See sects. 69, 83.

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

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

Factory and Workshop Act, 1878.

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 workshops conducted upon the system of not employing children or young persons (sect. 15), or to domestic workshops (sect. 16) (see sect. 61), or to the occupations referred to in sect. 52, and named in Schedule 3, Part 2, which exemption the Secretary of State has authorized to be extended to other occupations.

By the Factory Act, 1844, it was enacted that the meal hours should be taken between 7.30 a.m. and 6 p.m., but by this Act they may be taken between 6 a.m. and 6 p.m., or between 7 a.m. and 7 p.m., and in those works in which further modifications may be granted (sects. 42 and 43) between 1 a.m. and 8 p.m., or between 8 a.m. and 9 p.m.

Regulations as to employment on Saturday of young persons or women employed only eight hours a day.

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.

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

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 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.

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 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.

The occupier of a workshop, under sect. 15, par. 2, or sect. 16, is not required to affix notices. See sect. 61.

20. A child under the age of ten years shall not be employed in a factory or workshop.

Prohibition of employment of children under ten.

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.

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

Persons of the Jewish religion may, under certain circumstances, work on Sundays (see sects. 50, 51), and male young persons working day and night by relays in blast furnaces and paper mills may also work on Sundays: See sect. 58.

(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
- (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
- (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 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.

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

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, two whole holidays must be given separate from each other by at least three months, one of which must be the sacramental fast day of the parish. See sect. 105, par. 2.

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

In Ireland the whole of the seventeenth day of March must 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 the eight half holidays must nevertheless be given. See sect. 106, par. 2.

The provisions as to the eight half holidays do not apply to male young persons employed in day and night sets (sect. 58) or to workshops conducted upon the principle of not employing children and young persons (sect. 15) or to domestic workshops (sect. 16). See sect. 61.

The Secretary of State may authorize the holidays to be given to different sets of children, young persons or women, at different times in non-textile factories and workshops. Sect. 49.

(5.) *Education of Children.*

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

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

- (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 purposes 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

- (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 recognized efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector under this Act, although not a recognized efficient school, shall for the purposes of this Act be deemed attendance at a recognized efficient school until such recognized 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 recognized efficient schools.

For definition of "parent," see sect. 96; for definition of "recognized and for certified efficient school," for England, see sect. 95; for Scotland, sect. 105, par. 1; for Ireland, sect. 106, par. 1.

The Factory Act, 1844, required from a child a three years' attendance, except in the afternoon in the winter, when an attendance of two hours and a half was sufficient.

The attendance now required is "one school attendance" as prescribed by the authorities (par. 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 24th December, 1878.

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

By the Factory Act, a child could not be legally employed on *any* day in one week unless the child had attended school for the requisite number of attendances during the preceding week.

But 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, on 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 13 years of age into employment; that is to say, no certificate standard of proficiency or previous attendance is required; but by the Elementary Education Act, 1880, sect. 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 attend-

ance committee exempt a child under 13 from school attendance on having obtained a certificate of proficiency, that certificate will not authorize 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, sect. 6, a child between the ages of 10 and 14 cannot be taken into employment after the 1st September, 1885, unless such child has passed the third standard.

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 recognized 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.

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

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 occupiers 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 sect. 72.

25. The board authority or persons who manage a recognized efficient school attended by a child employed in a factory or workshop, or some person authorized by such board authority or person, may apply in writing to the occupier of the factory

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

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.

The maximum sum that an occupier may be required to pay for school fees is raised from two pence to three pence, still on condition that it does not exceed one-twelfth of the wages of a child.

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

26. When a child of the age of thirteen years has obtained from a person authorized 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.

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 Acts, 1876, a similar standard was required in regard to non-textile factories and workshops. This was applicable only to England and Wales, and consequently this section creates no new regulation in 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 standards for England and Wales fixed by Order by the Secretary of State for the Home Department, with the consent of the Education Department, are published in the *London Gazette* of 25th 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 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).

Factory and Workshop Act, 1878.

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.

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:

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 6*d.* may be charged for each certificate of previous due attendance by the person who grants such certificate, being duly authorized 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:

Arithmetic:

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

Factory and Workshop Act, 1878.

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 authorized 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 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 or other sufficient evidence 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.

For appointment of certifying surgeons, see sect. 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 sect. 71); the Medical Officer under the Public Health Act in Scotland (see sect. 105, par. 4); and the Dispensary Doctor in Ireland (see sect. 106, par. 4).

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. Sect. 30.

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

The section imposes a responsibility upon the occupier of a factory which did not exist with the same force. The certificate of the certifying surgeon having been the proof of age, that certificate relieved the occupier of the responsibility of employing a person who might be under age. But by this section 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.

It has been decided that the "other sufficient evidence" under this section shall, as respects children, be a statutory declaration before a magistrate.

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 authorized 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.

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.

Supplemental provisions as to certificates of fitness for employment.

The certificate of birth (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

39 & 40 Vict. c. 79.

deaths that the child was born at the date named in the certificate.

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 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.

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.

The labour certificate in the form prescribed by the Education Department will be a certificate of birth under this section in England and Wales.

A certificate of birth for children under 14 years of age may be obtained in England and Wales under the provisions of the Elementary Education Act, 1876, and in Scotland and Ireland under section 104 of this Act, for a fee of sixpence, if the proper form of application be used.

(7.) *Accidents.*

31. Where there occurs in a factory or a 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, 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 be sent to a government inspector, need not be sent to the certifying surgeon in pursuance of this section.

38 & 39 Vict.
c. 17.

Fatal accidents, and accidents caused by machinery in factories, were only to be reported ; but now fatal accidents

in workshops and accidents arising from the insecure condition of vats, &c., whether factories or workshops, are also to be reported.

Upon the occurrence of an accident it was the duty of the occupier to send notice to the certifying surgeon, and he forwarded such notice to the sub-inspector: by this section it is the duty of the occupier to send notice both to the inspector and the certifying surgeon.

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

The words "returning to his work," were held to mean returning and performing his ordinary work. See case of *Lakeman v. Stephenson*, Court of Queen's Bench, 37 L. J. M. C. 57.

Although the actual employer in the cases named is to send notice to the occupier, it rests with the occupier to send notice as above to the inspector and to the certifying surgeon.

"For "powers of inspector," see sect. 68.

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.

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.

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.

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 circum-

stances 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.

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 and workshop. 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 they 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 20th December, 1882, authorizing as follows :—

SCHEDULE A.

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

- Blast furnaces.
- Copper mills.
- Iron mills.
- Foundries.
- 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.

SCHEDULE B.

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

Such warerooms or other rooms in any non-textile factory or workshop 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 or workshop as are subject to the influence of steam evolved in the process of manufacture.

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

Such parts of any non-textile factory or workshop 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.

Such walls of a workshop in a dwelling-house as are papered.

Such ceilings or tops of rooms in any non-textile factory or workshop 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 or workshop in which any of the following occupations are carried on :—

Printworks.

Bleachworks.

Dye works.

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 or workshop 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 or workshop 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 or workshop.

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, 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 bakehouse shall either be painted with oil or varnished, or 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.

Limewashing, painting and washing of the interior of bakehouses.

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

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

Provision as to sleeping places near bakehouses.

of more than five thousand persons, a place on the same level with the bakehouse, and forming part of the same building, shall not be used as a sleeping place, unless it is constructed as follows; that is to say,

Unless it is effectually separated from the bakehouse 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.

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

Provision as to ventilation by fan in factories and workshops.

36. If 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.

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.

Protection of workers in wet-spinning.

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

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

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.

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

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

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.

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

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

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 20th December, 1882.

In print
works and
bleaching
and dyeing
works,
period of
employment
and times

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 Aet allowed for meals. with respect to the employment of echildren, young persons and women in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile faetories ; save that nothing in this section shall prevent the continuous employment of a ehild, young person or woman in the said works without an interval of half an hour for a meal, for the period allowed by this Aet in a non-textile factory.

Printworks, bleaching, and dyeing works are declared by sect. 93 to be non-textile factories, and are subject to all the provisions, including the length of spell affecting such works, excepting only the periods of employment—these are the same as in textile factories. Sects. 11 and 12.

41. Where it appears to a Secretary of State that by reason of speeial eircumstances affecting any class of workshops it is expedient for protecting the health of the ehildren 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 Aet, extend to such class of workshops and prohibition in this Aet of the employment of ehildren and young persons under the age of sixteen years, without a certificate of the fitness of such ehild or young person for employment, and thereupon the provisions of this Aet with respect to eertificates of fitness for employment shall apply to the class of workshops named in the order in like manner as if they were factories. Power to require certificates of fitness for employment of children and young persons under 16 in certain workshops.

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.

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

(a.) *Period of Employment.*

Period of employment between 8 a.m. and 8 p.m. in certain cases.

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 when 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.

When 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 of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

By the Factory Act, 1850, which was incorporated in the subsequent Acts, it was imperative that the hours of work should be taken between 6 a.m. and 6 p.m., except in the winter months, when it might be between 7 a.m. and 7 p.m.

By the Act of 1867 the Secretary of State was empowered to authorize the times of work to be taken between 7 a.m. and 7 p.m., or between 8 a.m. and 8 p.m.

This authority was extensively used, and orders were issued from time to time authorizing these variations in the hours of work.

By the Factory Act, 1874,—applicable to textile factories only—it was left optional for the hours of work to be between 6 a.m. and 6 p.m., or between 7 a.m. and 7 p.m., all the year round.

This regulation is re-enacted for all factories and workshops.

The Act further authorizes the hours of work to be taken between 8 a.m. and 8 p.m. in the factories and workshops enumerated in Schedule 3, Part 1 : these being the works to which the orders of the Secretary of State applied ; and the Act empowers the Secretary of State to authorize a similar relaxation when the exigencies of a trade may require it.

It will be remarked that a modification can only be granted to a class of factories, and not to any individual factory.

For list of non-textile factories and workshops to which this exception has been extended see *post*.

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

Power to
Secretary of
State to
allow period
of employ-

ment be-
tween 9 a.m.
and 9 p.m.
in certain
cases

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 for a child in an afternoon set shall end at eight o'clock in the evening.

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 authorized in workshops in which the curing of fish is carried on. Order gazetted 20th December, 1882.

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

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

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

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,

- (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 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 nine 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.

This is a re-enactment of the provisions of the Lace Factories Act.

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
- (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 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.

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

Substitution
by Secre-
tary of
State of
another
half holiday
for Satur-
day.

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, authorizing 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.

This exception is only applicable to non-textile factories and workshops.

This exception 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 20th 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 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.

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

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.

The object of this section is to authorize the work in the textile factories named in the schedule to be arranged 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.

For list of factories to which this exception applies and has been extended, see *post*.

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 mentioned 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 authorizing 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.

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.

The exception is only applicable to non-textile factories and workshops.

This exception has been authorized 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 20th December, 1882.

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 employment of young persons and women shall not prevent him—

Employment of young persons and women by Jewish occupiers 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; 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.

38 & 39 Vict.
c. 13.

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.

Employment of
Jews by
Jews on
Sunday.

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 :

- (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 authorizing 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.

When work is carried on on Sundays under this section, it must cease at the same hour as is compulsory on Saturday.

(b.) *Meal Hours.*

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

Exception as to meal times being simultaneous and as to employment or remaining in room where manufacturing process is carried on during meal times.

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 during the period set apart for their meals, if manufacturing processes are then carried on.

By the second paragraph the persons may remain in the factory 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. Sect. 19.

For list of factories and workshops to which this exception applies and has been extended, see *post*.

(c.) *Overtime.*

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

53. 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, or parts thereof 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,

- (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 days in any one week, nor for more than forty-eight days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part Three 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 material which is the subject of the manufacturing process or handieraft 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 authorized 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.

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

The various modifications which existed in former Acts are now, with one or two minor exceptions, consolidated in the provisions in this section.

With the exception of the manufacture of preserves from perishable articles the period of overtime is not to exceed 48 days.

By the Factory Act, 1883, sect. 13, it is enacted that every day on which any young person or woman worked overtime is to be reckoned as one of the 48 days.

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

Overtime may be worked by young persons of 13, who have obtained a certificate of proficiency, or of previous attendance at school. Sect. 26.

In virtue of the authority given to the Secretary of State by sect. 63, par. 2, he has required that there should be cubic space of 400 feet for every person working overtime under this section. Order gazetted 20th December, 1882.

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

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

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 :

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

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

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

from any extraordinary atmospheric influence in the process of open-air bleaching.

This is the only enactment which permits the employment of young persons and 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 only exceptional.

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

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:

- (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 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 handieraft, to employ women in manner authorized 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 exception to such factories or workshops or parts thereof.

By the Factory Act, 1883, sect. 13 (*b*), it is enacted that every day on which any young person or woman worked overtime is to be reckoned as one of the 96 days.

The occupations to which this section applies were—

Fish preserving,

Fruit preserving,

The manufacture of condensed milk.

Overtime under this section can only be worked by
“women.”

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 exception shall not extend to more than forty-eight

Exception
for factories
driven by
water-
power.

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.

This exception has been granted by order published in the *Gazette* of 20th 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.*

Employ-
ment of male
young per-
sons.

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

- (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 preceeding 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 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.

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.

This section applies to the occupations named in the Factory Act, 1867.

It authorizes the employment at night of male young persons of 13, provided they have obtained the standard prescribed in sect. 26.

Par. 2 enacts clearly that full periods for rest and refreshment must be given to male young persons, and notices of the times duly fixed up, as when engaged upon day work.

Although this section empowers the Secretary of State to authorize night work in factories other than those named in the schedule, yet to such cases the authority can only be given in respect to male young persons of at least 16 years of age.

For list of non-textile factories to which the exception applies and has been extended, see *post*.

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

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.

It was found to be necessary under the Factory Act, 1867, to authorize 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 legal under an order of the Secretary of State.

This section and sect. 45 are the only sections which authorize the employment of male young persons of sixteen years of age as male adults.

Employment of male young persons in glass works.

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

- (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 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.

The Factory Act, 1867, authorized the work in a glass factory to be "according to the accustomed hours of the trade" without any regulations as to meal times : this condition is altered to the "accustomed hours of the works" with the usual periods to be allowed for meals.

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

- * 61. The provisions of this Act, which relate—
- (1.) To the cleanliness (including lime-washing, painting, varnishing, and washing),

Exception of domestic factories and workshops and

? The words "the section" should be repeated

certain
other work-
shops from
certain
provisions
of the Act.

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 times allowed for meals in a factory or workshop being employed in the factory or workshop or being allowed to remain in any room ; or
- (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 or 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

(b.) To a workshop which is conducted on the system of not employing children or young per-

sons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.

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 an inspector.

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

Applicable to the workshops defined in sects. 15 and 16.

Although the provisions as to cleanliness, ventilation, and overcrowding under section 3, are not to apply to these

workshops, they will be applicable with equal force under the provisions of the Public Health Act, 1875, and will be enforced by the local authority, as the subsequent section of this Act (101) places the workshops, however few the persons employed in them, within the operations of the Public Health Act.

Par. 4 refers to the eight half holidays; not to early cessation of work on Saturdays.

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

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.

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

(5.) *Supplemental as to Special Provisions.*

Requirement of sanitary provisions as condition of special exceptions.

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; 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 has issued an order 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: order gazetted 20th December, 1882.

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.

Power to rescind order granting or extending exception.

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:—

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 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 or grant, or otherwise, for making the order.

Provisions as to occupier availing 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, and (except in the case of a factory or workshop to which the pro-

visions 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.

An occupier of a factory or workshop shall enter in the prescribed register, and report 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 a 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.

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 : Sect. 48.

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

Recovery of lost time in water mills : Sect. 57.

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

The occupier, being of the Jewish religion, working on Saturday afternoon : Sect. 50.

The occupier being of the Jewish religion, not working on Saturday afternoon, working one hour per day overtime : Sect. 50.

The occupier, being of the Jewish religion, substituting other days for Christmas-day or Good Friday : Sect. 50.

The occupier being of the Jewish religion, employing Jewish persons on Sundays : Sect. 51.

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

Exemption under authority of Secretary of State from linewashing : Section 33.

When the period of employment is between 8 a.m. and 8 p.m. : Sect. 42.

When the period of employment is between 9 a.m. and 9 p.m. : Sect. 43.

Employment of male young persons of 16 in lace factories between 4 a.m. and 10 p.m. : Sect. 44.

Employment of male young persons of 16 in bake-houses between 5 a.m. and 9 p.m. : Section 45.

Employment of male young persons of 16 in bake-houses as male adults : Sect. 45.

Substitution, under authority of Secretary of State, of another day for the Saturday half-holiday : Sect. 46.

Employment of young persons and women until 4.30 p.m. on Saturdays in Turkey red dye works : Sect. 47.

Permission, under authority of Secretary of State, for different holidays to be given to different sets : Sect. 49.

Employment of children, &c., during meal hours : Sect. 52.

Employment of young persons and women overtime : Sect. 53.

Employment of children, &c., for 30 minutes' overtime : Sect. 54.

Employment of young persons and women to prevent damage in Turkey red dye works and open-air bleach works : Sect. 55.

Employment of women overtime in preserving perishable articles : Sect. 56.

Employment of male young persons in night shifts : Sect. 58.

Employment of male young persons of 16 at night in newspaper printing offices : Sect. 59.

Employment of male young persons, according to accustomed hours, in glass works : Sect. 60.

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

In the case of a factory :—

Notice of beginning to occupy a factory : Sect. 75.

Employment of women, when exempted, in flax scutch mills : Sect. 62.

In the case of a workshop :—

Non-employment of children or young persons : Sect. 15.

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.

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.

The address of the chief inspector is Home Office, Whitehall.

68. An inspector under this Act shall for the purpose of the execution of this Act have power to do all or any of the following things; namely,

Powers of inspectors.

(1.) To enter, inspect, and examine at all 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 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 inquiry 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

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

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.

Where an inspector is obstructed in the execu-

tion 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.

The powers of the inspector are in some respects enlarged, in others restricted by this Act.

An inspector may now enter by day or night a factory or a workshop where he believes any person to be employed therein, and to 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. So far his power is enlarged. But he cannot take with him into a factory a constable, unless he apprehend serious obstruction, or the certifying surgeon; 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 sect. 4.

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

For penalties for persons making a false declaration (par. 6), see sect. 85.

Restriction
on entry of
inspector
into dwell-
ings.

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.

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 authorizing the inspector named therein at any time within 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.

This is really not a restriction upon the former powers of the inspector. Inspectors might enter a workshop "when any person is at work at any handicraft," consequently, if no person were at work, the entry would be a trespass.

By this section, which applies only to a dwelling room in which a handicraft is also carried on, an inspector is empowered to enter at any time, when armed with a warrant, and obstruction would then be dealt with as if the place were a factory or workshop.

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.

Certificates
of appoint-
ment of
inspectors.

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 is a new provision, and is necessary to obviate the creating appointments in places where there are only one or two factories.

Appointment of certifying surgeons.

72. Subject to such regulations as may be from time to time made by a Secretary of State, an 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.

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.

Secretary of State authorized to prescribe the form, &c., of the registers. See sect. 77.

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 purposes of a certificate 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 are less than five, the examination may be elsewhere than at the factory.

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

74. With respect to the fees to be paid to certifying surgeons 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 6d. for each person after the first five examined at that visit.

When the examination is at a factory or workshop more than one mile from the surgeon's residence, the above fees, and an additional 6d. 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.

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.

This is not re-enacted, but the scale in general adoption throughout the textile districts has been prescribed. Other provisions of previous Acts have been re-enacted.

(3.) *Miscellaneous.*

75. Every person shall, within one month after he begins to occupy a factory, serve on an inspector 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

Notice of
factory to be
given to
inspector.

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.

Regulation
of hours
by public
clock.

76. Where an inspector, by notice in writing, names a public clock, 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.

Registers to
be kept in a
factory or
workshop.

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 employed in that factory or workshop, and of their employment, and of other matters under this Act.

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 work-

shop 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 this section, with power to rescind such order, and 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.

Under the 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.

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,—

Affixing in factory or workshop of abstract of Act and notices.

- (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.

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.

Notices are required to be hung up in *workshops* as well as factories, except in workshops under sections 15 and 16.

Printing or writing and service of notices and documents, &c.

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.

Any notice, order, requisition, summons and document required or authorized 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 factory or workshop, by delivering the same or a 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.

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, 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 authorized 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 relation to weights, measures, scales, balances, steel-yards, and weighing machines used in the sale of goods.

Inspection
of weights
and mea-
sures used
in factories
and work-
shops.

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.

(4.) *Fines.*

This Act differs considerably from all other previous Factory Acts, in not fixing a minimum.

The following are the special fines in special cases, pre-

scribed in previous sections, in no case to exceed the penalty named:—

Sect. 22. Not fixing holidays, 5*l.*

Sect. 31. Not sending notice of an accident, 5*l.*

Sect. 35. A baker allowing rooms to be improperly occupied, 5*l.*

Sect. 68. Obstructing an inspector (in the day), 5*l.*; in the night, 20*l.* If by the occupier of a workshop under sect. 15 or 16, 1*l.* and 5*l.*

Sect. 70. Forgery of the certificate of appointment of an inspector, or personating an inspector, three months' imprisonment.

Sect. 75. Not sending notice of beginning to occupy a factory, 5*l.*

Sect. 77. Not keeping registers, 40*s.*

Sect. 78. Not affixing notices, 40*s.*

Fine for not keeping factory or workshop in conformity with Act.

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.

The court of summary jurisdiction, in addition to or instead of inflicting such fine, may order certain means to be adopted by the occupier, 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, sects. 3, 4.

Permitting machinery, &c., to remain unfenced, sects. 5, 6, 7, 8.

Neglect to limewash, sect. 33.

Neglect to limewash bakehouse, sect. 34.

Neglect to provide a fan, sect. 36.

Neglect to prevent the escape of steam in wet-spinning, sect. 37.

Where an occupier avails himself of an exception to which conditions are attached, neglect to observe such conditions, sect. 66.

82. If any person is killed or suffers any bodily injury in consequence of the occupier of a factory 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 required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, the occupier 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 :

Penal compensation to persons injured by want of fence to machinery, &c.

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.

This section does not deprive an injured person of any right he may possess at common law to obtain compensation for injuries, or the right of the representatives of a person who has been killed, from their right under Lord Campbell's Act.

Fine for employing children, young persons, and women contrary to the Act.

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, 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 sects. 9, 22, 24, 39; and employment contrary to the provisions contained in sects. 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 26, 27, 38, 42, 43, 44, 45, 47, 53, 54, 56, 58.

Fines on parents for allowing child or young person to be employed contrary to the Act or neglecting

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

to cause child to attend school.

- (2.) If he neglects to cause such child to attend school in accordance with this Act, he liable to a fine not exceeding twenty shillings for each offence.

For definition of parent, see sect. 96.

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 declarations.

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.

Fine on person committing offence for which occupier is liable.

86. Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine, has in fact been committed by some agent, servant, workman, or other person, such agent, servant, workman, or other person shall be 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.

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, without first proceeding against the occupier of the factory or workshop.

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 cumula-
tive 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, save as otherwise expressly provided by this 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 authorized 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.

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

- (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 hearing 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.)^r 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.

91. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act:—

Limitation of time and general provisions 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 provision of this Act with respect to holidays, within three months after the commission of the offence :
- (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 :
- (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 or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorized 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.

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 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.

Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting-rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory 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.

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.

PART IV.

DEFINITIONS, SAVINGS, APPLICATION TO SCOTLAND
AND IRELAND, AND REPEAL.(1.) *Definitions.*

Factories
and work-
shops to
which Act
applies.

93. The expression "textile factory" in this Act means—

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, cocoanut 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 ;

(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 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 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 description 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

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 shall not be deemed to form part of the factory or workshop for the purposes of this Act.

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.

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.

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, 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.

*Samuelson
Secretary
owed to
the Employer
Where rules
only are
Employed*

The exercise by any child or young person in any recognized 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.

Two cases have been decided which have a bearing as to what constitutes a "Textile Factory."

In the case of *Haydon v. Taylor*, 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: 33 L. J. 70.

In the case of *Whymper v. Harney*, 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 are 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 being sewn into skirts for sale : 11 L. T. (N.S.) 711, C. P.

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.

Hat-works.—See note to those 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."—See *Palmer's Shipbuilding Co. v. Chayter*, 38 L. J. M. C. 63, &c.

The case of *Taylor v. Hickes* will show clearly the bearing of this provision. 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 : 31 L. J. 330.

It was held under the Factory Act, 1867, that places 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.” *Kent v. Astley*, 39 L. J. M. C. 19.

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 handiwork, or in cleaning any part of the factory or workshop used for any manufacturing process or handiwork, 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 handiwork, or connected with the article made, or otherwise the subject of the manufacturing process or handiwork 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 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

Definition of “certified efficient school.”

33 & 34 Vict. c. 75.

36 & 37 Vict. c. 86.

Definition of
"recognized
efficient
school."

33 & 34 Vict.
c. 75.

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 "recognized 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 recognized 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 recognized by him.

For definition of certified efficient school in Scotland, see section 105, par. I.

For definition of certified efficient school in Ireland, see section 106, par. I.

General
definitions.

96. In this Act, unless the context otherwise requires,—

"Child."

The expression "child" means a person under the age of fourteen years :

"Young
person."

The expression "young person" means a person of the age of fourteen years, and under the age of eighteen years :

"Woman."

The expression "woman" means a woman of eighteen years and upwards :

"Parent."

The expression "parent" means a parent or 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 Commissioners of Her Majesty's Treasury: "Treasury."
- The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State: "Secretary of State."
- The expression "Education Department" means the Lords of the Committee of the Privy Council on Education: "Education Department."
- The expression "sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health Act, 1875, and any commission, board, or vestry in the metropolis having the like powers as such urban sanitary authority: "Sanitary authority," 38 & 39 Vict. c. 55.
- The expression "person" includes a body of persons corporate or unincorporate: "Person."
- The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night: "Week."
- The expression "night" means the period between nine o'clock in the evening and six o'clock in the succeeding morning: "Night."
- The expression "prescribed" means prescribed for the time being by a Secretary of State: "Prescribed."
- 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, intitled, "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: "Summary Jurisdiction Acts."

“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 child under this Act is a child until the age of fourteen years ; and a person is consequently not 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 sects. 26, 30.

Special Exemption of certain Trades.

Exemption of handi-crafts in Fifth Schedule in private houses.

97. The exercise in a private house or private room by the family residing therein, or by any of them, or manual labour by way of trade, or for purposes of gain in or incidental to any of the handiercrafts specified in the Fifth Schedule to this Act, shall not of itself constitute such house or room or 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* is in full force.

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 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.

Exemption
of certain
home-work.

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.

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, artizan, 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.

Mechanics, &c., employed in making and repairing machinery in the factory were 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 sect. 56, and Schedule 3, Part 5.

101. The provisions of section ninety-one of the Public Health Act, 1875, 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 which is subject to the provisions of this Act relating to cleanliness, ventilation or overcrowding, but shall apply to every other factory, workshop, and workplace.

Application to factories and work shops of 38 & 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.

This section relieves the local authority from the enforcement of sect. 3 of this Act, which is to be administered by the inspectors of factories ; and it enables the local authority to administer like provisions under the Public Health Act, 1875, in the workshops defined in sects. 15 and 16.

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.

Construction of enactments, &c., referring to repealed Acts.

(3.) *Application of Act to 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 :*

Temporary saving for employment of children under 10 and children over 13 in Scotland and Ireland.

- (1.) *Shall apply during twelve months after the commencement of this Act to children*

Factory and Workshop Act, 1878.

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.*

Temporary modification now obsolete.

Certificates
of birth for
purposes of
Act.

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, as a Secretary of State from time to time fixes, shall be entitled to obtain—

- (1.) In Scotland an extract under the hand of the registrar under the Act of the seventeenth 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 under the hand of the registrar or superintendent registrar under the Registration of Births and Deaths (Ireland) Act of the entry 26 & 27 Vict. c. 11. in the register under that Act of the birth of the child named in the requisition.

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 38 & 39 Vict. c. 13. 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 :

(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 Consolidation Act, 1845," means the Companies Clauses Consolidation (Scotland) Act, 1845 :

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 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 to 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 :
- (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 ^{38 & 39 Vict}
and in terms of the Summary Prosecu-
tions Appeal (Scotland) Act, 1875. _{c. 62.}

106. In the application of this Act to Ireland— ^{Application}
_{of Act to}
_{Ireland.}
- (1.) The expression “certified efficient school” means any national school, or any school recognized by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act :
- (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 :
- (3.) The expression “sanitary authority” means an urban or rural sanitary authority within the meaning of the Public ^{37 & 38 Vict.}
Health (Ireland) Act, 1874, and any _{c. 93.}
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 authorized 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 of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same :

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, ^{14 & 15 Vict.}
and any Acts amending the same: _{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), ^{14 & 15 Vict.}
1851, and any Act amending the same: _{c. 90.}

may also (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 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: ^{29 & 30 Vict.}
_{c. 90.}

It is hereby declared that the Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1874, shall apply ^{37 & 38 Vict.}
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. _{c. 93.}

(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.

(4.) *Repeal.*Repeal of
Acts.

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 :

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 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 ^{39 & 40 Vict. c. 79.} the provisions of section twelve of the Factory Act, 1874, by reason of his ^{37 & 38 Vict. c. 44.} 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 :*

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

Factory and Workshop Act, 1878.

- (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 obligation, liability, penalty, or punishment as aforesaid, and any such legal proceeding and remedy may be carried on as if this Act had not passed.
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SCHEDULES.

Section 38.

FIRST SCHEDULE.

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 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 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.

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.

SECOND SCHEDULE.

SPECIAL RESTRICTIONS.

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, 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, 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 20th 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, typefoundry.

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 or artificial manures are manufactured, except any room used solely for meals.

Every factory or workshop in which white lead is manufactured, except any room thereof used solely for meals.

Every part of a factory or workshop in which part dry powder or dust is used in any of the following processes:—

- Lithographic printing.
- Playing-card making.
- Fancy box making.
- Paper staining.
- Almanack making.
- Artificial flower making.
- Paper colouring and enamelling.
- Colour making.

THIRD SCHEDULE.

SPECIAL EXCEPTIONS.

PART ONE.

Period of Employment.

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.) Almanack 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.) Book-binding works;

Schedules.

- (s.) Letterpress printing works; and
 (t.) 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.

The trades above enumerated are those in which, in pursuance of orders issued by the Secretary of State under the 12th modification of the Factory Act, 1867, the hours of which were authorized to be between 8 a.m. and 8 p.m.

This exception has been extended by order, gazetted 20th December, 1882, to—

Paper staining works.

Lace warehouses.

Hosiery warehouses.

The manufacture of

Silver plate.

Electro-plate.

Britannia metal.

Cutlery.

Scissors.

Files.

Saws.

Jewellery.

The manufacture of

Enamelling.

Ornaments and appliances for personal use.

Die sinking.

Tobacco.

Non-textile factories and workshops in which card-making and strawboard lining are carried on.

Ribbon warehouses being workshops.

Turning, and cutting of wood, bone, and ivory.

Cabinet and furniture making; and

Provided that the period of employment on Saturdays shall end as follows:—

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 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.

By order, gazetted 30th August, 1884, to,—

Printworks, bleachworks, and dyeworks.

PART TWO.

Section 52.

Meal Hours.

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—

Cases in which provisions as to meal times are not to apply.

- (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.

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.

PART THREE.

Section 53.

Overtime.

Factories and workshops in which young persons and women may be allowed to work for 14 hours a day under certain restrictions.

The exception with respect to the employment of young persons and women for forty-eight 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 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-

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.) Almanack 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.

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
- (b.) To a workshop, or part thereof, which is conducted on the system of not employing any child or young person therein.

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.

With reference to paragraph (x) it will be observed that the exemption of young persons employed in packing in a warehouse from the regulations *as to hours of work*, which existed in section 73 of 7 Viet. c. 15, has not been re-enacted: paragraph (x) has therefore been inserted here to continue the permission contained in 7 Viet. c. 15, for persons to be employed occasionally in overtime in warehouses after the work of the factory has ceased.

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,	} in the county of 'Cornwall.
Tin streams,	
China clay pits, and	
Quarries,	

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 by order, gazetted 27th November, 1883, to—
 The making of pork pies.

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.

PART FOUR.

Section 54.

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.

Factories in which a child, young person, or woman may be employed for an additional half hour.

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 biscusts.

The following non-textile factories and workshops, viz.:

Dressing floors,	} in the county of Cornwall.
Tin streams,	
China clay pits, and	
Quarries,	

Section 56.

PART FIVE.

Overtime for Perishable Articles.

Factories and workshops in which women may be employed for 14 hours a day.

The exception with respect to the employment of women for ninety-six 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 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.

Section 58.

PART SIX.

Night Work.

Factories in which male young persons may be employed at night.

The exception with respect to the employment of male young persons during the night applies to the factories following; that is to say,—

- (a.) Blast furnaces;
- (b.) Iron mills;
- (c.) Letter-press 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 authorized in water-mills by sect. 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.

PART SEVEN.

Section 45.

Spell.

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.

Continuous employment of children, young persons, and women for five hours in certain textile factories during the winter months.

By order, gazetted 20th 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.

PART ONE.

Sections 93, 96.

Non-Textile Factories.

(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;

"Print works."

(2.) "Bleaching and dyeing works," that is to say, any premises in which the process 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;

"Bleaching and dyeing works."

- “Earthenware works.” (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;
- “Lucifer-match 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 any process incidental to making lucifer matches, except the cutting of the wood;
- “Percussion cap 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;
- “Cartridge 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 material that is used in making the cases of the cartridges;
- “Paper-staining 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;
- “Fustian cutting works.” (8.) “Fustian cutting works,” that is to say, any place in which persons work for hire in fustian cutting;
- “Blast furnaces.” (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;
- “Copper mills.” (10.) “Copper mills;”
- “Iron 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;
- “Foundries.” (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;

(13.) "Metal and india-rubber 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 india-rubber or gutta percha or of articles made wholly or partially of india-rubber or gutta percha; "Metal and india-rubber works."

(14.) "Paper mills," that is to say, any premises in which the manufacture of paper is carried on; "Paper mills."

(15.) "Glass works," that is to say, any premises in which the manufacture of glass is carried on; "Glass works."

(16.) "Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on; "Tobacco factories."

(17.) "Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on; "Letter-press printing works."

(18.) "Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on; "Bookbinding works."

(19.) Flax scutch-mills. "Flax-scutch mills."

"Finishing."—It was held in the case of *Haworth v. Coles*, 31 L. J. 335, 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, is 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 sect. 62.

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;

"Rope
works."

(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;

"Bake-
houses."

(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;

"Lace ware-
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;

"Shipbuild-
ing yards."

(24.) "Shipbuilding yards," that is to say, any premises in which any ships, boats, or vessels used in navigation are made, finished, or repaired;

"Quarries."

(25.) "Quarries," that is to say, any place, not being a mine, in which persons work in getting slate, stone, coprolites, or other minerals;

"Pit-
banks."

(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. 35 & 36 Vict.
c. 76.
35 & 36 Vict.
c. 77.

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 work and not a textile factory.

Rope Works.—The law in respect to these works remains unaltered. A rope work 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 work 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.

Bakehouses are divided into wholesale bakehouses and retail bakehouses.

All the regulations in wholesale bakehouses are enforced by the inspector of factories in 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, sect. 17.

Shipbuilding Yards.—This definition and the enactment in sect. 92 is rendered necessary by the decision of the Court of Queen's Bench in the case of *Palmer's Shipbuilding Co. v. Chayter*, 38 L. J. M. C. 63, &c.

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 a person employed upon an article which would eventually form part of a ship was held to be within the definition of "article," in the Act of 1867.

Quarry.—It was held in the case of *Kent v Astley*, 39 L. J. M. C. 19, 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 article is

not within the meaning of the term premises in 30 & 31 Vict. c. 103.

The case of a cement works, *Redgrave v. Lee*, was decided upon the same grounds. Hence the necessity for the special enactment in sect. 92.

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 sect. 15, par. 2 of this Act. If children or young persons are also employed then they will be subject to the whole of the provisions of this Act.

Section 97.

FIFTH SCHEDULE.

SPECIAL EXEMPTIONS.

Straw Plaiting. Pillow-lace making. Glove making.

SIXTH SCHEDULE.

Section 107.

Acts Repealed.

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.
29 & 30 Vict. c. 90 -	The Sanitary Act, 1866.	The following words (so far as unrepealed) in sect. 19, "not already under the operation of any general Act for the regulation of factories or bakehouses."

Session and Chapter.	Title of Act.	Extent of Repeal.
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 sect. 4, "more than twenty," and the words "at one time," and the following words in sect. 91, "not already under the operation of any general Act for the regulation of factories or bakchouses."
39 & 40 Vict. c. 79 -	The Elementary Education Act, 1876.	Section 8 and the following words in sect. 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. c. 53.)

ARRANGEMENT OF SECTIONS.

SECT.

1. Short title.

White Lead Factories.

2. Certificate of conformity with Act.
3. Conditions of certificate.
4. Grant of certificate on compliance with conditions.
5. Withdrawal of certificate.
6. Penalty on carrying on factory without certificate.
7. Special rules for every white lead factory.
8. Framing and approval of new special rules.
9. Amendment of special rules.
10. False statements and transmission of rules.
11. Publication of special rules.
12. Defacing copies of rules, &c.

Explanation of certain Provisions of Factory, &c., Act, 1878.

13. Explanation of s. 53 of 41 & 42 Vict. c. 16.
14. Amendment as to period of employment of children in certain cases.

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SCHEDULE.

FACTORY AND WORKSHOP ACT, 1883.

46 & 47 VICT. CHAP. 53.

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

[25th August, 1883.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited as the Factory and Workshop Act, 1883.

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 certificate

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 too, or modify all or any of the conditions specified in the schedule to this Act.

4. Within a reasonable time after written application in that behalf, addressed to the chief inspector 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. Grant of certificate on compliance 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 certificate

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.

Special
rules for
every white
lead fac-
tory.

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 Act, and generally to prevent injury to health in 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 ap-
proval 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.

(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.

Amendment
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.

False statements and transmission of rules.

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 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.

Publication 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.

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.

Defacing
copies of
rules, &c.

There are two statutory prohibitions in respect to employment in white lead works. Firstly, a child or young person shall not be employed. Secondly, meals shall not be taken on any part of a white lead factory where it is manufactured. See page 169.

Explanation of certain Provisions of Factory, &c., Act, 1878.

13. It is hereby declared that—

- (a.) Section fifty-three of the Factory and Workshop Act, 1878, only authorizes overtime employment of young persons 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 days, every day on which any young person or woman has been employed overtime is to be taken into account; and that
- (b.) Section fifty-six of the said Act only authorizes overtime employment of women to take place in any factory or workshop on ninety-six days in the whole in any twelve months, and that in reckoning such period of ninety-six days, every

Explanation
of s. 53 of
41 & 42 Vict.
c. 16.

day on which any woman has been employed overtime is to be taken into account.

Amendment
as to period
of employ-
ment of
children
in certain
cases.

14. Notwithstanding anything in section twelve or section fourteen of the Factory and Workshop Act, 1878, the period of employment for a child in an afternoon set in a factory or workshop, where the dinner-time does not begin 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.

Section 14 is 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.

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, unless the following regulations are complied with:

- (i.) No watercloset, earthcloset, 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 watercloset;
- (iii.) No drain or pipe for carrying off fecal 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.

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

Enforce-
ment of law
as to retail
bakehouses
by local
authorities.

the Factory and Workshop Act, 1878 (which relate to cleanliness, ventilation, overcrowding, 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.

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:

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.

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.



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.



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# HINTS

ON

THE ADMINISTRATION

OF THE

# Factory and Workshop Act, 1878,

BY

ALEXANDER REDGRAVE, Esq., C.B.

*H.M. Chief Inspector of Factories and Workshops.*



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