

The factory & workshop acts, 1878 to 1891: with introduction, copious notes, and an elaborate index / by Alexander Redgrave and Jasper A. Redgrave.

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Great Britain. Laws etc.
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Publication/Creation

London : Shaw, 1893.

Persistent URL

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REDGRAVE'S
FACTORY ACTS
—
Fifth Edition



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THE FACTORY & WORKSHOP ACTS

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2a	Abstract for White Lead Factories	0	3	$\frac{1}{2}$
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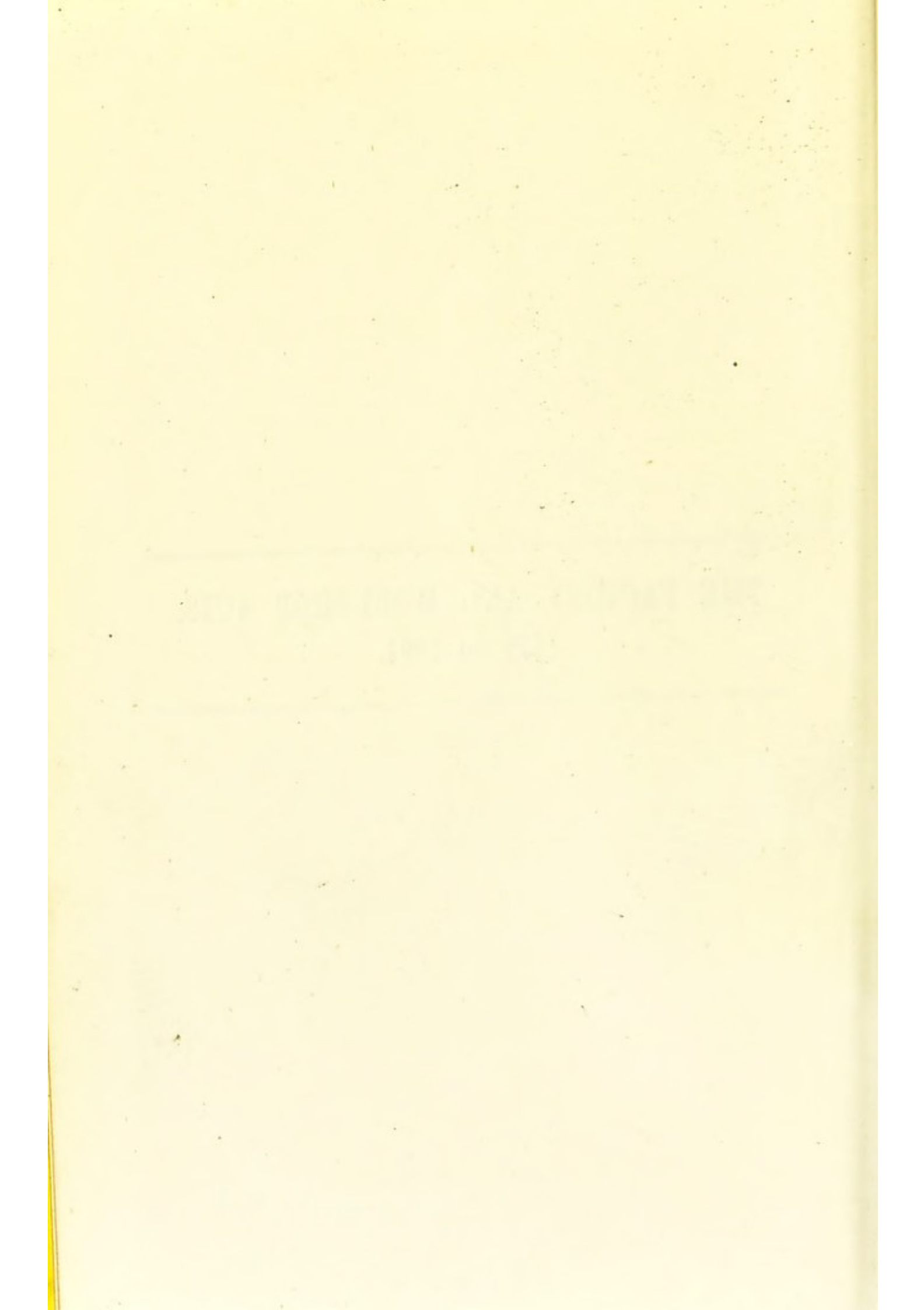
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1878 TO 1891.

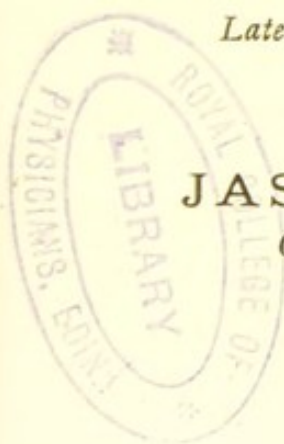


THE
Factory & Workshop
ACTS, 1878 TO 1891,

WITH INTRODUCTION, COPIOUS NOTES,
AND AN ELABORATE INDEX.

BY
ALEXANDER REDGRAVE, C.B.,
Late Her Majesty's Chief Inspector of Factories, &c.,

AND
JASPER A. REDGRAVE,
One of Her Majesty's Inspectors of Factories.



Fifth 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.

1893.

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.



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THE FACTORY AND WORKSHOP ACT, 1878.

41 VICT. CHAP. 16.

INTRODUCTION TO THE FIRST EDITION.

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 Factory 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 afterwards looms, that the evils of excessive labour became so painfully evident. Hence legislation first dealt with spinning and weaving factories moved by power. Then with other cognate occupations in which steam or water-power was used,—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 authorised which might possibly be requisite, rather than upon proof that they were indispensable, so that by the time the last of these several Acts had received the Royal assent there

was a perfect chaos of regulations—all good in themselves when enacted—all having a direct purpose, which most of the trades have outlived, and which required constant care and consideration to prevent an application of them which would have imperilled that impartiality and that uniformity of administration which are absolutely essential to secure harmonious and cheerful co-operation.

It was assigned to a Royal Commission in the latter part of the year 1875, to take all these statutes under review, to consider their various enactments, modifications, and exceptions, to take such evidence as they thought requisite, and then to submit a proposition for bringing into harmony the incongruous mass of provisions which encumbered the statute book. The Commissioners set to work with the utmost activity, and took evidence upon all the points committed to them, both in London and in various manufacturing localities in England, Scotland, 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 reason 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, and education, are as strictly provided for as in Factories, but unless circumstances satisfy the Secretary of State that they are required, registers and certificates of fitness will not be compulsory.

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

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

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

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

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

But the Act 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.

The alterations made by the Acts subsequent to the Act of 1878, have been included in the following statement:—

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

Regulations to be observed in Textile Factories.

SANITARY

Sect. 3.—Every factory to be kept in a cleanly state, free from effluvia, &c., to be well ventilated, not to be overcrowded.

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

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

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

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

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.:

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

Corresponding Regulations to be observed in					
Non-Textile Factories.					Workshops.
PROVISIONS.					
The same as Textile	...	...	...	...	The sanitary condition of workshops is under the local sanitary authority. In default of sanitary authority, the Secretary of State may enforce sanitation.
The same as Textile	...	...	...	...
The same as Textile	...	...	...	...
The same as Textile	...	...	...	...
The same as Textile	...	...	...	...
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.
.....ACCIDENTS.					
The same as Textile	...	...	...	...	None.
The same as Textile	...	...	...	...	None.
The same as Textile	...	...	...	...	None.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

SAFETY AND

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 five hours on three days 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, mill-gearing, or machinery, &c., required to be fenced, the occupier is liable to a penalty of £100, which may be applied by the Secretary of State for the benefit of the injured person.

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

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

EMPLOYMENT AND.....

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

YOUNG PERSONS.....

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

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

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

THE FACTORY AND WORKSHOP ACTS—*continued*.

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
.....ACCIDENTS— <i>continued</i> .	
The same as Textile	Only fatal accidents and those caused by unfenced vat or pan to be noticed.
The same as Textile	The same.
The same as Textile	The same if from vat or pan.
The same as Textile	The same.
The same as Textile	None.
.....MEAL HOURS.	
The same as Textile	The same.
.....AND WOMEN.	
The same as Textile	The same.
But the period of employment in the works named in Sched. 3, Part 1, may be between 8 A.M. and 9 P.M.—s. 42.	The same.
The Secretary of State is authorised to add other Non-Textile Factories to this list, and further may authorise the period of employment to be between 9 A.M. and 8 P.M.—s. 43.	The same.
All work must cease at 2 P.M.—s. 13.	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

EMPLOYMENT AND.....

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.

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

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

On Saturday, at least half an hour must be given

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

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

CHILDREN.

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

THE FACTORY AND WORKSHOP ACTS—*continued.*

Corresponding regulations to be observed in	
Non-Textile Factories.	Workshops.
.....MEAL HOURS— <i>continued.</i>	
All work must cease at 2 P.M.—s. 13	The same.
When the times of work are between 8 A.M. and 8 P.M., or between 9 A.M. and 9 P.M., work may continue on Saturdays until 4 P.M.—s. 42.	The same.
When working in day and night shifts, the Saturday Half-holiday is not compulsory for male young persons.—s. 58.	
In Turkey red dyeworks, work may continue on Saturday until 4.30 P.M.—s. 47.	
The Secretary of State is authorised under certain circumstances to substitute another day for the Saturday Half-holiday.—s. 46.	The same.
Where the hours of work have not exceeded eight in any one week, they may be extended to eight hours on Saturday.	The same.
The same as Textile	The same.
One hour and a half must be given, of which one hour must be given before 3 P.M.—s. 13.	The same.
The same as Textile.—s. 13.	The same.
Not to be employed more than five hours without an interval of half an hour.—s. 13.	The same.
.....CHILDREN.	
The same as Textile.—s. 14.	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

EMPLOYMENT AND

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 later than 1 P.M.

Children may work on the alternate day system 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 :—Except

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

HOLIDAYS.

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

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

Notice must be given of such holidays and fixed up in the factory.

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

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

THE FACTORY AND WORKSHOP ACTS—*continued*.

Corresponding regulations to be observed in	
Non-Textile Factories.	Workshops.
.....MEAL HOURS— <i>continued</i> .	
The same as textile	The same.
But the period of employment in the works named Sched. 3, Part 1, may be between 8 A.M. and 8 P., 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 as Textile	The same.
The same as Textile	The same.
The morning set ends and the afternoon set begins on Saturdays the same as on other days.	The same.
A child shall not be employed in two successive weeks in a morning set, or in two successive weeks in an afternoon set.	The same.
The same as Textile :—Provided that children can only work on alternate days if two hours are allowed for meals.	The same.
The same as Textile	The same.
A child shall not be employed more than five hours without an interval of half an hour.	The same.
.....HOLIDAYS.	
The same as Textile	The same.
The same as Textile	The same.
The same as Textile	The same.
The same as Textile	The same.
The same as Textile	The same.

 TABULAR ANALYSIS OF THE REGULATIONS OF

 Regulations to be observed in Textile Factories.

 HOLIDAYS—*continued*.....

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

EDUCATION.....

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

THE FACTORY AND WORKSHOP ACTS—*continued.*

Corresponding regulations to be observed in					
Non-Textile Factories.					Workshops.
.....HOLIDAYS— <i>continued.</i>					
The same as Textile	...	...	...	...	The same.
The same as Textile	...	...	...	...	The same.
The same as Textile	...	...	...	...	The same.
The same as Textile	...	...	...	...	The same.
The Secretary of State is authorised to permit the holidays under certain conditions to be given to different sets on different days.—s. 49.					The same.
When working in day and night shifts it is not compulsory to give eight half holidays to male young persons.—s. 58.					The same.
.....OF CHILDREN.					
The same as Textile	...	...	...	...	The same.
The same as Textile	...	..	...	...	The same.
The same as Textile	...	...	...	...	The same.
The same as Textile	...	...	...	...	The same.
The same as Textile	...	...	...	...	The same.
The same as Textile	...	...	...	...	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

EDUCATION.....

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

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

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

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

CERTIFICATES OF FITNESS.....

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

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

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

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

THE FACTORY AND WORKSHOP ACTS—*continued.*

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

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

CERTIFICATES OF FITNESS.....

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

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

Sect. 30.—The same certificate of fitness may be valid for all the factories in the occupation of the same occupier in the district of the same certifying surgeon.

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

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

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

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

REGULATIONS AS.....

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

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

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

THE FACTORY AND WORKSHOP ACTS—*continued*.

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

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

PROHIBITIONS.....

Sect. 20.—A child shall not be employed under the age of ten years. After 31st December, 1892, the minimum age will be eleven years.

Sect. 21.—A child, young person, or woman shall not be employed on Sunday ; but

Sect. 51.—If the occupier be of the Jewish religion, and close his factory on Saturday, both before and after sunset, a Jewish young person or woman may be employed on Sunday the same as if Sunday were Saturday.

OVERTIME AND

Sect. 44.—Male young persons of sixteen years of age may be employed in lace factories between 4 A.M. and 10 P.M. under certain conditions.

Sect. 50.—If the occupier be of the Jewish religion and keep his factory closed on Saturday both before and after sunset, he may employ the young persons and women one hour on every other week day, but not before 6 A.M. or after 9 P.M.

Sect. 57.—Secretary of State may authorise employment of young persons and women to recover lost time in water mills at the rate of one hour per day, for not exceeding ninety-six days in case of drought, and not exceeding forty-eight days in case of flood.

Sect. 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.

THE FACTORY AND WORKSHOP ACTS—*continued.*

Corresponding Regulations to be observed in

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

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

OVERTIME AND

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

THE FACTORY AND WORKSHOP ACTS—*continued.*

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
..... NIGHTWORK— <i>continued.</i>	
The same as Textile 	The same.
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., or between 8 A.M. and 10 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 authorised to extend these provisions to other Non-Textile Factories under certain conditions.—ss. 53, 56.	The same.
If a process be incomplete at the end of the period of employment in the works named in Sch. 3, Part 4, children, young persons, and women may be employed for thirty minutes beyond the period of employment, provided the hours of work do not exceed the hours of work allowed by law.—s. 54.	The same.
The Secretary of State authorised to extend these provisions under certain conditions.—s. 54.	The same.
Young persons and women may be employed so far as is necessary to prevent damage from spontaneous combustion in Turkey red-dyeing, and from atmospheric influence in open-air bleaching.—s. 55.	None.
Male young persons may be employed on day and night shifts in the factories named in Sch. 3, Part 6.—s. 58.	
The Secretary of State authorised to permit the employment of male young persons of sixteen years of age in night shifts.—s. 58.	The same.
Male young persons of sixteen years of age may be employed at night in provincial newspaper offices on two nights in a week.—s. 59.	None.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

OVERTIME AND.....

MISCELLANEOUS.....

Sects. 19, 78.—Notice to be hung up of times of work and meals :—
 Abstract of Act. Names of inspectors and certifying
 surgeons. Clock by which hours of work are regulated.

Sect. 66.—Notice of special exception to be hung up, and notice to be
 sent to inspector.

When working overtime under special exception, same to be
 entered in a register.

Sect. 77.—Register of young persons under sixteen years of age to be
 kept, with details, as prescribed by the Secretary of State.
 Extracts to be sent when required by the inspector.

Sect. 76.—Hours of work to be regulated by a public clock

Sect. 92.—Any person in a factory while machinery is in motion or
 while a manufacturing process is carried on deemed to
 be employed, unless the contrary be proved.

Sect. 94.—Definition of employment

Sect. 75.—Occupier of factory to send notice to inspector within one
 month of commencing to work a factory.

Sect. 80.—Inspectors of weights and measures authorised to examine
 weights and measures used for checking wages, &c.

THE FACTORY AND WORKSHOP ACTS—*continued*.

Corresponding Regulations to be observed in

Non-Textile Factories.	Workshops.
.....NIGHTWORK— <i>continued</i> .	
Male young person may be employed in glass works according to the accustomed hours of the works under certain conditions.—s. 60.	
The Secretary of State may authorise the employment of male young persons of sixteen years of age as male adults in bakehouses.—s. 45.	The same.
.....REGULATIONS.	
The same as Textile	The same.
The same as Textile	The same.
The same as Textile	The same.
The same as Textile	Secretary of State may require registers to be kept in workshops.—s. 77.
The same as Textile	The same.
The same as Textile	The same.
The same as Textile	The same.
The same as Textile	The same.
The same as Textile	The same.

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

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

Prohibition of work on Sunday.

The only provisions of 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 Domestic Workshops overtime cannot 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, and with the exception of the maximum amount of the fines to Domestic Workshops.

In Flax Scutch Mills, in which women only are employed intermittently, and for not more than six months in the course of the year, their labour is entirely unrestricted, but the mills are subject to the sanitary regulations, and those relating to the fencing of machinery, &c.

The occupations of straw-plaiting, pillow-lace making, glove making (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 systematised so that the reason for them can be traced out.

The Act, too, while it will be easier 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.

The alterations consequent upon the Act of 1891 have been embodied in the above text.

ALEXANDER REDGRAVE.

London.

1871

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PREFACE TO THE FIFTH EDITION.

THIS Edition contains the following Acts in full :—

Factory and Workshop Act, 1878 ;
Factory and Workshop Act, 1883 ;
Factory and Workshop Act, 1891 ;
The Cotton and Cloth Factories Act, 1889 ;

and such portions of the following Acts for the administration of which the Inspectors of Factories are invested with certain powers :—

Truck Acts, 1831 and 1887 ;
Elementary Education Act, 1876 ;
Elementary Education Act, 1880 ;
Education (Scotland) Act, 1883 ;
Public Health Act, 1875 ;
Protection of Children Act, 1889 ;
Shop Hours Regulation Act, 1886.

Those portions of the Factory and Workshop Acts, 1878 and 1883, as have been repealed, or were temporary and are obsolete, are omitted, and the amendments made by the Act of 1891 have been incorporated with the Act of 1878, so that it may be read as nearly as possible as one Act, while each Act or portion of an Act is printed separately for reference.

ALEXANDER REDGRAVE.
JASPER A. REDGRAVE.

February, 1893.

FACTORY AND WORKSHOP ACTS, 1878—1891.

41 VICT. CHAP. 16.

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

[27th May, 1878.]

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 **Act 1878.**
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 : Provided that at any time after the passing of this Act, any appointment, regulation or order may be made, any notice issued, form prescribed, and act done which appears to a Secretary of State necessary or proper to be made, issued, prescribed, or done for the purpose of bringing this Act into operation at the commencement thereof.

Commence-
ment of Act.

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.

Act 1878.

PART I.**GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.****(1.) SANITARY PROVISIONS.**Sanitary
condition of
factory and
workshop.

3. A factory shall be kept in a cleanly state and free from effluvia arising from any drain, water-closet, earth-closet, privy, urinal, or other nuisance.

A factory shall not be so overcrowded while work is carried on therein as to be dangerous or 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 in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

This section in the Factory Act, 1878, included workshops. They are now excluded by section 3 of the Act of 1891, and Second Schedule.

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 section 53. 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 sections 15 and 16 of this Act. Section 101.

4. Where it appears to an inspector under this Act 1878. Act that any act, neglect, or default in relation to any drain, water-closet, earth-closet, privy, ashpit, water-supply, nuisance or other matter in a factory or workshop is punishable or remediable under the law relating to public health, 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.

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

An inspector, under this Act, may, for the purpose 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.

Where an insanitary condition is caused by faults of or neglects in arrangements not remediable under this Act, 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.

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

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

Act 1878. business." Section 4 of the Public Health Act restricted this definition to places, provided twenty or more persons are employed at one time, but section 101 of this Act repeals this proviso.

The following are the Sanitary Provisions of the Act of 1891, incorporated with the Act of 1878 :—

Act 1891.

Powers of
Secretary of
State as to
sanitary
provisions in
workshops.

1. (1) If the Secretary of State is satisfied that the provisions of the law relating to public health as to effluvia arising from any drain, privy, or other nuisance, or with respect to cleanliness, ventilation, overcrowding, or limewashing are not observed in any workshops or class of workshops (including workshops conducted on the system of not employing any child, young person, or woman therein) or laundries, he may, if he thinks fit, by order, authorise and direct an inspector or inspectors under the principal Act to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing the said provisions.

(2) An inspector authorised in pursuance of this section shall, for the purpose of his duties, have the same powers with respect to workshops and laundries to which this section applies, as he has under the principal Act as amended by this Act with respect to factories, and may for the same purpose take the like proceedings for punishing or remedying any default in compliance with the said provisions of the law relating to public health as might be taken by the sanitary authority of the district in which the workshops or laundries are situate, and shall be entitled to recover from that

sanitary authority all such expenses in and about **Act 1891.**
 any proceedings in respect of such workshops or
 laundries as he may incur and are not recovered
 from any other person, and have not been incurred
 in any unsuccessful proceedings.

2. (1) Section four of the principal Act shall Powers of
factory in-
spectorafter
notice to
sanitary
authority.
 apply to workshops conducted on the system of
 not employing any child, young person, or woman
 therein, and to laundries.

(2) Where notice of an act, neglect, or default
 is given by an inspector under the said section
 four, as amended by this Act, to a sanitary autho-
 rity, and proceedings are not taken within a
 reasonable time for punishing or remedying the
 act, neglect, or default, the inspector may take the
 like proceedings for punishing or remedying the
 same as the sanitary authority might have taken,
 and shall be entitled to recover from the sanitary
 authority all such expenses in and about the pro-
 ceedings as the inspector incurs and are not
 recovered from any other person, and have not
 been incurred in any unsuccessful proceedings.

3. (1) Sections three and thirty-three of the Enforce-
ment by
sanitary
authority of
sanitary
provisions
as to work-
shops.
41 & 42 Vict.
c. 16.
54 & 55
Vict. c. 76.
 Factory and Workshop Act, 1878 (which relate to
 cleanliness, ventilation and overcrowding in, and
 limewashing of, factories and workshops), shall
 cease to apply to workshops.

(2) For the purpose of their duties with respect
 to workshops (not being workshops to which the

Act 1891. Public Health (London) Act, 1891, applies), a sanitary authority and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings or otherwise, as an inspector under the principal Act.

(3) If any child, young person, or woman, is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector of the district.

Cleanliness
and lime-
washing of
workshops.
38 & 39
Vict. c. 55.

4. (1) Every workshop as defined by the principal Act (including any workshop conducted on the system of not employing any child, young person, or woman therein), and every workplace within the meaning of the Public Health Act, 1875, shall be kept free from effluvia arising from any drain, water-closet, earth-closet, privy, urinal, or other nuisance, and unless so kept shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(2) Where on the certificate of a medical officer of health or inspector of nuisances it appears to any sanitary authority that the limewashing, cleansing, or purifying of any such workshop, or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall give notice in writing to the owner or occupier of the workshop to limewash, cleanse,

or purify the same or part thereof, as the case may Act 1891.
require.

(3) If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a fine not exceeding ten shillings for every day during which he continues to make default, and the sanitary authority may, if the (*sic*) think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

(4) This section shall not apply to any workshop or workplace to which the Public Health (London) Act, 1891, applies. <sup>54 & 55
Vict. c. 76.</sup>

(2.) SAFETY.

5. With respect to the fencing of machinery in a factory the following provisions shall have effect : ^{Act 1878.}
<sup>Fencing of
certain
machinery.</sup>

- (1) Every hoist or teagle, 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) All dangerous parts of the machinery and every part of the mill-gearing shall

Act 1878.

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

Paragraphs 1 and 3 have been amended by section 6 of the Act of 1891.

The word machinery includes any driving strap or band.

- (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 section 96.

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

Sections 6, 7, and 8 of the Act of 1878, as to fencing machinery, vats, pans, and faulty fixing of grindstones, have been repealed by the Act of 1891, Second Schedule. Means for escape from fire are now to be provided by section 7 of the Act of 1891, and the repealed sections of the Act of 1878 are replaced by sections 8, 9, 10, 11, and 12 of that Act.

Act 1891.

Provision
against fire.

7. (1) Every factory of which the construction is commenced after the first day of January, one thousand eight hundred and ninety-two, and in which more than forty persons are employed, shall be furnished with a certificate from the sanitary

authority of the district in which the factory is **Act 1891.**
situate that the factory is provided on the storeys
above the ground floor with such means of escape
in case of fire for the persons employed therein as
can reasonably be required under the circum-
stances of each case, and a factory not so furnished
shall be deemed not to be kept in conformity with
the principal Act, and it shall be the duty of the
sanitary authority to examine every such factory,
and on being satisfied that the factory is so pro-
vided to give such a certificate as aforesaid.

(2) With respect to all factories to which the
foregoing provisions of this section do not apply,
and in which more than forty persons are employed,
it shall be the duty of the sanitary authority of
every district, as soon as may be after the passing
of this Act, and afterwards from time to time, to
ascertain whether all such factories within their
district are provided with such means of escape as
aforesaid, and, in the case of any factory which is
not so provided, to serve on the person being
within the meaning of the Public Health Act, ^{38 & 39 Vict.}
1875, the owner of the factory a notice in writing _{c. 75.}
specifying the measures necessary for providing
such means of escape as aforesaid, and requiring
him to carry out the same before a specified date,
and thereupon such owner shall, notwithstanding
any agreement with the occupier, have power to
take such steps as are necessary for complying
with the requirements, and, unless such require-
ments are so complied with, such owner shall be
liable to a fine not exceeding one pound for every
day that such non-compliance continues. In case

Act 1891. of a difference of opinion between the owner of the factory and the sanitary authority, the difference shall, on the application of either party, be referred to arbitration, and thereupon the provisions of the First Schedule to this Act shall have effect, except that the parties to the arbitration shall be the sanitary authority on the one hand and the owner on the other, and the award on the arbitration shall be binding on the parties thereto. If the owner alleges that the occupier of the factory ought to bear or contribute to the expenses of complying with the requirement, he may apply to the county court having jurisdiction where the factory is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case.

(3) All expenses incurred by a sanitary authority in the execution of this section shall be defrayed—

(a) In the case of an authority of an urban district, as part of their expenses of the general execution of the Public Health Act, 1875 ; and

(b) In the case of an authority of a rural district, as special expenses incurred in the execution of the Public Health Act, 1875 ; and such expenses shall be charged to the contributory place in which the factory is situate.

(4) In the application of this section to the administrative county of London, the London

County Council shall take the place of the sanitary Act 1891. authority, and their expenses in the execution of this section shall be defrayed as part of their expenses in the management of the Metropolitan Building Act, 1855, and the Acts amending the same.

18 & 19 Vict.
c. 122.

Notices are exhibited in all police offices, that complaints under this section should be made to the local sanitary authority.

8. (1) Where the Secretary of State certifies that in his opinion any machinery or process or particular description of manual labour used in a factory or workshop (other than a domestic workshop) is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, or that the provision for the admission of fresh air is not sufficient, or that the quantity of dust generated or inhaled in any factory or workshop is dangerous or injurious to health, the chief inspector may serve on the occupier of the factory or workshop a notice in writing, either proposing such special rules or requiring the adoption of such special measures as appear to the chief inspector to be reasonably practicable and to meet the necessities of the case.

Special rules and requirements as to dangerous and unhealthy incidents of employment.

The word machinery includes any driving strap or band. See Act of 1891, s. 37.

The word process includes "the use of any locomotive." See Act of 1891, s. 37.

(2) Unless within twenty-one days after receipt of the notice the occupier serves on the chief inspector a notice in writing that he objects to the

Act 1891. rules or requirement, the rules shall be established, or, as the case may be, the requirement shall be observed.

(3) If the notice of objection suggests any modification of the rules or requirement, the Secretary of State shall consider the suggestion and may assent thereto with or without any further modification which may be agreed on between the Secretary of State and the occupier, and thereupon the rules shall be established, or, as the case may be, the requirement shall be observed, subject to such modification.

(4) If the Secretary of State does not assent to any objection or modification suggested as aforesaid by the occupier, the matter in difference between the Secretary of State and the occupier shall be referred to arbitration under this Act, and the date of the receipt of the notice of objection by the Secretary of State shall be deemed to be the date of the reference, and the rules shall be established, or the requisition shall have effect, as settled by an award on arbitration.

(5) Any notice under this section may be served by post.

(6) With respect to arbitrations under this Act the provisions in the First Schedule to this Act shall have effect.

(7) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such

acts as may be necessary in order to comply with Act 1891.
the provisions of this section.

By virtue of this section, the Secretary of State has certified the following occupations to be dangerous, and has required special rules to be observed :—The manufacture of whitelead, paints, colours, and the extraction of arsenic ; enamelling of iron plates (see *London Gazette*, 13th May, 1892) ; the manufacture of lucifer matches, except such as are made with red or amorphous phosphorus (see *London Gazette*, 7th June, 1892.)

Special rules, adapted to the circumstances of each of the above-named occupations, have been approved by the Secretary of State, and are now enforced upon occupiers and those employed.

9. (1) If any person who is bound to observe any special rules established for any factory or workshop under this Act acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds ; and the occupier of the factory or workshop shall also be liable on summary conviction to a fine not exceeding ten pounds, unless he proves that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the rules to prevent the contravention or non-compliance.

Penalty for
contraven-
tion of
special rules
or require-
ment.

(2) A factory or workshop in which there is a contravention of any requirement made under this Act shall be deemed not to be kept in conformity with the principal Act.

10. (1) After special rules are established under this Act in any factory or workshop, the Secretary of State may from time to time propose to the occupier of the factory or workshop any

Amendment
of special
rules.

Act 1891. amendment of the rules or any new rules ; and the provisions of this Act with respect to the original rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules.

(2) The occupier of any factory or workshop in which special rules are established may from time to time propose in writing to the chief inspector, with the approval of the Secretary of State, any amendment of the rules or any new rules, and the provisions of this Act with respect to a suggestion of an occupier for modifying the special rules proposed by a chief inspector shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to such a suggestion.

Publication
of special
rules.

11. (1) Printed copies of all special rules for the time being in force under this Act in any factory or workshop shall be kept posted up in legible characters in conspicuous places in the factory or workshop where they may be conveniently read by the persons employed. In a factory or workshop in Wales or Monmouthshire the rules shall be posted up in the Welsh language also.

(2) A printed copy of all such rules shall be given by the occupier to any person affected thereby on his or her application.

(3) If the occupier of any factory or workshop fails to comply with any provision of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(4) Every person who pulls down, injures, or **Act 1891.** defaces any special rules when posted up in pursuance of this Act, or any notice posted up in pursuance of the special rules, shall be liable on summary conviction to a fine not exceeding five pounds.

12. An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules for the time being established under this Act for any factory or workshop, and a copy so certified shall be evidence (but not to the exclusion of other proof) of those special rules, and of the fact that they are duly established under this Act. Certified copies of special rules to be evidence.

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. **Act 1878.** Restriction on cleaning of machinery while in motion or working between parts of self-acting machinery.

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

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

Act 1891. *The following is enacted by the Act of 1891 :—*

Prohibition
of employ-
ment of
women after
child-birth.

17. An occupier of a factory or workshop shall not knowingly allow a woman to be employed therein within four weeks after she has given birth to a child.

The first paragraph is new. It forbids 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 it is not forbidden for young persons and women to clean other parts of machinery while it is in motion.

The penalty is under section 83.

(3.) EMPLOYMENT AND MEAL HOURS.

Definition of "employment," see section 94.

Act 1878. **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
of children,
young per-
sons, and
women.

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

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

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

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

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

- (a) If not less than one hour is Act 1878.
allowed for meals, shall end at
one o'clock in the afternoon as
regards employment in any manu-
facturing 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 em-
ployment 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 Sat-
urday 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

Act 1878.

(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 Act 1878. 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.

Act 1878. The only exception to the above is :—
 Continuous employment for five hours in certain factories. Sects. 40, 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 ceases work at noon. See Act of 1883, sect. 14.

Period of employment, &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-Act 1878. textile factory and a young person in a workshop shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.

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 authorising 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) authorises 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 authorise 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, other than domestic workshops and workshops in which women only work, are now regulated in respect to hours of work precisely the same as non-textile factories: See sects. 15 and 16; and sect. 13 of 1891. By the Workshops Act, moreover, the Saturday half-holiday was not compulsory in certain establishments where not more than five persons are employed. The Saturday half-holiday is now compulsory in all workshops.

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

Act 1878.

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 Satur-

day, either begin at six o'clock Act 1878.
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

Act 1878. 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 commenced 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 ceases work at noon. See Act of 1883, sect. 14.

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

Act 1891. *Paragraph 2 of the Act of 1878 is repealed by section 13 of the Act of 1891, which is substituted therefor:—*

Period of employment for women.

13. (2) In a workshop which is conducted on the system of not employing therein either children or young persons, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system—

- (a) The period of employment for a woman Act 1891. shall, except on Saturday, be a specified period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours, taken between six o'clock in the morning and four o'clock in the afternoon ; and
- (b) There shall be allowed to a woman for meals and absence from work during the period of employment, a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.

A 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. Act 1878.

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 section 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 a workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process

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

Act 1878. carried on there, and in which the only persons employed are members of the same family dwelling there, the foregoing regulations of this Act with respect to the employment of children, young persons, and women shall not apply to such factory or workshop, and in lieu thereof the following regulations shall be observed therein :

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

such child shall be deemed, according Act 1878.
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 em-
ployed 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 in-
terval of at least half an hour for a
meal.

“Workshops” under this section are defined to be
“domestic workshops :” section 37, Act of 1891.

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 section
62.

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

Act 1878. 17. With respect to meals the following regulations shall (save as is in this Act specially excepted) be observed in a factory or workshop :

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

(1) All children, young persons, and women employed therein shall have the times allowed for meals at the same hour of the day : and

(2) A child, young person, or woman shall not during any part of the times allowed for meals in the factory or workshop, be employed in the factory or workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on.

This section does not apply to domestic workshops (section 16) (see section 61), or to the occupations referred to in section 52, and named in Schedule 3, Part 2, an exemption which the Secretary of State has authorised to be extended to other occupations.

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 (sections 42 and 43) between 8 A.M. and 8 P.M., or between 9 A.M. and 9 P.M.

The following section has been substituted for section 18. See section 15.

Act 1891. 15. In a non-textile factory or workshop where a young person or woman has not been actually employed for more than eight hours on any day in a week, and notice of such non-employment has been affixed in the factory or workshop and served on the inspector, the period of employment on Saturday in that week for that young person or woman may be from six o'clock in the morning to four o'clock in the afternoon, with an interval of not less than two hours for meals.

Period of employment on Saturday for young persons and women not employed more than eight hours.

19. The occupier of a factory or workshop may **Act 1878.**
from time to time fix within the limits allowed by
this Act and shall (save as is in this Act specially
excepted) specify in a notice affixed in the factory
or workshop, the period of employment, the times
allowed for meals, and whether the children are
employed on the system of morning and afternoon
sets or of alternate days.

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

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

Provided that a change in such period or times or system of employment shall not be made until after the occupier has served on an inspector and affixed in the factory or workshop notice of his 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 domestic workshop, under section 16, is not required to affix notices. See section 61.

Penalty for not affixing notice. See section 78.

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

Prohibition
of employ-
ment of
children
under ten.

By section 18 of Act of 1891, the age is raised to eleven years, after 31st December, 1892.

Act 1878. **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.

Young persons and women of the Jewish religion may, under certain circumstances, work on Sundays (see sections 50, 51). and male young persons working day and night by relays in blast furnaces and paper mills may also work on Sundays. See section 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

38 & 39 Vict.
c. 13.

(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

Paragraph 4 of the Act of 1878 is repealed by section 16 of the Act of 1891, which is substituted therefor:—

Act 1891.

Amendment of 41 & 42,

16. (4) Cessation from work shall not be deemed to be a half holiday or whole holi-

day unless a notice of the half holiday **Act 1891.**
 or whole holiday has been affixed in the Vict. c. 16,
 s. 22, as to
 holidays.
 factory or workshop during the first
 week in January, and a copy thereof has
 on the same day been forwarded to the
 inspector of the district: Provided that
 any such notice may be changed by a
 subsequent notice affixed and sent in like
 manner not less than fourteen days
 before the holiday or half holiday to
 which it applies.

- (5) A half holiday shall comprise at least one **Act 1878.**
 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 em-
 ployment 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

Act 1878. 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 :—

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

In England and Ireland, Christmas Day must be given.

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

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

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

The provisions as to the eight half holidays do not apply to male young persons employed in day and night sets (section 58) or to domestic workshops (section 16). See section 61.

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

(5.) *Education of Children.*

Attendance
at school of
children em-
ployed 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 **Act 1878.**
day system, shall on each work day pre-
ceding each day of employment in the
factory or workshop be caused to attend
for at least two attendances :
- (3) An attendance for the purpose of this
section shall be an attendance as defined
for the time being by the Secretary of
State with the consent of the Education
Department, and be between the hours
of eight in the morning and six in the
evening :

Provided that—

- (a) A child shall not be required by this Act
to attend school on Saturday or on any
holiday or half holiday allowed under
this Act in the factory or workshop in
which the child is employed ; and
- (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 tem-
porary cause ; and
- (c) Where there is not within the distance of
two miles, measured according to the
nearest road, from the residence of the
child, a recognised efficient school which
the child can attend, attendance at a

Act 1878.

school temporarily approved in writing by an inspector under this Act, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at a recognised efficient school until such recognised efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Education Department every case of the approval of a school by him under this section.

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

The Education Department shall from time to time, by the publication of lists or by notices or otherwise, as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognised efficient schools.

For definition of "parent," see section 96 ; for definition of "recognised and for certified efficient school," for England, see section 95 ; for Scotland, section 105, paragraph 1 ; for Ireland, section 106, paragraph 1.

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

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

By this section, if a child, having missed an attendance in one week, make up for it by an extra attendance

in the week following, it may legally be employed in such Act 1878.
week after the lost time has been made up.

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

There is no educational restriction placed by this Act upon taking children under 13 years of age into employment; that is to say, no certificate of standard of proficiency or previous attendance is required; but by the Elementary Education Act, 1880, section 4, it is enacted that children may not be employed unless they have complied with the requirements as to standards or previous due attendance fixed by the bye-laws of the district in which they reside, and the inspectors of factories are required to enforce the bye-laws upon employers, while the local authorities enforce them upon parents. And it must be understood that even though the bye-law of a school board or school attendance committee exempt a child under 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, section 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. By section 7 of the same Act a child having passed the Fifth Standard is not required to attend school.

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

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

Act 1878. The employment of a child without obtaining such certificate as is required by this section shall be deemed to be employment of a child contrary to the provisions of this Act.

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

The certificate of school attendance is to be in such form as is prescribed by the Secretary of State. See sections 77 and 96.

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

25. The board authority or persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some person authorised by such board authority or person, may apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding threepence and not exceeding one twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, the said weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

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

Employment as young per-

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

Education Department a certificate of having ^{Act 1878.} 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.

son of child
of 13 on
obtaining
an educa-
tional cer-
tificate.

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

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

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

Act 1878. of proficiency shall be the standard of reading, writing, and elementary arithmetic fixed by Standard 4 of the Code of 1876, or any higher standard which may be attained by the child.

The Fourth Standard is as follows :—

Reading :

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

Writing :

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

Arithmetic :

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

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

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

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

1. The standard of proficiency for the purpose of a certificate of proficiency shall, for the factories and workshops of each school district, be the Fourth Standard. But, in districts where the byelaws of the school authority have fixed, or shall hereafter fix, a standard higher than the Fourth Standard as the standard of education for the total exemption of a child between 10 and 13 years of age from the obligation to attend school under the Elementary Education Acts, the standard of proficiency for the purposes of this Order shall be such higher standard.

2. Certificates of proficiency may be granted by the **Act 1878.**
persons and in the manner prescribed by Articles
4, 5, 6, 7, and 8 of the Revised Regulations of the
Education Department, dated the 12th April,
1883.
3. The standard of previous due attendance at a certified
efficient school for the purpose of a certificate of
previous due attendance shall be as follows :—

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

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

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

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

The Fifth Standard is as follows :—

Reading :

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

Writing :

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.

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 250 attendances after five years of age, in not more than two schools during each year, for five years, whether consecutive or not.

Certificates of previous due attendance at school may be granted—

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

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

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

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

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

Reading :

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

Writing :

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

Arithmetic :

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

The standard of previous due attendance for the purposes of the 26th section of the said Act shall be that shown in the following table: **Act 1878.**

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

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

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

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.

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

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

Act 1878. 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 section 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 section 71); the Medical Officer under the Public Health Act in Scotland (see section 105, par. 4); and the Dispensary Doctor in Ireland (see section 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. Section 30.

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

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

Certificates of fitness are not required to be produced in workshops. The occupier is therefore directly responsible that the persons whom he employs are not under the

prescribed ages, and it is the more incumbent upon him to require certificates of birth to be obtained. **Act 1878.**

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

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

Certificate
of fitness
for employ-
ment of
children
and young
persons
under 16 in
workshops.

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.

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

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

Act 1878. 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.

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

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.

39 & 40 Vict.
c. 79.

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 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 Act 1878.
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.

A certificate of birth in England may now be procured for children or young persons under the age of sixteen years by the following provision of section 20, of the Act of 1891 :—

20. Where the age of any child or young per- Act 1891.
son under the age of sixteen years is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child or young person, any person shall, on presenting a written requisition, in such form, and containing such particulars as may be from time to time prescribed by the Local Government Board, and, on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry

Certificate of birth in case of children and young persons under sixteen.

Act 1891. in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that child or young person ; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

In Scotland and Ireland a certificate of birth may be procured also for a fee of sixpence, under section 104.

(7.) *Accidents.*

Act 1878. 31. Where there occurs in a factory or workshop any accident which either—

Notice of
accidents
causing
death or
injury.

(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 and doing five hours' work on any day during the next three days 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, and the place to which he may Act 1878.
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, ^{38 & 39 Vict}
need not be sent to the certifying surgeon in pur- _{c. 17.}
suance of this section.

Fatal accidents in workshops as well as in factories, and
accidents caused by machinery in factories, are to be re-
ported; and accidents arising from the insecure condition
of vats, &c., whether factories or workshops, are also to be
reported.

Par. (b.), amended by the Act of 1891, section 22.

Upon the occurrence of an accident, it is the duty of the
occupier to send notice thereof 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. This, however, is now made clear by section 22
of the Act of 1891.

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 section 68.

Act 1878. **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.

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

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.

Further regulations require the coroner to send notice of an inquest or a fatal accident in a factory or workshop by the following enactment of the Act of 1891, s. 22 :—

Act 1891. **22.** (3) Where a death has occurred by accident in any factory or workshop, the coroner shall forth-

with advise the district inspector under this act of Act 1891.
the time and place of the holding of the inquest,
and at such inquest any relative of any person
whose death may have been caused by the accident
with respect to which the inquest is being held, and
any inspector under the principal Act, and the
occupier of the factory or workshop, in which the
accident occurred, and any person appointed by
the order in writing of the majority of the work-
people employed in the said factory or workshop
shall be at liberty to attend and examine any wit-
ness, either in person or by his counsel, solicitor,
or agent, subject nevertheless to the order of the
coroner.

*The sheriff in Scotland is required to hold an inquiry,
and the inspectors have power to examine witnesses, by sec-
tion 33 of the Act of 1891 :—*

33. (5) Where a death has occurred by acci-
dent in any factory or workshop a public inquiry
in open court shall be held by the sheriff, upon the
petition of any party interested, and the sheriff shall
forthwith advise the district inspector under this
Act of the time and place of the holding of the
inquiry, and at such inquiry any relative of any
person whose death has been caused by the accident
with respect to which the inquiry is being held, and
the occupier or manager of the factory or work-
shop in which the accident occurred, and any
person appointed by the order in writing of the
majority of the workpeople employed in the said
factory or workshop shall be at liberty to attend
and examine any witness, either in person or by
his counsel, solicitor, or agent, subject nevertheless
to the order of the sheriff.

Act 1878.

PART II.

SPECIAL PROVISIONS RELATING TO PARTICULAR CLASSES OF FACTORIES AND WORKSHOPS.

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

Limewashing and washing of the interior of factories.

33. For the purpose of securing the observance of the requirements of this Act as to cleanliness in every factory, all the inside walls of the rooms of a factory, 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, 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 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 parts thereof, the regulations in this section are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by order made under this

part of this Act, grant to such class of factories or **Act 1878.** 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. The local authority is empowered to direct the limewashing, cleansing, and purifying of workshops by section 4 of the Act of 1891.

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

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

SCHEDULE A.

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

- Blast furnaces.
- Copper mills.
- 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.

Act 1878.

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 as hereinafter mentioned :—

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

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

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

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

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

Such walls in a dwelling-house as are papered.

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

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

Printworks.

Bleachworks.

Dyeworks.

Engineering and machine shops.

Agricultural implement making.

Coachmaking.

Fellmongers, curriers, tanners.

Making of aerated water.

Making of preserved fruits, sweetmeats, bonbons.

Engraving.

Manufacture of starch, soap, candles.

Corn flour mills.

Manufacture of watch movements, shaving, boring, turning, and fitting of brass.

Provided also, as to Schedule B.

Act 1878.

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

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

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 bakehouses 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.

Act 1878. 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.*

Definition of retail bakehouses, see *Act of 1883, sect. 18.*

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 construc-

tion for preventing such inhalation to be provided Act 1878.
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 con-
formity 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 con-
formity 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 employ-
ment 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

Prohibition
of taking
meals in
certain
parts of
factories
and work-
shops.

Act 1878. meal or to remain in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

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

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

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

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

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

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

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

Print works, 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; the periods of employment, however, are the same as in textile factories. Sects. 11 and 12.

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

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

Act 1878. to certificates of fitness for employment shall apply to the class of workshops named in the order in like manner as if they were factories.

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

(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 work-shops and parts thereof specified in Part One of the Third Schedule to this Act. Act 1878.

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 they might be between 7 A.M. and 7 P.M.

By the Act of 1867 the Secretary of State was empowered to authorise 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 authorising 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 work-shops.

The Act further authorises 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 authorise a similar relaxation when the exigencies of a trade may require it.

It will be remarked that a modification can only be

Act 1878. 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 Sched. 3, Part 1.

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

43. Where it is proved to the satisfaction of a Secretary of State, that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act grant to such class of factories or workshops or parts thereof a special exception, that the period of employment for young persons and women therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday begin at nine o'clock in the morning and end at nine o'clock in the evening, and in such case the period of employment for a child in a morning set shall begin at nine o'clock in the morning, and the period of employment 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 authorised in workshops in which the curing of fish is carried on. Order gazetted 22nd December, 1882.

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

In work-rooms in drapers' retail establishments in Manchester and Salford. Order gazetted 15th April, 1884. Act 1878.

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

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

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

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

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

Act 1878.

shall not be employed next morning before the beginning of the ordinary period of employment.

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

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

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

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

- (b) Where such young person is employed on **Act 1878.**
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

Act 1878. employment of male young persons of sixteen years of age and upwards as if they were no longer young persons.

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

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

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

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

This exception is only applicable to non-textile factories and workshops. Act 1878.

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 22nd December, 1882.

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

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

48. In any of the textile factories to which this exception applies, if the period of employment for young persons and women, as fixed by the occupier and specified in the notice, begins at the hour of seven in the morning, and the whole time between that hour and eight o'clock is allowed for meals, the regulations of this Act

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

Act 1878. 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.

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

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

Giving half
holidays
and holi-
days on
different
days to
different
sets of

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 **Act 1878.** 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 authorising the occupier of any such factory or workshop to allow all or any of the half holidays, or whole holidays in lieu of them, on different days to any of the children, young persons, and women employed in his factory or workshop, or to any sets of such children, young persons, and women, and not on the same days.

children,
young persons, and
women.

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 authorised in—

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

Order gazetted 22nd December, 1882.

Act 1878.

Employ-
ment of
young per-
sons and
women by
Jewish
occupiers in
factories or
workshops.

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—

- (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 Act 1878.
Friday.

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.

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

Employment of
Jews by
Jews on
Sunday.

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

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

Act 1878. 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.*

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

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

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

Where it is proved to the satisfaction of a Secretary of State that, in any class of factories or workshops, or parts thereof, it is necessary, by reason of the continuous nature of the process, or of special circumstances affecting such class, to extend thereto the exceptions in this section, or either of them, and that such extension can be made without injury to the health of the children,

young persons, and women affected thereby, he may **Act 1878.**
by order made under this part of this Act, extend
the same accordingly.

Two distinct modifications are legal under this section.

By the first paragraph separate meal times may be given to different persons or sets of persons, and the sets must not remain in the factory or workshop during the period set apart for their meals, if manufacturing processes are then carried on.

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

Notices of the meal times must be fixed up. Sect. 19.

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

(c.) *Overtime.*

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

Power to
employ
young per-
sons and
women for
14 hours
a day.

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

Act 1878. (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 handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ young persons and women in manner authorised by this exception, and that such employment will not injure the health of the young persons and women affected thereby, he may, by order made under this part of this Act, extend this exception to such factories or workshops, or parts thereof.

It must be observed that no overtime can be worked in textile factories, except in water-mills, under sect. 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. **Act 1878.**

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

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 and sect. 65, par. 2, he has required that there should be cubic space of 400 feet for every person working overtime under this section. Order gazetted 22nd December, 1882.

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

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

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

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

Provided that such further periods when added to the total number of hours of the period of employment of such child, young person, or woman in that week, do not raise that total above the number otherwise allowed under this Act.

Act 1878. 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 Sched. 3, Part 4.

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

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

This, with the exception of section 32 of the Act 1891, 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 **Act 1878.** 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 handicraft, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may, by order made under this part of this Act, extend this exception to such factories or workshops or parts thereof.

By the Factory Act, 1883, section 13 (*b*), it is enacted that

Act 1878. every day on which any woman worked overtime is to be reckoned as one of the 96 days.

As to notices required, see note to section 53.

The occupations to which this section applies are, see Sched. 3, Part 5:—

Fish preserving.

Fruit preserving.

The manufacture of condensed milk.

Overtime under this section can only be worked by "women."

Exception
for factories
driven by
water
power.

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

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

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

This exception has been granted by Order published in **Act 1878.**
the *Gazette* of 22nd December, 1882, to—

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

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

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

This exception does not include children.

(d.) *Nightwork.*

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

Employment of male young persons.

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

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

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

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

Act 1878.
—

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 authorises the employment at night of male young persons of 13, provided they have obtained the standard prescribed in section 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 authorise 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. Act 1878.

For list of non-textile factories to which the exception applies and has been extended, see Sched. 3, Part 6.

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

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

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

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

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

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,

Employment of male young persons in glass works.

- (1) The total number of hours of the periods of employment shall not exceed sixty in any one week; and
- (2) The periods of employment for any such young person shall not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns

Act 1878.

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, authorised 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—

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

- (1) To the cleanliness (including lime-washing, painting, varnishing, and washing), or to the freedom from effluvia, or to the overcrowding, or ventilation of a factory or workshop ; or
- (2) To all children, young persons, and women employed in a factory or workshop having the times allowed for meals at

the same hour of the day, or during any Act 1878.
part of the time allowed for meals in a
factory or workshop being employed in
the factory or workshop or being allowed
to remain in any room ; or

- (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 mem-
bers of the same family dwelling
there ;

(b) [*Repealed by the Act of 1891,
section 13.*]

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

Act 1878. 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.

See section 15 of Act of 1878.

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.

The exemptions are only applicable to domestic workshops defined in section 16.

Although the provisions as to cleanliness, ventilation, and overcrowding under section 3, are not to apply to domestic workshops, regulations of equal force will be applicable under the provisions of the Public Health Act, 1875, and 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.

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

62. The regulations of this Act with respect to **Act 1878.**
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 in-
spector notice of his intention to conduct such
mill on that system.

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

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

(5.) Supplemental as to Special Provisions.

63. Where it appears to a Secretary of State
that the adoption of any special means or pro-
vision for the cleanliness or ventilation of a fac-
tory 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 pro-
vision 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 cir-
cumstances, inexpedient, he may, by order made
under this part of this Act, rescind the order

Require-
ment of
sanitary
provisions
as condition
of special
exceptions.

Act 1878. 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 22nd December, 1882.

Power to
rescind
order grant-
ing or
extending
exception.

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

Provisions
as to order
of Secretary
of State.

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:—

- (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 excep-

tion, granting an exception, directing the Act 1878, 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.

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 provisions of this Act with respect to the affixing of notices do not apply) affix in his factory or workshop notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

Provisions as to occupier availing himself of special exceptions, and registry of work under them.

Act 1878. 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 the Secretary of State made under this part of this Act) is not observed in that factory or workshop, then

- (1) If such condition relates to the cleanliness, ventilation, or overcrowding of the fac-

tory or workshop, the factory or work- **Act 1878.**
shop 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 further conditions are enacted by section 14, of the Act of 1891 :—

14. (1) The report required by section sixty- **Act 1891.**
six of the principal Act respecting the employment Notice as to
overtime.
of a child, young person, or woman in pursuance of
an exception relating to employment overtime,
must be sent to an inspector not later than eight
o'clock in the evening on which the child, young
person, or woman is employed in pursuance of the
exception.

(2) Where, under the said section sixty-six, the occupier of a factory or workshop is required to make an entry and report respecting the employment overtime of a child, young person, or woman in the factory or workshop, he shall cause a notice containing the prescribed particulars respecting the employment to be kept affixed in the factory or workshop during the prescribed time, and in default of so doing shall be liable, on summary conviction, to a fine not exceeding five pounds.

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 : section 48.

Act 1878. In the case of a textile or non-textile factory :—

Recovery of lost time in water mills : section 57.

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

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

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

The occupier, being of the Jewish religion, substituting other days for Christmas Day or Good Friday : section 50.

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

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

Notice of restriction of hours of work on Saturday to 8 : section 18.

Exemption under authority of Secretary of State from limewashing : section 33.

When the period of employment is between 8 A.M. and 8 P.M. : section 42.

When the period of employment is between 9 A.M. and 9 P.M. : section 43.

Employment of male young person of 16 in lace factories between 4 A.M. and 10 P.M. : section 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 : section 45.

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

Employment of young persons and women until 4.30 P.M. on Saturdays, in Turkey red dyeworks : section 47.

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

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

Employment of young persons and women overtime : section 53.

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

Employment of young persons and women to prevent damage in Turkey red dyeworks and open-air bleach works : section 55. **Act 1878.**

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

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

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

Employment of male young persons, according to accustomed hours, in glassworks : section 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 : section 75.

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

In the case of a workshop :—

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

Notice of beginning to occupy a workshop : section 75.

Act 1878.

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

Candidates having a knowledge of the Welsh language to have the preference in Wales. See section 23, Act of 1891.

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.—*London Gazette*, 24th December, 1878.

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

- Act 1878.** (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 pre-Act 1878.
sence 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 following additional powers have been given to the inspectors:—

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

The occupier of every factory and workshop, his agents and servants, shall furnish the means

Act 1878. 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 execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds ; and where an inspector is so obstructed in a factory or workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or, where the offence is committed at night, twenty pounds ; and where an inspector is so obstructed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or, where the offence is committed at night, five pounds.

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 the certifying surgeon; or a constable, unless he apprehend serious obstruction; while, on the other hand, he can take with him into a factory or workshop the medical officer of health or local sanitary officer. See section 4. Act 1878.

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

The penalty for obstruction in a factory on second conviction is not to be less than one pound: Act of 1891, section 28.

For penalties for persons making a false declaration (par. 6, *supra*) see section 86.

69. [*Repealed by section 25 of the Act of* Restriction
on entry of
inspector
into dwell-
ings.
1891.]

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.

Act 1878.**(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.

Appoint-
ment 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 authorised to prescribe the form, &c., of the registers. See sections 77 and 96.

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

19. Every certifying surgeon acting under this **Act 1891.**
or the principal Act shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year, and the results of the inspection.

Report of
certifying
surgeon.

73. A certificate of fitness for employment **Act 1878.**
shall not be granted for the purposes of this Act, except upon personal examination of the person named therein.

Regulations
as to the
grant of
certificates
of fitness.

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

Act 1878. **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 :

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

- (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 ; *6d.* for each person examined.

- (3) The occupier shall pay the fees on the Act 1878.
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 or workshop, serve on an inspector a written notice containing the name of the factory or workshop, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory or workshop is to be carried on, and in default, shall be liable to a fine not exceeding five pounds.

Notice of
factory
to be given
to inspector.

Act 1891. *The word workshop is inserted in this section by sect. 26 of the Act of 1891, and further regulations made:—*

Notice of
opening
workshop.

26. (1) Section seventy-five of the principal Act (which requires notice to be given of the occupation of a factory) shall apply to a workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) in like manner as it applies to a factory.

(2) Where an inspector receives notice in pursuance of this section with respect to a workshop, he shall forthwith forward the notice to the sanitary authority of the district in which the workshop is situate.

Notices are exhibited in all post offices and police stations, calling attention to the above requirement.

Act 1878. **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 **Act 1878.**
time to time requires for the execution of his
duties under this Act.

This section applies to every factory and workshop in which a child or young person under the age of sixteen years is, for the time being, prohibited under this Act from being employed without a certificate of fitness for employment.

Where, by reason of the number of children and young persons employed in a factory or workshop to which this section does not, for the time being, apply, or otherwise, it seems expedient to a Secretary of State so to do, he may order the occupier of that factory or workshop to keep a register under 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.

The occupier of a factory or workshop may be required to keep a list of all out-workers by the following enactment of the Act of 1891, sect. 27 :—

27. (1) The occupier of every factory and **Act 1891.**
workshop (including any workshop conducted on Lists of
out-
workers.
the system of not employing any child young per-
son, or woman therein), and every contractor em-

Act 1891. ployed by any such occupier in the business of the factory or workshop shall, if so required by the Secretary of State by an Order made in accordance with section 65 of the principal Act, and subject to any exceptions mentioned in the Order, keep in the prescribed form and with the prescribed particulars lists showing the names of all persons directly employed by him, either as workman or as contractor, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed, and every such list shall be open to inspection by any inspector under the principal Act or by any officer of a sanitary authority.

(2) In the event of a contravention of this section by the occupier of a factory or workshop, or by a contractor, the occupier or contractor shall be liable to a fine not exceeding forty shillings.

Act 1878,

Affixing
in factory
or work-
shop of
abstract of
Act and
notices.

78. There shall be affixed at the entrance of a factory and a workshop, and in such other parts thereof as an inspector, for the time being, directs, and be constantly kept so affixed in the prescribed form, and in such position as to be easily read by the persons employed in the factory or workshop—

- (1) The prescribed abstract of this Act ; and
- (2) A notice of the name and address of the prescribed inspector ; and
- (3) A notice of the name and address of the certifying surgeon for the district ; and
- (4) A notice of the clock (if any) by which

the period of employment and times for meals in the factory or workshop are regulated ; and

- (5) Every notice and document required by this Act to be affixed in the factory or workshop.

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 domestic workshops, under sect. 16.
See sect. 61.

The following section is new :—

24. Every person who is engaged as a weaver in the cotton, worsted, or woollen, or linen, or jute trade, or as a winder, weaver, or reeler in the cotton trade, and is paid by the piece, in or in connexion with any factory or workshop, shall have supplied to him with his work sufficient particulars to enable him to ascertain the rate of wages at which he is entitled to be paid for the work, and the occupier of the factory or workshop shall supply him with such particulars accordingly.

Particulars
to be sup-
plied in case
of payment
by piece.

If the occupier of any factory or workshop fails to supply such particulars then, unless he proves that he has given the best information in his power with respect to such particulars, he shall be liable for each offence to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence not less than one pound.

Act 1891. Provided always that in the event of anyone who is engaged as an operative in any factory or workshop receiving such particulars, and subsequently disclosing the same with a fraudulent object, or for the purpose of gain, whether they be furnished directly to him or to a fellow workman, he shall be liable for each offence to a fine not exceeding ten pounds.

Provided also that any one who shall solicit or procure a person so engaged in any factory to disclose such particulars with the object or purpose aforesaid, or shall pay or reward such person, or shall cause such person to be paid or rewarded, for so disclosing such particulars, shall be guilty of an offence, and shall be liable for each offence to a fine not exceeding ten pounds.

Act 1878. **79.** Any notice, order, requisition, summons, and document under this Act, may be in writing or print, or partly in writing and partly in print.

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

Any notice, order, requisition, summons, and document required or authorised to be served or sent for the purposes of this Act, may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or, where that person is the occupier of a 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 **Act 1878.** 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 authorised to inspect or examine weights and measures, shall inspect, stamp, mark, search for and examine the said weights and measures, scales, balances, steel-yards, and weighing machines accordingly, and for that purpose shall have the same powers and duties as he has in 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.

Act 1878.**(4.) Fines.**

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

The following are the special fines in special cases, prescribed 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*. The fine not to be less than 1*l*. in case of a second conviction in a factory : see Act of 1891, s. 28. If by the occupier of a workshop under section 16, 1*l*. 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 or workshop, 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 Act 1878. 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 mill-gearing machinery, &c., to remain unfenced, sect. 5.

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.

The fine not to be less than 1*l.* in case of a second conviction, in a factory : Act of 1891, s. 28.

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

Act 1878. 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.

The fine not to be less than 1*l.* in case of a second conviction, in a factory : Act of 1891, s. 28.

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, 24, 39 ; and employment contrary to

the provisions contained in sects. 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, 21, 23, 24, 26, 27, 38, 42, 43, 44, 45, 46, 47, 50, 51, 53, 54, 56, 57, 58, 59, 60. Act 1878.

The fine not to be less than 1*l*. in case of a second conviction, in the case of a factory : Act of 1891, s. 28.

84. The parent of a child or young person shall,— Fines on parents for allowing child or young person to be employed contrary to the Act or neglecting to cause child to attend school.

(1) If such child or young person is employed in a factory or workshop contrary to the provisions of this Act, be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that such offence was committed without the consent, connivance, or wilful default of such parent; and

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

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, Forgery of certificates, false entries and declarations.

Act 1878. 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.

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 Act 1878. 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 cumulative fines.

- (a) Where the repetition of the offence occurs after an information has been laid for the previous offence ; or
- (b) Where the offence is one of employing two or more children, young persons, or women contrary to the provisions of this Act.

Act 1878.

Prosecution
of offences
and re-
covery and
application
of fines.

(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.

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 authorised to be done by more than one justice of the peace.

Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act, alleged to be committed in, or with reference to a factory or workshop, the occupier of that factory or workshop, and the father, son, or brother of such occupier, shall not be qualified to act as a member of such court.

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:—

Act 1878.
Appeal to
quarter
sessions.

- (1) The appeal shall be made to the next practicable court of general or quarter sessions.

The remaining paragraphs of this section—2, 3, 4, 5, 6, 7, 8—are repealed by 47 & 48 Vict. c. 43, s. 4, and Schedule.

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

Limitation
of time and
general pro-
visions as to
summary
proceedings.

Paragraph 1 is repealed by the Act of 1891. Paragraphs 2 and 3 are repealed by 47 & 48 Vict. c. 43, s. 4, and Schedule, and the following enactment, section 29, is substituted for paragraph 1.

29. In summary proceedings for offences and fines under the principal Act as amended by any subsequent Act, an information may be laid within three months after the date at which the offence comes to the knowledge of a factory inspector, or in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it shall not be laid after the expiration of six months from the commission of the offence.

Act 1891.
Limitation
of time for
summary
proceeding

- (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:

Act 1878

Act 1878. (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 by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by *certiorari* or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

Paragraph 6 has been amended by 47 & 48 Vict. c. 43, and now stands as above.

Evidence in
summary
proceedings.

92. If a person is found in a factory or workshop, except at meal times, or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory or workshop between the hours of four and five o'clock in the afternoon, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory or workshop :

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

the provisions of this Act with respect to the affix- Act 1878.
ing 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.

This section is extended to workshops by the Act of 1891, section 30.

Act 1878.**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, cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof:

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories.

The expression “non-textile factory” in this Act means—

- (1) Any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Fourth Schedule to this Act,
- (2) Also any premises or places named in Part Two of the said Schedule wherein,

or within the close or curtilage or Act 1878.
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 part of any
article, or

(b) In or incidental to the altering,
repairing, ornamenting, or finish-
ing of any article, or

(c) In or incidental to the adapting
for sale of any article,
and wherein, or within the close or
curtilage or precincts of which, steam,
water, or other mechanical power is
used in aid of the manufacturing process
carried on there.

The expression “factory” in this Act means
textile factory and non-textile factory, or either
of such descriptions of factories.

The expression “workshop” in this Act
means—

(1) Any premises or places named in Part
Two of the Fourth Schedule to this

Act 1878.

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 room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act.

The original section amended by the Act of 1891, section 31.

Where a place situate within the close, cur-tilage, 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. Act 1878.

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 same as aforesaid applies to all factories and workshops as before defined, inclusive of factories and workshops belonging to the Crown; provided that in case of any public emergency a Secretary of State may exempt a factory or workshop belonging to the Crown from this Act to the extent and during the period named by him.

The exercise by any child or young person in any recognised efficient school during a portion of the school hours of any manual labour for the purpose of instructing such child or young person in any art or handicraft, shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

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

Act 1878. 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 case of *Taylor v. Hickes* may also be quoted. A factory was engaged in the manufacture of webbing, a fabric of cotton and wool combined, by the aid of steam power. The webbing was cut into proper lengths for braces and girths, and made into such articles by attaching to them buckles and straps of leather. The leather skins were cut into appropriate pieces, and holes bored in them in a building within the curtilage, but separate and distinct from the building in which the webbing was manufactured.

It was held that the building in which the leather was cut and bored was a part of the factory, as it could not be said to be a room employed solely for the manufacture of goods of any other material than those enumerated in the Act: 31 L. J. 330.

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. **Act 1878.**

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 handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act. Definition of employment and working for hire.

For the purposes of this Act an apprentice shall be deemed to work for hire.

95. The expression "certified efficient school" in this Act means a public elementary school within the meaning of the Elementary Education Acts, 1870 and 1873, and any workhouse school in England certified to be efficient by the Local Government Board, and also any elementary Definition of "certified efficient school."

33 & 34 Vict.
c. 75.
36 & 37 Vict.
c. 86.

Act 1878. school which is not conducted for private profit and is open at all reasonable times to the inspection of Her Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school; and the expression "recognised efficient school" means a certified efficient school as above defined, and also any school which the Education Department have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognised for the time being by an inspector under this Act as giving efficient elementary education, and the inspector shall immediately report to the Education Department every school so recognised by him.

Definition of
"recognised
efficient
school."

33 & 34 Vict
c. 75.

For definition of certified efficient school in Scotland, see section 105, par. 1.

For definition of certified efficient school in Ireland, see section 106, par. 1.

General
definitions.

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

"Child."

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

A 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 sections 26 and 30. Act 1878.

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

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

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: "Parent."

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 commissions, board, or vestry in the metropolis having the like powers as such urban sanitary authority: "Sanitary authority."

The expression "person" includes a body of persons corporate or unincorporate: 38 & 39 Vict. c. 55.

The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night: "Week."

Act 1878.

"Night."

The expression "night" means the period between nine o'clock in the evening and six o'clock in the succeeding morning :

"Pre-scribed."

The expression "prescribed" means prescribed for the time being by a Secretary of State :

"Summary Jurisdiction Acts."

The expression "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter 43, intituled "An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders," and any Acts amending the same :

"Court of Summary Jurisdiction."

The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to :

"Mill-gearing."

The expression "mill-gearing" comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process.

The factories and workshops named in the Fourth Schedule to this Act are in this Act referred to by the names therein assigned to them.

Special Exemption of certain Trades.

Exemption of handi-crafts in

97. The exercise in a private house or private room by the family dwelling therein, or by any of

them, of manual labour by way of trade, or for **Act 1878.** purposes of gain in or incidental to any of the handicrafts specified in the Fifth Schedule to this Act, shall not of itself constitute such house or room a workshop within the meaning of this Act.

Fifth
Schedule in
private
houses.

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

Exemption
of certain
home-work.

Act 1878. does not furnish the whole or principal means of living to such family.

This section applies to cases in which one or more members of a family may be employed at home in some occupation subsidiary to the main occupation of the family, and which is only intermittent or occasional.

(2.) *Savings.*

Saving as to liability of hirer of machine where not occupier.

99. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connexion with which machine or implement children, young persons, or women are employed, is some person other than the occupier of the factory, and such children, young persons, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act which may be committed in relation to such children, young persons, or women, be deemed to be the occupier of the factory.

The occupier of the factory is responsible for the sanitary state of the whole of the factory, and the fencing of the mill-gearing, machinery, &c.

Saving for person employed in repair of machinery or of factory or workshop, or in process of curing fish.

100. Nothing in this Act shall extend—

- (1) To any young person, being a mechanic, artisan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop; or
- (2) To the process of gutting, salting, and packing fish immediately upon its arrival in the fishing boats.

To the above is added, by section 32 of the Act of 1891, the following exemptions:— **Act 1891.**

“To the process of cleaning and preparing fruit so far as is necessary to prevent the spoiling of the fruit on its arrival at a factory or workshop during the months of June, July, August, and September.”

Saving for persons employed in process of cleaning fruit.

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 section 56, and Schedule 3, Part 5.

101. The provisions of section ninety-one of **Act 1878.** 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 which is subject to the provisions of this Act relating to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace.

Application to factories and workshops 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 section 3 of this Act in factories, which is to be administered by the inspectors of factories; the local authority administer like provisions under the Public Health Act, 1875, and under the Act of 1891 in workshops.

Act 1878. **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.

Construc-
tion of
enactments,
&c., re-
ferring to
repealed
Acts.

(3.) *Application of Act to Scotland and Ireland.*

103. [*Temporary provisions 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

in the register under that Act of the Act 1878.
birth of the child named in the requi-
sition.

By section 35 of the Act of 1891, the fee is not to exceed 6d. :—

35. The fee to be charged in pursuance of Act 1891.
section one hundred and four of the principal Act Amendment
of 41 & 42
Vict. c. 16,
s. 104.
shall not exceed sixpence, and that section shall
apply in the case of a young person under the age
of sixteen years in like manner as it applies in the
case of a child.

105. In the application of this Act to Scot- Act 1878.
land—

(1) The expression “certified efficient school” Application
of Act to
Scotland.
means any public or other elementary
school under Government inspection :

*For paragraph 2 as to holidays is substituted the following
enactment :—*

33. (4) In lieu of Christmas Day, and Act 1891.
either Good Friday or the next public holiday 38 & 39 Vict.
c. 13.
under the Holidays Extension Act, 1875, there
shall be allowed as a holiday to every child, young
person, and woman employed in a factory or work-
shop within a burgh or police burgh, the two days
in each year set apart by the Church of Scotland
for the observance of the sacramental fast in the
parish in which the factory or workshop is situate,
and in such burghs or police burghs where such
fast days have been abolished or discontinued there
shall be allowed as a holiday to every child, young
person, and woman employed in a factory or work-
shop in such burghs or police burghs such two

Act 1891. whole days in each year, separated by an interval of not less than three months, as shall be fixed by the magistrates or police commissioners in such burghs or police burghs, and such magistrates or police commissioners, as the case may be, are hereby required to fix, and from time to time, if it shall seem expedient to them to do so, to alter such holidays, and give public notice thereof fourteen days before the date at any time fixed.

Act 1878. (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" **Act 1878.**
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 pe-
titioner, pursuer, or complainer :
- (13) The expression "defendant" means de-
fender or respondent :
- (14) The expression "clerk of the peace"
means sheriff clerk :
- (15) All offences under this Act shall be pro-
secuted 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

Act 1878.

procurator fiscal or inspector presented in common form :

- (17) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months :
- (18) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act that such prosecution is brought at the instance of such inspector :
- (19) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction :
- (20) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty's Exchequer, and shall be carried to the consolidated fund :
- (21) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs and their substitutes :

- (22) Any person may appeal from any order or **Act 1878.**
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 enact-
ment amending that Act, or applying or
incorporating its provisions, or any of
them, with regard to appeals or to the
Court of Justiciary at Edinburgh under
and in terms of the Summary Prosecu-
tion Appeal (Scotland) Act, 1875.

*The following definitions are added by section 33 of the
Act, 1891.*

33. (1) The expression "Births and Deaths **Act 1891.**
Registration Acts, 1836 to 1874," shall mean the
Acts relating to the registration of births, deaths,
and marriages in Scotland :

(2) The expression "Public Health Act, 1875," <sup>30 & 31 Vict.
s. 101.</sup>
where it occurs in section seven of this Act shall
mean the Public Health (Scotland) Act, 1867,
and the Acts amending the same :

(3) The board of supervision shall be substituted
for the Local Government Board.

106. In the application of this Act to Ire- **Act 1878.**
land—

- (1) The expression "certified efficient school" <sup>Application
of Act to
Ireland.</sup>
means any national school, or any school
recognised by the Lord Lieutenant and
Privy Council as affording sufficient
means of literary education for the pur-
poses of this Act :

Paragraph 2 as to holidays is repealed and the following enactment substituted therefor:—

Act 1891.

Amendment
of 41 Vict.
c. 16, s. 106,
as to holi-
days in
Ireland.

34. (2) In lieu of any two half holidays allowed under the provisions of sub-section (2) of section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop, the whole of the seventeenth day of March, when that day does not fall on a Sunday, or at the option of the occupier of the factory or workshop, either Good Friday (unless that day is otherwise fixed as a holiday) or Easter Tuesday.

Act 1878.

37 & 38 Vict.
c. 93.

(3) The expression “sanitary authority” means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1874, and any Act amending the same :

(4) The expression “medical officer of health” means the medical sanitary officer of the sanitary district :

The expression “poor law medical officer” means the dispensary doctor :

(5) Any Act authorised to be done or consent required to be given by the Education Department under this Act shall be done and given by the Lord Lieutenant or Lords Justices of Ireland, acting by and with the advice of the Privy Council in Ireland :

(6) The expression “county court” means the civil bill court :

- (7) The expression "Summary Jurisdiction Act 1878.
Acts" means, within the police district
of Dublin metropolis, the Acts regu-
lating 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) ^{14 & 15 Vict.}
Act, 1851, and any Act amending the ^{c. 93.}
same :
- (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 dis-
trict 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 jurisdic-
tion shall lie in the manner and subject
to the conditions and regulations pre-
scribed 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.}

Act 1878.29 & 30 Vict.
c. 90.

- (11) The provisions of section nineteen of the Public Health Act, 1866, or of any enactment substituted for that section with respect to any factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory or workshop which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace:

37 & 38 Vict.
c. 93.

It is hereby declared that the sanitary Acts within the meaning of the Public Health (Ireland) Act, 1874, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as they apply to buildings where more than twenty persons are employed:

- (12) All matters required by this Act to be published in the *London Gazette* shall, if they relate exclusively to Ireland, instead of being published in the *London Gazette*, be published in the *Dublin Gazette* only.

(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 Act 1878.
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

Act 1878.

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) [*Temporary modification now obsolete.*]

(8) This repeal shall not affect—

(a) Anything duly done or suffered under any enactment hereby repealed; or

(b) Any obligation or liability incurred under any enactment hereby repealed; or

(c) Any penalty or punishment incurred in respect of any offence committed against an enactment hereby repealed; or

(d) Any legal proceeding or remedy in respect of any such 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.

SCHEDULES.

Sched. 1.

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.

Sched. 2.

SECOND SCHEDULE.

SPECIAL RESTRICTIONS.

Section 39.

Places forbidden for Meals.

As to parts of factories or workshops in which children, young persons, and women are forbidden to take meals.

The prohibition on a child, young person, or woman taking a meal or remaining during the times allowed for meals in certain parts of factories or workshops applies to the parts of factories and workshops following; that is to say,—

- (1) In the case of glass works, to any part in which the materials are mixed; and
- (2) In the case of glass works where flint glass is made, to any part in which the work of grinding, cutting, or polishing is carried on; and
- (3) In the case of lucifer match works, 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 22nd December, 1882 :—

Every part of a factory or workshop in which part wool or hair is sorted or dusted, or in which rags are sorted, dusted, or ground.

Every part of a textile factory in which part gassing is carried on.

Every part of a printwork, bleachwork, or dyework in which part singeing is carried on.

Every part of a factory or workshop in which part any of the following processes are carried on :—

Grinding, glazing, or polishing on a wheel.

Brass-casting, type-founding.

Dipping metal in aquafortis or other acid solution.

Metal-bronzing.

Majolica painting on earthenware.

Catgut cleaning and repairing.

Cutting, turning, polishing bone, ivory, pearlshell, snail-shell.

Every factory or workshop in which chemicals 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. Sched. 2.

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.

Section 42.

The exception respecting the employment of children, young persons, and women between the hours of eight in the morning and eight in the evening, and on Saturday between the hours of eight in the morning and four in the afternoon or between the hours of seven in the morning and three in the afternoon, applies to any factory or workshop or part thereof in which any of the following manufacturing processes or handicrafts are carried on ; that is to say,—

Employment of children, young persons, and women between 8 A.M. and 8 P.M. in certain trades.

- (a) Lithographic printing ;
- (b) Turkey-red dyeing ;
- (c) The making of any article of wearing apparel ;
- (d) The making of furniture hangings ;
- (e) Artificial flower making ;
- (f) Bon-bon and Christmas present making ;
- (g) Valentine making ;
- (h) Fancy box making ;
- (i) Envelope making ;
- (k) 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) Bookbinding works ;

- Sched. 3. (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 work were authorised to be between 8 A.M. and 8 P.M.

This exception has been extended by Order, gazetted 22nd 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

By Order, gazetted 2nd September, 1884, to—

Printworks, bleachworks, and dyeworks.

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.

Sched. 3.

Section 52.

PART TWO.

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,

Sched. 3.

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.

By Order, gazetted 1st March, 1887—

The baking of bread and biscuits by travelling ovens.

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.

- Sched. 3.** 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 Vict. c. 15, has not been re-enacted: paragraph (x) has therefore been inserted here to continue the permission contained in 7 Vict. 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 17th October, 1890, extended to Factories.

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.

Sched. 3.

And by Order, gazetted 2nd September, 1884, to
The processes carried on in non-textile factories of calendering, finishing, hooking, lapping, or making up and packing of any yarn or cloth, or any of such processes, and none other.

By Order, gazetted 10th May, 1887—
Bleach works and dye works in Lancashire and Cheshire are exempted from the preceding Order of 2nd September, 1884.

By Order, gazetted 1st April, 1888—
Male young persons employed in pattern card making.
By Order, gazetted 17th September, 1889—
Preparing cream, and butter and cheese making, milling perforating and gumming, postage and inland revenue stamps.

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 biscuits.

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

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

Sched. 3.

PART FIVE.

Section 56.

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) Letterpress printing works; and
- (d) Paper mills.

Nightwork was legal in the trades enumerated, and in any factory in which the machinery was moved by water, by the Factory Act, 1867, but as the recovery of time lost is now authorised in water mills by section 57, nightwork will not be legal in such works.

By Order, gazetted 22nd December, 1882, this exception has been extended so far as regards male young persons of at least 16 years of age in

Oil and seed crushing mills,
Copper and yellow metal rolling mills,
Iron and metal tube works in which the furnaces used are Siemens' gas furnaces,

The knocking out and cutting departments of non-textile factories engaged in the refining of loaf sugar,

Such parts of mineral dressing floors in Cornwall (whether non-textile factories or workshops) as are appropriated to the processes of calcining and stamping.

By Order, gazetted 29th June, 1888—

The galvanising of metal.

By Order, gazetted 14th June, 1889—

Metal tube works.

PART SEVEN.

Sched. 3.

Section 48.

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—

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

(a) The making of elastic web ; or

(b) The making of ribbon ; or

(c) The making of trimming.

By Order, gazetted 22nd December, 1882, this exception has been extended to

Hosiery factories.

Woollen factories in the counties of Oxford, Wilts, Worcester, Gloucester, and Somerset.

Factories in which the only processes carried on are those of winding and throwing of raw silks or either of those processes.

FOURTH SCHEDULE.

LIST OF FACTORIES AND WORKSHOPS.

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."

- Sched. 4.** (3) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware or china of any description, except bricks and tiles not being ornamental tiles ;(a)
- "Earthenware 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 ;
- "Lucifer match works."
- (5) "Percussion cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps ;
- "Percussion cap works."
- (6) "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other materials that is used in making the cases of the cartridges ;
- "Cartridge works."
- (7) "Paper staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power ;
- "Paper staining works."
- (8) "Fustian cutting works," that is to say, any place in which persons work for hire in fustian cutting ;
- "Fustian cutting works."
- (9) "Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on ;
- "Blast furnaces."
- (10) "Copper mills ;"
- "Copper mills."
- (11) "Iron mills," that is to say, any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel ;
- "Iron mills."
- (12) "Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in
- "Foundries."

(a) The words "or china" inserted by Act of 1891, section 38.

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; Sched. 4.

(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) "Letterpress printing works," that is to say, any premises in which the process of letterpress printing is carried on; "Letterpress printing works."

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

(10) 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,

- Sched. 4.** 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. Sched. 4.
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 works and not a textile factory.

Rope Works.—The law in respect to these works remains unaltered. A rope works in which the material is spun into yarn, and then laid or twisted into rope or twine by steam or water-power, is a textile factory. But a rope works in which the yarn is only laid or twisted into rope or twine by steam or water-power, and which has no internal communication with a factory in which the yarn has been spun, will be a non-textile factory. If the yarn be laid or twisted by hand wheel the premises will be a workshop.

Bakehouses are divided into wholesale bakehouses and retail bakehouses.

In wholesale bakehouses all regulations are enforced by the inspector of factories and in retail bakehouses in which power is used.

In the other retail bakehouses the regulations as to hours of work, meals, and as to holidays, are enforced by the inspector of factories. The cleanliness, &c., is under the supervision of the local authorities. See Factory and Workshop Act, 1883, section 17.

Shipbuilding Yards.—This definition and the enactment in section 92 is rendered necessary by the decision of the Court of Queen's Bench in the case of *Palmer's Shipbuilding Company 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 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

Sched. 4. are conveyed, and there converted by a manufacturing process into slabs, flags, and other saleable articles is not within the meaning of the term premises in 30 & 31 Vict. c. 103.

The case of a cement works, *Redgrave v. Lee* was decided upon the same grounds. Hence the necessity for the special enactment in section 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 section 15, par. 2 of this Act, as amended by section 13 of Act of 1891. If children or young persons are also employed then they will be subject to the whole of the provisions of this Act.

FIFTH SCHEDULE.

Section 97.

SPECIAL EXEMPTIONS.

Straw plaiting. Pillow-lace making. Glove making.

SIXTH SCHEDULE.

Acts Repealed.

Sched. 6.

Section 107.

Session and Chapter.	Title of Act.	Extent of Repeal.
42 Geo. 3, c. 73 -	An Act for the preservation of the health and morals of apprentices and others employed in cotton and other mills, and cotton and other factories.	The whole Act.
3 & 4 Will. 4, c. 103 - - -	An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom.	The whole Act.
7 & 8 Vict. c. 15 -	An Act to amend the laws relating to labour in factories.	The whole Act.
9 & 10 Vict. c. 40	An Act to declare certain ropeworks not within the operation of the Factory Acts.	The whole Act.
13 & 14 Vict. c. 54	An Act to Amend the Acts relating to labour in Factories.	The whole Act.
16 & 17 Vict. c. 104 - - -	An Act further to regulate the employment of children in factories.	The whole Act.
19 & 20 Vict. c. 38	The Factory Act, 1856.	The whole Act.
24 & 25 Vict. c. 117 - - -	An Act to place the employment of women, young persons, youths, and children in lace factories under the regulations of the Factories Acts.	The whole Act.
26 & 27 Vict. c. 40	The Bakehouse Regulation Act, 1863.	The whole Act.
27 & 28 Vict. c. 48	The Factory Acts Extension Act, 1864.	The whole Act.
29 & 30 Vict. c. 90	The Sanitary Act, 1866.	The following words (so far as unrepealed) in section 19, "not already under the operation of any general Act for the regulation of factories or bakehouses."

Sched. 6.

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 section 4, "more than twenty," and the words "at one time," and the following words in section 91, "not already under the operation of any general Act for the regulation of factories or bake-houses."
39 & 40 Vict. c. 79	The Elementary Education Act, 1876.	Section 8 and the following words in section 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. 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 :

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

White Lead Factories.

2. After the thirty-first day of Demember, 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. Certificate of conformity with Act.

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 Conditions of certificate.

Act 1883. section, and including any conditions added by any such order, have been complied with.

(2) A Secretary of State may at any time, by writing under his hand, revoke, alter, add to, or modify all or any of the conditions specified in the schedule to this Act.

Grant of
certificate
on com-
pliance with
conditions.

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.

Withdrawal
of certifi-
cate.

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.

Penalty on
carrying on
factory
without
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 Act 1883.
summary conviction to a fine not exceeding two
pounds.

Sections 7—12, providing for special rules in white lead
factories, repealed by the Second Schedule of the Act of
1891 and other provisions enacted : sections, 8, 9, 11, 12.

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

13. It is hereby declared that—

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

(a) Section fifty-three of the Factory and
Workshop Act, 1878, only authorises
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 autho-
rises overtime employment of women
to take place in any factory or work-
shop on ninety-six days in the whole in
any twelve months, and that in reckon-
ing such period of ninety-six days, every
day on which any woman has been
employed overtime is to be taken into
account.

Act 1883. **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.

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

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 water-closet, earth-closet, privy, or ash-pit shall be within or communicate directly with the bakehouse ;
- (ii.) Any cistern for supplying water to the bakehouse shall be separate and distinct from any cistern for supplying water to a water-closet ;
- (iii.) No drain or pipe for carrying off fæcal or sewage matter shall have an opening within the bakehouse.

Any person who lets or suffers to be occupied or who occupies any room or place as a bakehouse

in contravention of this section shall be liable, on **Act 1883.**
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 re-
moving 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-

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

Act 1883. five of 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.

Sub-sections 2 and 3 repealed by the Act of 1891, second schedule; section 2 is re-enacted as to workshops generally; section 3 of Act of 1891.

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, which is not a factory within the meaning of the Act of 1878.

Not to include any bakehouse which is a factory. Section 36 of Act of 1891.

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 **Act 1883.**
in the Schedules A. and B. annexed to the
Metropolis Management Act, 1855, and any
parish to which the said Act may be extended 18 & 19 Vict.
c. 120.
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 sani-
tary authority; and as respects any rural
sanitary district, the rural sanitary authority,
within the meaning of the Public Health Act,
1875.

Application of Act to Scotland and Ireland.

19. In the application of this Act to Scotland Application
of Act to
Scotland.
30 & 31 Vict.
c. 101.
the expression "local authority" means the local
authority within the meaning of the Public Health
(Scotland) Act, 1867.

20. In the application of this Act to Ireland Application
of Act to
Ireland.
41 & 42 Vict.
c. 52.
the expression "local authority" means, as
regards any urban sanitary district, the urban
sanitary authority, and as regards any rural sani-
tary district the rural sanitary authority, within
the meaning of the Public Health (Ireland) Act,
1878.

Sched.

THE SCHEDULE.**CONDITIONS OF OBTAINING CERTIFICATE.**

(1) The stacks and stoves in the factory must be efficiently ventilated.

(2) There must be provided for the use of the persons employed in the factory sufficient means of frequently washing hands and feet, with a sufficient supply of hot and cold water, soap, towels, and brushes.

(3) There must be provided in addition, for the use of women employed in the factory, sufficient baths, with a sufficient supply of hot and cold water, soap, towels, and brushes.

(4) There must be provided for the use of the persons employed in the factory (but not in any part of the factory where any work is carried on) a proper room for meals.

(5) There must be provided for every person working at any tank an overall suit with head covering, and for every person working at any white-bed a respirator or covering for the mouth and nostrils and head covering, and for every person working at any dry stove or rollers an overall suit with head covering, and a respirator or covering for the mouth and nostrils.

(6) There must be accessible to all persons employed in the factory a sufficient supply of acidulated drink.

FACTORY AND WORKSHOP ACT, 1891.

54 & 55 VICT. CHAP. 75.

An Act to amend the Law relating to Factories and Workshops. [5th August, 1891.]

WHEREAS it is expedient to amend the 41 Vict. c. 16.
Factory and Workshop Act, 1878 (hereinafter referred to as the principal Act) :

Be it therefore 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 :

Sanitary Provisions.

1. (1) If the Secretary of State is satisfied Powers of Secretary of State as to sanitary provisions in work-shops. that the provisions of the law relating to public health as to effluvia arising from any drain, privy, or other nuisance, or with respect to cleanliness, ventilation, overcrowding, or limewashing are not observed in any workshops or class of workshops (including workshops conducted on the system of not employing any child, young person, or woman therein) or laundries, he may, if he thinks fit, by order, authorise and direct an inspector or inspectors under the principal Act to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing the said provisions.

Act 1891. (2) An inspector authorised in pursuance of this section shall, for the purpose of his duties, have the same powers with respect to workshops and laundries to which this section applies, as he has under the principal Act as amended by this Act with respect to factories, and may for the same purpose take the like proceedings for punishing or remedying any default in compliance with the said provisions of the law relating to public health as might be taken by the sanitary authority of the district in which the workshops or laundries are situate, and shall be entitled to recover from that sanitary authority all such expenses in and about any proceedings in respect of such workshops or laundries as he may incur and are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

Powers of
factory
inspector
after notice
to sanitary
authority.

2. (1) Section four of the principal Act shall apply to workshops conducted on the system of not employing any child, young person, or woman therein, and to laundries.

(2) Where notice of an act, neglect, or default is given by an inspector under the said section four, as amended by this act, to a sanitary authority, and proceedings are not taken within a reasonable time for punishing or remedying the act, neglect, or default, the inspector may take the like proceedings for punishing or remedying the same as the sanitary authority might have taken, and shall be entitled to recover from the sanitary authority all such expenses in and about the proceedings as the inspector incurs and are not re-

covered from any other person, and have not been Act 1891.
incurred in any unsuccessful proceedings.

3. (1) Sections three and thirty-three of the Factory and Workshop Act, 1878 (which relate to cleanliness, ventilation, and overcrowding in, and limewashing of, factories and workshops), shall cease to apply to workshops.

Enforce-
ment by
sanitary
authority of
sanitary
provisions
as to
workshops.
41 & 42 Vict.
c. 16.
54 & 55 Vict.
c. 76.

(2) For the purpose of their duties with respect to workshops (not being workshops to which the Public Health (London) Act, 1891, applies), a sanitary authority and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings or otherwise, as an inspector under the principal Act.

(3) If any child, young person, or woman, is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector of the district.

4. (1) Every workshop as defined by the principal Act (including any workshop conducted on the system of not employing any child, young person, or woman therein), and every workplace within the meaning of the Public Health Act, 1875, shall be kept free from effluvia arising from any drain, water-closet, earth-closet, privy, urinal, or other nuisance, and unless so kept shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

Cleanliness
and lime-
washing of
workshops.
38 & 39 Vict.
c. 55.

Act 1891. (2) Where on the certificate of a medical officer of health or inspector of nuisances it appears to any sanitary authority that the limewashing, cleansing, or purifying of any such workshop, or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall give notice in writing to the owner or occupier of the workshop to limewash, cleanse, or purify the same or part thereof, as the case may require.

(3) If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a fine not exceeding ten shillings for every day during which he continues to make default, and the sanitary authority may, if the (*sic*) think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

54 & 55 Vict.
c. 76.

(4) This section shall not apply to any workshop or workplace to which the Public Health (London) Act, 1891, applies.

Amendment
of 41 & 42
Vict. c. 16,
s. 3, as to
sanitary
provisions.

5. In section three of the principal Act, for the word "privy," shall be substituted the words "water-closet, earth-closet, privy, urinal," and for the words "injurious to the health of the persons employed therein" shall be substituted the words "dangerous or injurious to the health of the persons employed therein."

Act 1891.

Safety.

6. (1) The words "near to which any person is liable to pass or to be employed" in sub-section (1) of section five of the principal Act are hereby repealed.

Amendment
of 41 & 42
Vict. c. 16,
s. 5, as to
fencing of
machinery.

(2) In sub-section three of the same section before the words "every part" shall be inserted the words "all dangerous parts of the machinery and."

7. (1) Every factory of which the construction is commenced after the first day of January, one thousand eight hundred and ninety-two, and in which more than forty persons are employed, shall be furnished with a certificate from the sanitary authority of the district in which the factory is situate that the factory is provided on the storeys above the ground floor with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case, and a factory not so furnished shall be deemed not to be kept in conformity with the principal Act, and it shall be the duty of the sanitary authority to examine every such factory, and on being satisfied that the factory is so provided to give such a certificate as aforesaid.

Provision
against
fire.

(2) With respect to all factories to which the foregoing provisions of this section do not apply, and in which more than forty persons are employed, it shall be the duty of the sanitary authority of every district, as soon as may be after the passing

Act, 1891. of this Act, and afterwards from time to time, to ascertain whether all such factories within their district are provided with such means of escape as aforesaid, and, in the case of any factory which is not so provided, to serve on the person being within the meaning of the Public Health Act, 1875, the owner of the factory a notice in writing specifying the measures necessary for providing such means of escape as aforesaid, and requiring him to carry out the same before a specified date, and thereupon such owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements, and, unless such requirements are so complied with, such owner shall be liable to a fine not exceeding one pound for every day that such non-compliance continues. In case of a difference of opinion between the owner of the factory and the sanitary authority, the difference shall, on the application of either party, be referred to arbitration, and thereupon the provisions of the First Schedule to this Act shall have effect, except that the parties to the arbitration shall be the sanitary authority on the one hand and the owner on the other, and the award on the arbitration shall be binding on the parties thereto. If the owner alleges that the occupier of the factory ought to bear or contribute to the expenses of complying with the requirement, he may apply to the county court having jurisdiction where the factory is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case.

38 & 39 Vict.
c. 75.

(3) All expenses incurred by a sanitary authority in the execution of this section shall be defrayed—

(a) In the case of an authority of an urban district, as part of their expenses of the general execution of the Public Health Act, 1875 ; and

(b) In the case of an authority of a rural district, as special expenses incurred in the execution of the Public Health Act, 1875 ; and such expenses shall be charged to the contributory place in which the factory is situate.

(4) In the application of this section to the administrative county of London, the London County Council shall take the place of the sanitary authority, and their expenses in the execution of this section shall be defrayed as part of their expenses in the management of the Metropolitan Building Act, 1855, and the Acts amending the same.

18 & 19 Vict.
c. 122.

See p. 11.

Special Rules and Requirements.

8. (1) Where the Secretary of State certifies that in his opinion any machinery or process or particular description of manual labour used in a factory or workshop (other than a domestic workshop) is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, or that the provisions for the admission of fresh air is not sufficient, or that the quantity of

Special
rules and
require-
ments as to
dangerous
and un-
healthy
incidents
of employ-
ment.

Act 1891. dust generated or inhaled in any factory or workshop is dangerous or injurious to health, the chief inspector may serve on the occupier of the factory or workshop a notice in writing, either proposing such special rules or requiring the adoption of such special measures as appear to the chief inspector to be reasonably practicable and to meet the necessities of the case.

(2) Unless within twenty-one days after receipt of the notice the occupier serves on the chief inspector a notice in writing that he objects to the rules or requirement, the rules shall be established, or, as the case may be, the requirement shall be observed.

(3) If the notice of objection suggests any modification of the rules or requirement, the Secretary of State shall consider the suggestion and may assent thereto with or without any further modification which may be agreed on between the Secretary of State and the occupier, and thereupon the rules shall be established, or, as the case may be, the requirement shall be observed, subject to such modification.

(4) If the Secretary of State does not assent to any objection or modification suggested as aforesaid by the occupier, the matter in difference between the Secretary of State and the occupier shall be referred to arbitration under this Act, and the date of the receipt of the notice of objection by the Secretary of State shall be deemed to be the date of the reference, and the rules shall be

established, or the requisition shall have effect, as Act 1891.
settled by an award on arbitration.

(5) Any notice under this section may be served by post.

(6) With respect to arbitrations under this Act the provisions in the First Schedule to this Act shall have effect.

(7) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of this section.

See p. 13.

9. (1) If any person who is bound to observe any special rules established for any factory or workshop under this Act acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable on summary conviction to a fine not exceeding ten pounds, unless he proves that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the rules to prevent the contravention or non-compliance.

Penalty
for contra-
vention of
special
rules or
require-
ment.

(2). A factory or workshop in which there is a contravention of any requirement made under this Act shall be deemed not to be kept in conformity with the principal Act.

Act 1891. **10.** (1) After special rules are established under this Act in any factory or workshop, the Secretary of State may from time to time propose to the occupier of the factory or workshop any amendment of the rules or any new rules; and the provisions of this Act with respect to the original rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules.

Amend-
ment of
special
rules.

(2) The occupier of any factory or workshop in which special rules are established may from time to time propose in writing to the chief inspector, with the approval of the Secretary of State, any amendment of the rules or any new rules, and the provisions of this Act with respect to a suggestion of an occupier for modifying the special rules proposed by a chief inspector shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to such a suggestion.

Publication
of special
rules.

11. (1) Printed copies of all special rules for the time being in force under this Act in any factory or workshop shall be kept posted up in legible characters in conspicuous places in the factory or workshop where they may be conveniently read by the persons employed. In a factory or workshop in Wales or Monmouthshire the rules shall be posted up in the Welsh language also.

(2) A printed copy of all such rules shall be given by the occupier to any person affected thereby on his or her application.

(3) If the occupier of any factory or workshop **Act 1891.** fails to comply with any provision of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(4) Every person who pulls down, injures, or defaces any special rules when posted up in pursuance of this Act, or any notice posted up in pursuance of the special rules, shall be liable on summary conviction to a fine not exceeding five pounds.

12. An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules for the time being established under this Act for any factory or workshop, and a copy so certified shall be evidence (but not to the exclusion of other proof) of those special rules, and of the fact that they are duly established under this Act.

Certified
copies of
special
rules to be
evidence.

Period of Employment.

13. (1) For sub-section (2) of section fifteen of the principal Act the following sub-section shall be substituted, namely :—

Period of
employ-
ment for
women.

(2) In a workshop which is conducted on the system of not employing therein either children or young persons, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system—

(a) The period of employment for a woman shall, except on Saturday, be a specified

Act 1891.

period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours, taken between six o'clock in the morning and four o'clock in the afternoon ; and

- (b) There shall be allowed to a woman for meals and absence from work during the period of employment, a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.

Notices
as to over-
time.

14. (1) The report required by section sixty-six of the principal Act respecting the employment of a child, young person, or woman in pursuance of an exception relating to employment overtime, must be sent to an inspector not later than eight o'clock in the evening on which the child, young person, or woman is employed in pursuance of the exception.

(2) Where, under the said section sixty-six, the occupier of a factory or workshop is required to make an entry and report respecting the employment overtime of a child, young person or woman, in the factory or workshop, he shall cause a notice containing the prescribed particulars respecting the employment to be kept affixed in the factory or workshop during the prescribed time, and in default of so doing shall be liable, on summary conviction, to a fine not exceeding five pounds.

15. For section eighteen of the principal Act 1891. Act, the following section shall be substituted, namely,—

In a non-textile factory or workshop where a young person or woman has not been actually employed for more than eight hours on any day in a week, and notice of such non-employment has been affixed in the factory or workshop and served on the inspector, the period of employment on Saturday in that week for that young person or woman may be from six o'clock in the morning to four o'clock in the afternoon, with an interval of not less than two hours for meals.

Period of employment on Saturday for young persons and women not employed more than eight hours.

Holidays.

16. For sub-section (4) of section twenty-two of the principal Act the following sub-section shall be substituted, namely :

Amendment of 41 & 42 Vict. c. 16, s. 22, as to holidays.

(4) Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop during the first week in January, and a copy thereof has on the same day been forwarded to the inspector of the district: Provided that any such notice may be changed by a subsequent notice affixed and sent in like manner not less than fourteen days before the holiday or half holiday to which it applies.

Act 1891.*Conditions of Employment.*

Prohibition
of employ-
ment of
women
after child-
birth.

17. An occupier of a factory or workshop shall not knowingly allow a woman to be employed therein within four weeks after she has given birth to a child.

Prohibition
of employ-
ment of
children
under
eleven
years of
age.

18. On and after the first day of January one thousand eight hundred and ninety-three no child under the age of eleven years shall be employed in a factory or workshop.

Provided always, that any child lawfully employed under the principal Act, or any Act relating to the employment of children, at the time that the provisions of this section come into operation shall be exempt from its provisions.

Report of
certifying
surgeon.

19. Every certifying surgeon acting under this or the principal Act shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year, and the results of the inspection.

Certificate
of birth in
case of
children
and young
persons
under 16.

20. Where the age of any child or young person under the age of sixteen years is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child or young person, any person shall, on presenting a written requisition, in such form, and containing such particulars as may be from time to time prescribed by the Local Government

Board, and on payment of a fee of sixpence, be **Act 1891.** entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that child or young person; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

21. There shall be repealed so much of section sixty-one of the principal Act as enacts that the provisions therein mentioned shall not apply to a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.

Amendment
of 41 & 42
Vict. c. 16,
s. 61, as to
exemption
of certain
workshops.

Miscellaneous.

22. (1) In section thirty-one of the principal Act for the words "and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident" shall be substituted the words "and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop and doing five hours work on any day during the next three days after the occurrence of the accident."

Amendment
of 41 & 42
Vict. c. 16,
s. 31, as to
notice of
accidents.

(2) The notice required under that section shall, where the person killed or injured is not removed

Act 1891. to his own residence, state both his residence and the place to which he has been removed.

(3) Where a death has occurred by accident in any factory or workshop, the coroner shall forthwith advise the district inspector under this Act of the time and place of the holding of the inquest, and at such inquest any relative of any person whose death may have been caused by the accident with respect to which the inquest is being held, and any inspector under the principal Act, and the occupier of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the workpeople employed in the said factory or workshop shall be at liberty to attend and examine any witness either in person or by his counsel, solicitor, or agent, subject nevertheless to the order of the coroner.

Inspectors
in Wales and
Monmouth-
shire.

23. In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

Particulars
to be
supplied in
case of
payment by
piece.

24. Every person who is engaged as a weaver in the cotton, worsted, or woollen, or linen or jute trade, or as a winder, weaver, or reeler in the cotton trade, and is paid by the piece, in or in connection with any factory or workshop, shall have supplied to him with his work sufficient particulars to enable him to ascertain the rate of wages at which he is entitled to be paid for the

work, and the occupier of the factory or workshop shall supply him with such particulars accordingly. **Act 1891.**

If the occupier of any factory or workshop fails to supply such particulars then, unless he proves that he has given the best information in his power with respect to such particulars, he shall be liable for each offence to a fine not exceeding ten pounds and in the case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence not less than one pound.

Provided always, that in the event of anyone who is engaged as an operative in any factory or workshop receiving such particulars, and subsequently disclosing the same with a fraudulent object or for the purpose of gain, whether they be furnished directly to him or to a fellow workman, he shall be liable for each offence to a fine not exceeding ten pounds.

Provided also, that anyone who shall solicit or procure a person so engaged in any factory to disclose such particulars with the object or purpose aforesaid, or shall pay or reward such person, or shall cause such person to be paid or rewarded, for so disclosing such particulars, shall be guilty of an offence, and shall be liable for each offence to a fine not exceeding ten pounds.

25. The powers of entry conferred by section sixty-eight of the principal Act on an inspector under that Act may be exercised without the authority or warrant required in certain cases by section sixty-nine of that Act. **Powers of entry.**

Act 1891. **26.** (1) Section seven-five of the principal Act (which requires notice to be given of the occupation of a factory) shall apply to a workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) in like manner as it applies to a factory.

Notice of
opening
workshop.

(2) Where an inspector receives notice in pursuance of this section with respect to a workshop, he shall forthwith forward the notice to the sanitary authority of the district in which the workshop is situate.

Lists of
out-
workers.

27. (1) The occupier of every factory and workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) and every contractor employed by any such occupier in the business of the factory or workshop shall, if so required by the Secretary of State by an Order made in accordance with section sixty-five of the principal Act, and subject to any exceptions mentioned in the Order, keep in the prescribed form and with the prescribed particulars lists showing the names of all persons directly employed by him, either as workman or as contractor, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed, and every such list shall be open to inspection by any inspector under the principal Act or by any officer of a sanitary authority.

(2) In the event of a contravention of this section by the occupier of a factory or workshop,

or by a contractor, the occupier or contractor shall Act 1891.
be liable to a fine not exceeding forty shillings.

By virtue of this section the Secretary of State prescribes that it shall apply to the Manufacture of Articles of Wearing Apparel; see *London Gazette*, 22nd July, 1892. Form of Notice is prescribed:—

FACTORY AND WORKSHOP ACTS, 1878—1891.

(Gazetted 4th November, 1892.)

Order of Secretary of State requiring Occupiers of certain Factories and Workshops to keep lists of Out-Workers.

Whereas by section 27 (1) of the Factory and Workshop Act, 1891, it is enacted that:—

“The occupier of every factory and workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) and every contractor employed by any such occupier in the business of the factory or workshop shall, if so required by the Secretary of State by an Order made in accordance with section 65 of the principal Act, and subject to any exceptions mentioned in the Order, keep in the prescribed form and with the prescribed particulars lists showing the names of all persons directly employed by him, either as workman or as contractor, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed, and every such list shall be open to inspection by any inspector under the principal Act or by any officer of a sanitary authority.”

Now I, the Right Honourable Herbert Henry Asquith, one of Her Majesty's Principal Secretaries of State, by this Order, made under section 65 of the Factory and Workshop Act, 1878, and section 27 of the Factory and Workshop Act, 1891, require the occupier of every factory and workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein), and every contractor employed by any such occupier in any of the businesses mentioned in the schedule hereunder, to keep in the form and with the particulars hereunder prescribed, lists showing the names of all persons directly employed by him, either as workman

Act 1891. or as contractor, in the said business outside the factory or workshop. and the places where they are employed, and every such list shall be open to inspection by any inspector under the Factory and Workshop Act, 1878, or by any officer of a sanitary authority.

The Order of the 18th July, 1892, under the above recited enactments, is hereby revoked.

This Order shall come into effect on the twentieth day of November, 1892, and shall continue in force until revoked.

HERBERT H. ASQUITH.

Whitehall, 31st October, 1892.

SCHEDULE.

The Manufacture of Articles of Wearing Apparel.
The Manufacture of Electro Plate.
Cabinet and Furniture Making and Upholstery Work.
The Manufacture of Files.

Out-Workers.

Form for use of Occupier.

FORM PRESCRIBED BY THE SECRETARY OF STATE.

Factory and Workshop Act, 54 & 55 Vict. c. 75, s. 27.

(Out-Workers.)

Address of Factory or Workshop

Name of Occupier of Factory or Workshop

Business carried on

Names of persons employed by the Occupier outside the Factory (or Workshop) in the business of the Factory (or Workshop), and places where they are employed, viz.:—

A. Persons so employed as workmen.

Christian and Surname.	Place where employed.

B. Persons so employed as Contractors.

Act 1891.

Christian and Surname.	Place where employed.

NOTE.—In order that these lists may be correct lists of persons employed at any given time, it will be necessary that the name of any person newly taken into employment should be immediately entered, and the name of any person ceasing to be employed should be immediately struck through.

Out-Workers.

Form for use of Contractor.

FORM PRESCRIBED BY THE SECRETARY OF STATE.

Factory and Workshop Act, 54 & 55 Vict. c. 75, s. 27.

(Out-Workers.)

Address of Factory or Workshop .

Name of Occupier of Factory or Workshop .

Business carried on .

Names of persons who are employed outside the Factory (or Workshop) in the business of the Factory (or Workshop), by A.B., a Contractor with the Occupier and places where they are employed, viz.:—

A. Persons so employed as workmen.

Christian and Surname.	Place where employed.

B. Persons so employed as Contractors.

Christian and Surname.	Place where employed.

NOTE.—In order that these lists may be correct lists of persons employed at any given time, it will be necessary that the name of any person newly taken into employment should be immediately entered, and the name of any person ceasing to be employed should be immediately struck out.

Act 1891. **28.** The fine imposed on a conviction under sections sixty-eight, eighty-one, eight-two, or eighty-three of the principal Act, for any offence in relation to a factory, shall, in case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence, be not less than one pound for each offence.

Minimum
penalties
in certain
cases.

Limitation
of time for
summary
proceedings.

29. In summary proceedings for offences and fines under the principal Act as amended by any subsequent Act, an information may be laid within three months after the date at which the offence comes to the knowledge of a factory inspector, or in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it shall not be laid after the expiration of six months from the commission of the offence.

Amendment
of 41 & 42
Vict. c. 16,
s. 92.

30. Section ninety-two of the principal Act shall apply to a workshop in like manner as it applies to a factory.

Amendment
of 41 & 42
Vict. c. 16,
s. 93.

31. In section ninety-three of the principal Act for the words "a place solely used as a dwelling shall not be deemed to form part of the factory or workshop for the purposes of this Act," shall be substituted the words "a room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act."

32. Nothing in the principal Act as amended **Act 1891.**
by this Act shall apply to the process of cleaning Saving for persons employed in process of cleaning fruit.
and preparing fruit so far as is necessary to prevent
the spoiling of the fruit on its arrival at a factory
or workshop during the months of June, July,
August, and September.

33. In the application of this Act to Scot- Application to Scotland.
land, the following modifications shall be made,
namely,—

- (1) The expression “Births and Deaths Registration Acts, 1836 to 1874,” shall mean the Acts relating to the registration of births, deaths, and marriages in Scotland :
- (2) The expression “Public Health Act, 1875,” where it occurs in section seven of this 30 & 31 Vict. s. 101. Act shall mean the Public Health (Scotland) Act, 1867, and the Acts amending the same :
- (3) The Board of Supervision shall be substituted for the Local Government Board :
- (4) In lieu of Christmas Day, and either Good 38 & 39 Vict. c. 13. Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop within a burgh or police burgh, the two days in each year set apart by the Church of Scotland for the observance of the sacramental

Act 1891.

fast in the parish in which the factory or workshop is situate, and in such burghs or police burghs where such fast days have been abolished or discontinued there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop in such burghs or police burghs such two whole days in each year, separated by an interval of not less than three months, as shall be fixed by the magistrates or police commissioners in such burghs or police burghs, and such magistrates or police commissioners, as the case may be, are hereby required to fix, and from time to time, if it shall seem expedient to them to do so, to alter such holidays, and give public notice thereof fourteen days before the date at any time fixed.

- (5) Where a death has occurred by accident in any factory or workshop a public inquiry in open court shall be held by the sheriff, upon the petition of any party interested, and the sheriff shall forthwith advise the district inspector under this Act of the time and place of the holding of the inquiry, and at such inquiry any relative of any person whose death has been caused by the accident with respect to which the inquiry is being held, and the occupier or manager of the factory or workshop in which the accident occurred,

and any person appointed by the order **Act 1891.**
in writing of the majority of the work-
people employed in the said factory or
workshop, shall be at liberty to attend
and examine any witness, either in person,
or by his counsel, solicitor, or agent,
subject nevertheless to the order of the
sheriff.

34. For sub-section (2) of section one hundred and six of the principal Act, the following sub-section shall be substituted:—

Amendment
of 41 Vict.
c. 16, s. 106,
as to holi-
days in Ire-
land.

- (2) In lieu of any two half-holidays allowed under the provisions of sub-section (2) of section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of the seventeenth day of March, when that day does not fall on a Sunday, or at the option of the occupier of the factory or workshop, either Good Friday (unless that day is otherwise fixed as a holiday) or Easter Tuesday.

35. The fee to be charged in pursuance of section one hundred and four of the principal Act shall not exceed sixpence, and that section shall apply in the case of a young person under the age of sixteen years in like manner as it applies in the case of a child.

Amendment
of 41 & 42
Vict. c. 16,
s. 104.

Act 1891. **36.** The expression "retail bakehouse" in the
Amendment
of 46 & 47
Vict. c. 53,
s. 18. Factory and Workshops Act, 1883, shall not
include any place which is a factory within the
meaning of the principal Act.

Definitions
of "machi-
nery" and
"domestic
workshop." **37.** (1) For the purposes of the principal
Act and this Act the expression "machinery" shall include any driving strap or band, and the
expression "process" shall include the use of any
locomotive.

(2) In this Act the expression "domestic work-
shop" means a workshop to which section sixteen
of the principal Act applies.

Amendment
of 41 & 42
Vict. c. 16,
Sch. IV. **38.** There shall be added in line three, sub-
section (3), of the Fourth Schedule of the princi-
pal Act, after "earthenware," the words "or
china."

Repeal. **39.** The enactments specified in the Second
Schedule to this Act are hereby repealed to the
extent mentioned in the third column of that
schedule.

Provided that any special rules or requirements
made under any enactment repealed by this Act
shall continue to have effect as if made under this
Act, and the provisions of this Act shall apply
thereto accordingly.

Commence-
ment of Act **40.** This Act shall, except where it is other-
wise expressed, come into operation on the first
day of January one thousand eight hundred and
ninety-two.

41. (1) This Act may be cited as the Factory Act 1891. and Workshop Act, 1891, and shall be construed as one with the Factory and Workshop Act, 1878.

Short title
and con-
struction.
41 & 42 Vict.
c. 16.
46 & 47 Vict.
c. 53.
52 & 53 Vict.
c. 62.

(2) The Factory and Workshop Act, 1878, the Factory and Workshop Act, 1883, and the Cotton Cloth Factories Act, 1889, may, together with this Act, be cited collectively as the Factory and Workshop Acts, 1878 to 1891.

SCHEDULES.

FIRST SCHEDULE.

1. The parties to the arbitration are in this schedule deemed to be the occupiers of the factory or workshop on the one hand and the chief inspector, on behalf of the Secretary of State, on the other. Sections 7, 8.

2. Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

3. No person shall act as arbitrator or umpire under this Act who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

4. The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.

5. The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

6. If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

Sched. 1. 7. If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place ; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

8. In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator who shall then act as if no failure had occurred.

9. If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.

10. The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

11. If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

12. If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

13. The decision of every umpire on the matters referred to him shall be final.

14. If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

15. Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrarors and the umpire.

16. The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult. Sched. 1.

17. The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under the principal Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of non-payment be recovered in the same manner as fines under the principal Act.

SECOND SCHEDULE.

ENACTMENTS REPEALED.

Section 39.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 16.	The Factory and Workshop Act, 1878.	<p>In section three, the words "and a workshop," and "or workshop" wherever they occur.</p> <p>In section five, sub-section (1), the words "near to which any person is liable to pass or to be employed."</p> <p>Sections six, seven, and eight.</p> <p>Section fifteen, from "and" at the end of sub-section (1) to the end of the section.</p> <p>In section twenty-two, sub-section (4).</p>

Sched. 2.

SECOND SCHEDULE—*continued.*

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 16.	The Factory and Workshop Act, 1878.	<p>In section thirty-one the words "and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident."</p> <p>In section thirty-three the words "and workshop," "or workshop," and "or workshops," wherever they respectively occur.</p> <p>Section sixty-one, from "or" at the end of the paragraph marked (a) to the words "workshop on that system."</p> <p>Section sixty-nine.</p> <p>Section ninety-one, from "(1.) The information shall be laid" to "commission of the offence."</p> <p>In section one hundred and one, the words "or workshop."</p>
46 & 47 Vict. c. 53.	The Factory and Workshop Act, 1883.	Sections seven to twelve and sub-sections (2) and (3) of section seventeen.
51 & 52 Vict. c. 22.	The Factory and Workshop Amendment (Scotland) Act, 1888.	The whole Act.
52 & 53 Vict. c. 62.	The Cotton Cloth Factories Act, 1889.	Section twelve.

COTTON CLOTH FACTORIES ACT, 1889.

52 & 53 VICT. CHAP. 62.

An Act to make further provision for the Regulation of Cotton Cloth Factories.

[30th August, 1889.]

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 :

1. This Act may be cited as the Cotton Cloth Short title.
Factories Act, 1889.

2. This Act shall come into operation on the Commence-
first day of March, one thousand eight hundred ment.
and ninety, which day is in this Act referred to as
the commencement of this Act.

3. This Act shall be contrued as one with the Construc-
Factory and Workshop Act, 1878. tion.
41 & 42 Vict.
c. 16.

4. In this Act—

The expression "cotton cloth factory" shall
mean any room, shed, or workshop, or any
part thereof in which the weaving of cotton
cloth is carried on.

Interpreta-
tion.

Act 1889. Expressions referring to the artificial raising of temperature or production of humidity shall include the raising of temperature or production of humidity by any artificial means whatsoever except by gas when used for lighting purposes only.

Temperature and humidity of the atmosphere.

5. (1) The amount of moisture in the atmosphere of a cotton cloth factory shall not at any time be in excess of such amount as is represented by the number of grains of moisture per cubic foot of air shown in Column I. of the table in Schedule A. to this Act opposite to such figure in Column II. as represents the temperature existing in such cotton cloth factory at such time.

Provided that in a cotton cloth factory the temperature shall not at any time be artificially raised above seventy degrees, except in so far as may be necessary in the process of giving humidity to the atmosphere and according to the table in Schedule A. of this Act.

(2) The fact that one of the wet bulb thermometers in such factory gives a higher reading than the figure shown in Column III. of Schedule A. to this Act opposite to such figure in Column II. as represents the temperature existing in such factory, shall be evidence that the amount of moisture in the atmosphere exceeds the limit in the last preceding sub-section prescribed.

Power to alter table of humidity.

6. One of Her Majesty's Principal Secretaries of State may from time to time by order repeal or vary the table in Schedule A. of this Act, and

substitute any new or amended table therefor : **Act 1889.**
Provided always, that such varied or substituted table shall be laid in a complete form before both Houses of Parliament if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament ; and if such table shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such table shall be void and of no effect : Provided also, that no such table shall come into force or operation until the same shall have been laid before Parliament for forty days ; but after the expiration of such forty days, if the table has not been disapproved of as aforesaid, the Secretary of State shall cause a copy thereof to be published in the *London Gazette*, and to be given to every occupier of a cotton cloth factory who, in pursuance of this Act, has given notice of humidity of the atmosphere being artificially produced in such factory, and after the expiration of fourteen days from the first publication thereof in the *London Gazette*, the varied or substituted table shall be deemed to be the table of Schedule A. of this Act.

7. For the purpose of recording the humidity of the atmosphere and the temperature in a cotton cloth factory, there shall be provided, maintained, and kept in correct working order in every such factory two sets of standardised wet and dry bulb thermometers. Thermometers to be employed.

The following regulations shall be observed with

Act 1889. reference to the employment of such thermometers in each cotton cloth factory :—

- (i.) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as may be directed or sanctioned by an inspector of factories, so as to be plainly visible to the operatives.
- (ii.) The occupier or manager or person for the time being in charge of each factory shall read the thermometers twice in the day, viz., between ten o'clock and eleven o'clock in the forenoon and between three o'clock and four o'clock in the afternoon, on every day that any operatives are employed in the factory, and shall record the readings of each thermometer at each of such times on a form provided for the purpose for each set of thermometers in the form and in accordance with the regulations contained in Schedule B. of this Act.
- (iii.) The form in which the readings of each thermometer provided for in sub-section (ii.) of this section are to be recorded shall be kept hung up near the thermometers, and after being duly filled up, shall be forwarded at the end of each month to the inspector of the district, and a copy shall be kept at the factory for reference.
- (iv.) There shall be kept hanging up in a frame, and properly glazed, in a con-

spicuous position and near to each set of **Act 1889.**
thermometers a copy of the table set out
in Schedule A. of this Act.

- (v.) Each form shall be *primâ facie* evidence of the humidity of the atmosphere and temperature in the factory in which such form was hung up.

8. The occupier of any cotton cloth factory in which humidity of the atmosphere is artificially produced shall give notice thereof in writing to the chief inspector of factories. Notice of artificial production of humidity to be given.

The notice shall be given in the case of a factory in which humidity is so produced at the commencement of this Act within one week after the commencement of this Act, and in the case of any other factory at or before the time at which the artificial production of humidity is commenced in the factory.

9. In every factory in respect of which such notice has been given, arrangements shall be made and maintained to the satisfaction of the inspector of factories for the district for admitting in every hour during which work is carried on not less than six hundred cubic feet of fresh air for each person employed therein ; and the arrangements for such ventilation shall be kept in operation subject, as far as possible, to the control of the persons employed therein. Admission of fresh air.

10. Every factory in respect of which such notice has been given shall be visited by an inspector of factories once at least in every three months. The inspector shall examine into the Inspectors to visit the factories.

Act 1889. temperature, humidity of the atmosphere, ventilation, and quantity of fresh air in the factory, and shall report to the chief inspector of factories in accordance with the form printed in Schedule C. of this Act.

Notice of
cessation of
artificial
production
of humidity.

11. If at any time the occupier of any factory in respect of which notice has been given in conformity with the eighth section of this Act shall cease to produce humidity by artificial means, he may give notice in writing of such cessation, and from the date of such notice, and so long as humidity is not artificially produced in the factory, the provisions of this Act with respect to factories in which humidity of the atmosphere is artificially produced shall not apply to such factory.

12. [*This section made provisions for preventing the inhalation of dust. General provisions are now made applicable to all factories. Sect. 8, Act 1891.*]

Penalties
for offences.

13. If in the case of any cotton cloth factory there is a contravention of or non-compliance with any of the provisions of this Act, the inspector shall give notice in writing to the occupier of the same of the acts or omissions constituting the contravention or non-compliance, and if such acts or omissions, or any of them, are continued or not remedied, or are repeated within twelve months after such notice has been given, the occupier of such factory shall be liable, on summary conviction, for the first offence to a penalty of not less than five pounds nor more than ten pounds, and for every subsequent offence to a penalty of not less than ten pounds nor more than twenty pounds.

SCHEDULES.

Sched. A.

SCHEDULE A.

MAXIMUM LIMITS OF HUMIDITY OF THE ATMOSPHERE
AT GIVEN TEMPERATURES.

I. Grains of Moisture per Cubic Foot of Air.	II. Dry Bulb Thermo- meter Readings. Degrees Fahrenheit.	III. Wet Bulb Thermo- meter Readings. Degrees Fahrenheit.
5.1	60	58
5.2	61	59
5.4	62	60
5.6	63	61
5.8	64	62
6	65	63
6.2	66	64
6.4	67	65
6.6	68	66
6.9	69	67
7.1	70	68
7.1	71	68.5
7.1	72	69
7.4	73	70
7.4	74	70.5
7.65	75	71.5
7.7	76	72
8	77	73
8	78	73.5
8.25	79	74.5
8.55	80	75.5
8.6	81	76
8.65	82	76.5
8.85	83	77.5
8.9	84	78
9.2	85	79
9.5	86	80
9.55	87	80.5
9.9	88	81.5
10.25	89	82.5
10.3	90	83
10.35	91	83.5
10.7	92	84.5
11	93	85.5
11.1	94	86
11.5	95	87

Sched. B.

SCHEDULE B.

FORM FOR RECORDING THE READINGS OF THE
THERMOMETER.

Name of occupier .

Factory No. .

Number of operatives employed in it .

Readings.						Remarks.	If no Artificial Humidity produced in- sert No Steam.	
Date.			Between 10 & 11 A.M.		Between 3 & 4 P.M.			
Year.	Month.	Day.	Dry Bulb Thermometer. Degrees Fah.	Wet Bulb Thermometer. Degrees Fah.	Dry Bulb Thermometer. Degrees Fah.			Wet Bulb Thermometer. Degrees Fah.
		1					†	
		2						
		3						
		4						
		5						
		6						
		7						
		8						
		9						
		10						
		11						
		12						
		13						
		14						
		15						
		16						
		17						
		18						
		19						
		20						
		21						
		22						
		23						
		24						
		25						
		26						
		27						
		28						
		29						
		30						
		31						

† Fill in :—*e.g.*, Too damp.

(Signed) A.B.,

Correct, &c.

Occupier or Manager.

Sched. C.

SCHEDULE C.

FORM OF THE INSPECTOR'S REPORT.

Name of occupier

Number of operatives employed

Number of rooms or factories used

Number of operatives in
each room or factory.

With cubic contents of
each such room or factory.

The general state of the temperature is (☐ satisfactory. ☐ unsatisfactory.)

” ” humidity ” ”

” ” ventilation ” ”

The temperature was in excess of the prescribed maximum temperature on occasions.

The humidity of the atmosphere was in excess of the degree prescribed in the table in Schedule (A.) of the Cotton Cloth Factories Act, 1889, on occasions.

General remarks.

Date _____

(Signed)

Inspector.

A P P E N D I X .
—◆—

TRUCK ACT, 1831.

1 & 2 GULIELMI 4, CAP. 37.

*An Act to prohibit the Payment, in certain Trades, of Wages in Goods, or otherwise than in the current Coin of the Realm. [15th October, 1831.]*Contracts
for the
hiring of
artificers
must be
made in the
current coin
of the
realm;

WHEREAS it is necessary to prohibit the payment, in certain trades, of wages in goods, or otherwise than in the current coin of the realm; be it therefore enacted by the King'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, that in all contracts hereafter to be made for the hiring of any artificer in any of the trades hereinafter enumerated, or for the performance by any artificer of any labour in any of the said trades, the wages of such artificer shall be made payable in the current coin of this realm only, and not otherwise; and that if any such contract, the whole or any part of such wages, shall be made payable in any manner other than in the current coin aforesaid, such contract shall be and is hereby declared illegal, null, and void.

For definition of contract, see Act of 1887, section 6.

2. And be it further enacted, that if in any contract hereafter to be made between any artificer in any of the trades hereinafter enumerated, and his employer, any provision shall be made directly or indirectly respecting the place where, or the manner in which, or the person or persons with whom, the whole or any part of the wages due or to become due to any such artificer shall be laid out or expended, such contract shall be and is hereby declared illegal, null, and void.

Appndx.

and must not contain any stipulations as to the manner in which the wages shall be expended.

3. And be it further enacted, that the entire amount of the wages earned by or payable to any artificer in any of the trades hereinafter enumerated, in respect of any labour by him done in any such trade, shall be actually paid to such artificer in the current coin of this realm, and not otherwise; and every payment made to any such artificer by his employer, of or in respect of any such wages, by the delivering to him of goods, or otherwise than in the current coin aforesaid, except as hereinafter mentioned, shall be and is hereby declared illegal, null, and void.

All wages must be paid to the workman in coin.

Payment in goods declared illegal.

Bank notes, if artificer consents, are as effectual in payment as the current coin. Section 8.

4. And be it further enacted, that every artificer in any of the trades hereinafter enumerated shall be entitled to recover from his employer in any such trade, in the manner by law provided for the recovery of servant's wages, or by any other lawful ways and means, the whole or so much of the wages earned by such artificer in such trade as shall not have been actually paid to him by such his employer in the current coin of this realm.

Artificers may recover wages, if not paid in the current coin.

Appndx.

—
In an action brought for wages no set-off shall be allowed for goods supplied by the employer, or by any shop in which the employer is interested.

5. And be it further enacted, that in any action, suit, or other proceeding to be hereafter brought or commenced by any such artificer as aforesaid, against his employer, for the recovery of any sum of money due to any such artificer as the wages of his labour in any of the trades hereinafter enumerated, the defendant shall not be allowed to make any set-off, nor to claim any reduction of the plaintiff's demand, by reason or in respect of any goods, wares, or merchandise had or received by the plaintiff as or on account of his wages or in reward for his labour, or by reason or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

See also Truck Act, 1887, section 6.

No employer shall have any action against his artificer for goods supplied to him on account of wages.

6. And be it further enacted, that no employer of any artificer in any of the trades hereinafter enumerated shall have or be entitled to maintain any suit or action in any court of law or equity against any such artificer, for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to any such artificer by any such employer, whilst in his employment, as or on account of his wages or reward for his labour, or for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

See Truck Act, 1887, section 5.

7. If the artificer or his wife or children become chargeable to the parish, the overseers may recover any wages earned within the three preceding months, and not paid in cash. Appndx. —

8. Not to invalidate the payment of wages in bank notes, if artificer consents.

9. And be it further enacted, that any employer of any artificer in any of the trades hereinafter enumerated, who shall, by himself or by the agency of any other person or persons, directly or indirectly enter into any contract or make any payment hereby declared illegal, shall for the first offence forfeit a sum not exceeding ten pounds nor less than five pounds, and for the second offence any sum not exceeding twenty pounds nor less than ten pounds, and in case of a third offence any such employer shall be and be deemed guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine only, at the discretion of the court, so that the fines shall not in any case exceed the sum of one hundred pounds. Penalties on employers entering into contracts hereby declared illegal.

10. Proviso as to second and third convictions.

11. The power of justices to compel the attendance of witnesses, and

12. To levy penalties by distress, repealed by 50 & 51 Vict. c. 46, sched.

The enforcement of the provisions of the Act being under the Summary Jurisdiction Act.

13. And be it further enacted, that no person shall be liable to be convicted of any offence against this Act committed by his or her co-partner in trade, and without his or her knowledge, privity, or A partner not to be liable in person for the offence

Appndx.

of his co-partner, but the partnership property to be so liable.

consent; but it shall be lawful, when any penalty, or any sum for wages, or any other sum, is ordered to be paid under the authority of this Act, and the person or persons ordered to pay the same shall neglect or refuse to do so, to levy the same by distress and sale of any goods belonging to any co-partnership concern or business in the carrying on of which such charges may have become due or such offence may have been committed; and in all proceedings under this Act to recover any sum due for wages it shall be lawful in all cases of co-partnership for the justices, at the hearing of any complaint for the non-payment thereof, to make an order upon any one or more co-partners for the payment of the sum appearing to be due; and in such case the service of a copy of any summons or other process, or of any order, upon one or more of such co-partners, shall be deemed to be a sufficient service upon all.

How summonses are to be served.

14. And it is declared and enacted, that in all cases it should be deemed and taken to be sufficient service of any summons to be issued against any offender or offenders by any justice or justices of the peace, under the authority of this Act, if a duplicate or true copy of the same be left at or upon the place used or occupied by such offender or offenders for carrying on his, her, or their trade or business, or at the place of residence of any such offender or offenders, being at or upon any such place as aforesaid, the same being directed to such offender or offenders by his, her, or their right or assumed name or names.

15, 16. Relating to forms of conviction, repealed by 50 & 51 Vict. c. 46, sched.

17. And be it further enacted, that no conviction, order, or adjudication made by any justices of the peace under the provisions of this Act shall be quashed for want of form, nor be removed by *certiorari* or otherwise into any of His Majesty's superior Courts of Record; and no warrant of distress, or of commitments in default of sufficient distress, shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Appndx.

Convictions
not to be
quashed for
want of
form.

18. As to power of justices to award penalties, repealed by 50 & 51 Vict, c. 46, sched.

19. Specification of trades to which the Act is to apply, repealed by Truck Act, 1887, s. 17, and sched.

20. And be it further enacted, that nothing herein contained shall extend to any domestic servant. Domestics.

21, 22. As to penalties, jurisdiction of justices, &c., repealed by 50 & 51 Vict. c. 46, sched.

23. And be it further enacted and declared, that nothing herein contained shall extend or be construed to extend to prevent any employer of any artificer, or agent of any such employer, from supplying or contracting to supply to any such artificer any medicine or medical attendance, or any fuel, or any materials, tools, or implements to be by such artificer employed in his trade or occupation, if such artificers be employed in mining, or any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such artificer in his trade and occupation; nor from demising to any artificer, workman, or labourer

Particular
exceptions
to the
generality
of the law.

Appndx. — employed in any of the trades or occupations enumerated in this Act the whole or any part of any tenement at any rent to be thereon reserved; nor from supplying or contracting to supply to any such artificer any victuals dressed or prepared under the roof of any such employer, and there consumed by such artificer; nor from making or contracting to make any stoppage or deduction from the wages of any such artificer, for or in respect of any such rent; or for or in respect of any such medicine or medical attendance; or for or in respect of such fuel, materials, tools, implements, hay, corn, or provender, or of any such victuals dressed and prepared under the roof of any such employer; or for or in respect of any money advanced to such artificer for any such purpose as aforesaid: Provided always, that such stoppage or deduction shall not exceed the real and true value of such fuel, materials, tools, implements, hay, corn, and provender, and shall not be in any case made from the wages of such artificer, unless the agreement or contract for such stoppage or deduction shall be in writing, and signed by such artificer.

Deductions for sharpening tools, &c., not to be made without the consent in writing of the workman. *Truck Act, 1887, section 8.*

Accounts of deductions for education, medical attendance, and tools to be rendered and audited. See *Truck Act, 1887, section 9.*

Employers
may
advance
money to
artificers
for certain
purposes.

24. And be it further enacted and declared, that nothing herein contained shall extend or be construed to extend to prevent any such employer from advancing to any such artificer any money to be by him contributed to any friendly society or bank for savings duly established according to law, nor from advancing to any such artificer any money for his relief in sickness, or for the education of any

child or children of such artificer, nor from deduct- **Appndx.**
ing or contracting to deduct any sum or sums of
money from the wages of such artificer for the
education of any such child or children of such
artificer.

See Truck Act, 1887, sections 7, 8, 9.

25. And be it further enacted and declared, that Definition
of terms.
in the meaning and for the purposes of this Act
any agreement, understanding, device, contrivance,
collusion, or arrangement whatsoever on the subject
of wages, whether written or oral, whether direct
or indirect, to which the employer and artificer are
parties or are assenting, or by which they are
mutually bound to each other, or whereby either
of them shall have endeavoured to impose an
obligation on the other of them, shall be and be
deemed a "contract."

26. Commencement of Act.

27. To extend over Great Britain and Ireland.

TRUCK ACT AMENDMENT ACT, 1887.

50 & 51 VICT. CAP. 46.

*An Act to amend and extend the Law relating to
Truck.* [16th September, 1887.]

BE it enacted 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:

1. This Act may be cited as the Truck Amend- Short title
ment Act, 1887. The Act of the session of the first

Appndx. and second years of the reign of King William the Fourth, chapter thirty-seven, intituled "An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm" (in this Act referred to as the principal Act) may be cited as the Truck Act, 1831, and that Act and this Act may be cited together as the Truck Acts, 1831 and 1887, and shall be construed together as one Act.

1 & 2 Will. 4,
c. 37.

Application
of principal
Act to
workman as
defined by
38 & 39 Vict.
c. 90.

2. The provisions of the principal Act shall extend to, apply to, and include any workman as defined in the Employers and Workmen Act, 1875, section ten, and the expression "artificer" in the principal Act shall be construed to include every workman to whom the principal Act is extended and applied by this Act, and all provisions and enactments in the principal Act inconsistent herewith are hereby repealed.

The Employers Liability Act (38 & 39 Vict. c. 90), s. 10, applies as follows:—

Workman does not include a domestic or menial servant, but, save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be expressed or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour.

Advance of
wages.

3. Whenever by agreement, custom, or otherwise a workman is entitled to receive in anticipation of the regular period of the payment of his wages an advance as part or on account thereof, it shall not be lawful for the employer to withhold such advance

or make any deduction in respect of such advance on account of poundage, discount, or interest, or any similar charge. Appndx. —

4. Nothing in the principal Act or this Act shall render illegal a contract with a servant in husbandry for giving him food, drink, not being intoxicating, a cottage, or other allowances or privileges in addition to money wages as a remuneration for his services. Saving for servant in husbandry.

5. In any action brought by a workman for the recovery of his wages, the employer shall not be entitled to any set off or counterclaim in respect of any goods supplied to the workman by any person under any order or direction of the employer, or any agent of the employer, and the employer of a workman or any agent of the employer, or any person supplying goods to the workman under any order or direction of such employer or agent, shall not be entitled to sue the workman for or in respect of any goods supplied by such employer or agent, or under such order or direction, as the case may be. Order for goods as a deduction from wages illegal.

Provided that nothing in this section shall apply to anything excepted by section twenty-three of principal Act.

6. No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman any terms as to the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid to the workman are or is to be expended, and no employer shall by himself or his agent dismiss any workman from his No contracts with workman as to spending wages at any particular shop, &c.

Appndx. — employment for or on account of the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid by the employer to such workman are or is expended or fail to be expended.

Deduction
for educa-
tion.

7. Where any deduction is made by an employer from a workman's wages for education, such workman on sending his child to any State-inspected school selected by the workman shall be entitled to have the school fees of his child at that school paid by the employer at the same rate and to the same extent as the other workmen from whose wages the like deduction is made by such employer.

In this section "State-inspected" school means any elementary school inspected under the direction of the Education Department in England or Scotland or of the Board of National Education in Ireland.

Deduction
for sharpen-
ing tools,
&c.

8. No deduction shall be made from a workman's wages for sharpening or repairing tools, except by agreement not forming part of the condition of hiring.

Audit of
deductions.

9. Where deductions are made from the wages of any workmen for the education of children or in respect of medicine, medical attendance, or tools, once at least in every year the employer shall, by himself or his agent, make out a correct account of the receipts and expenditure in respect of such deductions, and submit the same to be audited by two auditors appointed by the said workmen, and shall produce to the auditors all such books, vouchers, and documents, and afford them all such other facilities as are required for such audit.

10. Where articles are made by a person at his own home, or otherwise, without the employment of any person under him except a member of his own family, the principal Act and this Act shall apply as if he were a workman, and the shopkeeper, dealer, trader, or other person buying the articles in the way of trade were his employer, and the provisions of this Act with respect to the payment of wages shall apply as if the price of an article were wages earned during the seven days next preceding the date at which any article is received from the workman by the employer.

Appndx.

—
Artificer
to be paid
in cash and
not by way
of barter
for articles
made by
him.

This section shall apply only to articles under the value of five pounds knitted or otherwise manufactured of wool, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk, or of any combination thereof, or made or prepared of bone, thread, silk, or cotton lace, or of lace made of any mixed materials. Where it is made to appear to Her Majesty the Queen in Council that, in the interests of persons making articles to which this section applies in any county or place in the United Kingdom, it is expedient so to do, it shall be lawful for Her Majesty, by Order in Council, to suspend the operation of this section in such county or place, and the same shall accordingly be suspended, either wholly or in part, and either with or without any limitations or exceptions, according as is provided by the Order.

11. If any employer or his agent contravenes or fails to comply with any of the foregoing provisions of this Act, such employer or agent, as the case may be, shall be guilty of an offence against the principal Act, and shall be liable to the

Offences.

Appndx. penalties imposed by section nine of that Act, as if the offence were such an offence as in that section mentioned.

Fine on person committing offence for which employer is liable, and power of employer to exempt himself from penalty on conviction of actual offender.

12. (1) Where an offence for which an employer is, by virtue of the principal Act or this Act, liable to a penalty has in fact been committed by some agent of the employer or other person, such agent or other person shall be liable to the same penalty as if he were the employer.

(2) Where an employer is charged with an offence against the principal Act or this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has been proved the employer proves to the satisfaction of the court that he had used due diligence to enforce the execution of the said Acts, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.

When it is made to appear to the satisfaction of an inspector of factories or mines, or in Scotland a procurator fiscal, at the time of discovering the offence, that the employer had used due diligence to enforce the execution of the said Acts, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer, then the inspector or procurator fiscal shall proceed against the person whom he believes to be the

actual offender in the first instance without first **Appndx.**
proceeding against the employer.

13. (1) Any offence against the principal Act ^{Recovery of penalties.} or this Act may be prosecuted, and any penalty therefor recovered in manner provided by the Summary Jurisdiction Acts, so, however, that no penalty shall be imposed on summary conviction exceeding that prescribed by the principal Act for a second offence.

(2) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of the principal Act and this Act within their districts so far as respects factories, workshops, and mines inspected by them respectively, and such inspectors shall for this purpose have the same powers and authorities as they respectively have for the purpose of enforcing the provisions of any Acts relating to factories, workshops, or mines, and all expenses incurred by them under this section shall be defrayed out of moneys provided by Parliament.

(3) In England all penalties recovered under the principal Act and this Act shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund.

(4) In Scotland—

(a) The procurators fiscal of the sheriff court shall, as part of their official duty, investigate and prosecute offences against the principal Act or this Act, and such prosecution may also be instituted in the sheriff court at the instance of any inspector of factories or inspector of mines ;

Appndx. (b) All offences against the said Acts shall be prosecuted in the sheriff court.

Definitions. 14. In this Act, unless the context otherwise requires,—

The expression “Summary Jurisdiction Acts” means, as respects England, the Summary Jurisdiction Acts as defined by the Summary Jurisdiction Act, 1879; and, as respects Scotland, means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same;

Other expressions have the same meaning as in the principal Act.

Disqualifi-
cation of
justice.

15. So much of the principal Act as disqualifies any justice from acting as such under the principal Act is hereby repealed.

A person engaged in the same trade or occupation as an employer charged with an offence against the principal Act or this Act shall not act as a justice of the peace in hearing and determining such charge.

Amendment
of 1 & 2
Will. 4, c. 37,
as to over-
seers.

16. The provisions of the principal Act conferring powers on any overseers or overseer of the poor shall be deemed to confer those powers in the case of England on the guardians of a union, and in the case of Scotland on the inspectors of the poor.

Repeal.

17. The Acts mentioned in the Schedule to this Act are hereby repealed to the extent in the third column of the said Schedule mentioned, without prejudice to anything heretofore done or suffered in respect thereof.

18. The principal Act, so far as it is not hereby repealed, and this Act shall extend to Ireland, subject to the following conditions :—

Appndx.
Application
of Acts to
Ireland.

- (1) Any offence against the principal Act or this Act may be prosecuted and any penalty therefor may be recovered in the manner provided by the Summary Jurisdiction (Ireland) Acts; (that is to say,) within the Dublin Metropolitan Police District the Acts regulating the powers and duties of justices of the peace and of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same;
- (2) Penalties recovered under the principal Act or this Act shall be applied in the manner directed by the Fines (Ireland) Act, 1851, and the Acts amending the same.

SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.
12 Geo. 1, c. 34.	An Act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages.	Section three, and so much of section eight as applies to section three.
22 Geo. 2, c. 27.	An Act, the title of which begins with "An Act for the more effectual preventing of frauds," and ends with the words "and for the better payment of their wages."	So much of section twelve as applies to any enactment repealed by this Act.

Appndx.

SCHEDULE—*continued.*

Session and Chapter.	Title of Act.	Extent of Repeal.
30 Geo. 2, c. 12.	An Act, the title of which begins with the words "An Act to amend an Act," and ends with the words "payment of the workmen's wages in any other manner than in money."	Sections two and three.
57 Geo. 3, c. 115.	An Act, the title of which begins with the words "An Act to extend the provisions of an Act," and ends with the words "articles of cutlery."	The whole Act.
57 Geo. 3, c. 122.	An Act, the title of which begins with the words "An Act to extend the provisions," and ends with the words "extending the provisions of the said Acts to Scotland and Ireland."	The whole Act.
1 & 2 Will. 4, c. 37.	An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm.	Section ten, down to "be produced to the court and jury" inclusive; section eleven, section twelve, section fifteen, section sixteen, section eighteen, section nineteen, in section twenty the words "or servant in husbandry"; section twenty-one, section twenty-two, section twenty-four from "and unless the agreement" inclusive to end of section, and section twenty-five from "all workmen" to "purposes aforesaid" both inclusive, and the schedules.

ELEMENTARY EDUCATION ACT, 1876. *Appndx.*

39 & 40 VICT. CAP. 79.

7. Provided that it shall be the duty of the inspector and sub-inspector acting under the Acts regulating factories, workshops, and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories, workshops, and mines, of the provisions of this Act, respecting the employment of children, but it shall be the duty of the local authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise.

The penalty for the contravention of this Act is:—Section 6. Every person who takes a child into his employment in contravention of this Act shall be liable on summary conviction to a penalty not exceeding forty shillings.

ELEMENTARY EDUCATION ACT, 1880.

43 & 44 VICT. CAP. 23.

4. Every person who takes into his employment a child of the age of ten years, and under the age of thirteen years resident in a school district, before that child has obtained a certificate of having reached the standard of education fixed by a bye-law in force in the district for the total or partial exemption of children of the like age from the obligation to attend school, shall be deemed to take such child

Appndx. into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty accordingly.

This enactment now applies to children employed in factories and workshops between the ages of eleven and thirteen. See Act of 1891, section 18.

The penalty for contravention of the section under Elementary Education Act, 1876, s. 6, is not to exceed forty shillings.

EDUCATION (SCOTLAND) ACT, 1883.

46 & 47 VICT. CAP. 50.

Provisions
as to chil-
dren em-
ployed in
labour.

6. From and after the first day of September one thousand eight hundred and eighty-five, notwithstanding the provisions of section five of the Education (Scotland) Act, 1878, and of any Act of Parliament regulating the education of children employed in labour, the said Acts shall be read and have effect as if they provided that it shall not be lawful for any person to take into his employment a child being of the age of ten years and not more than fourteen years, unless such child (1) has passed the third standard prescribed by the minutes of the Scotch Education Department regulating the administration of the parliamentary grant for education in Scotland for the year one thousand eight hundred and eighty-three, or a corresponding standard prescribed by the said minutes for any subsequent year, and is attending a public or inspected school in accordance with the provisions of the twenty-third section of the Factory and Workshop Act, 1878, or of any minute of the

Scotch Education Department fixing the number of the attendances at school to be required of such children; or (2) has obtained a certificate of ability to read and write, and of a knowledge of elementary arithmetic under the seventy-third section of the Education (Scotland) Act, 1872, as amended by the immediately succeeding section. Appndx.

Nothing in this section shall make it lawful to take into full-time employment any child under the age of thirteen years in a factory or workshop which is subject to the provisions of the Factory and Workshop Act, 1878.

Provided that nothing in this section shall prevent an employer from employing any child who is employed by him or by any other person before the first day of September one thousand eight hundred and eighty-five, and who attends school in accordance with the provisions of the Factory and Workshop Act, 1878.

7. A certificate of ability to read and write, and of a knowledge of elementary arithmetic, shall not be granted in favour of any child by one of Her Majesty's inspectors, under section seventy-three of the Education (Scotland) Act, 1872, unless such child has passed the fifth standard prescribed by the minutes of the Scotch Education Department regulating the administration of the parliamentary grant for education in Scotland for the year one thousand eight hundred and eighty-three, or a corresponding standard prescribed by the said minutes for any subsequent year. Amendment
of s. 73 of,
the Educa-
tion (Scot-
land) Act,
1872.

8. Passing a standard within the meaning of the two immediately preceding sections signifies pass- Meaning of
passing
standard.

Appndx. — ing in each of the three subjects of reading, writing, and elementary arithmetic, as prescribed for the respective standards of examination by the minutes of the Scotch Education Department regulating the administration of the parliamentary grant for education in Scotland for the year one thousand eight hundred and eighty-three, or for any subsequent year.

PREVENTION OF CRUELTY TO, AND
PROTECTION OF, CHILDREN ACT, 1889.

52 & 53 VICT. CAP. 44.

Restrictions
on employ-
ment of
children.

3. Provided also, that in the case of any entertainment or series of entertainments to take place in premises licensed according to law for public entertainment, or in any circus or other place of public amusement as aforesaid, where it is shown to the satisfaction of a petty sessional court, or in Scotland the school board, that proper provision has been made to secure the health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the said court or school board, anything in this Act notwithstanding, to grant a license for such time and during such hours of the day, and subject to such restrictions and conditions as it may think fit for any child exceeding seven years of age, of whose fitness to take part in such entertainment or series of entertainments without injury the said court or school board is satisfied, to take part in such entertainment or series of entertainments, and such license

may at any time be varied, added to, or rescinded by the said court or school board upon sufficient cause being shown; and such license shall be sufficient protection to all persons acting under or in accordance with the same. Appndx.
—

A Secretary of State may assign to any inspector appointed, or to be appointed under section sixty-seven of the Factory and Workshop Act, 1878, specially and in addition to any other usual duties, the duty of seeing whether the restrictions and conditions of any license under this section are duly complied with, and any such inspector shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector has to enter, inspect, and examine a factory or workshop under section sixty-eight of the same Act.

Nothing in this section shall affect the provisions of the Elementary Education Act, 1876 (39 & 40 Vict. c. 79), or the Education (Scotland) Act, 1878 (41 & 42 Vict. c. 78).

The penalty for illegally employing children under this Act is a fine not exceeding 25*l.*, or in default of payment, or in addition thereto, imprisonment for not exceeding three months : Section 3.

PUBLIC HEALTH ACT, 1875.

38 & 39 VICT. CAP. 55.

91. (6) Any factory, workshop, or workplace (not already under the operation of any general Act for the regulation of factories or bakehouses) not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable

Appndx. — any gases, vapours, dust, or other impurities, generated in the course of the work carried on therein, that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein shall be deemed to be a nuisance liable to be dealt with summarily in manner provided by this Act.

PUBLIC HEALTH (LONDON) ACT, 1891.

54 & 55 VICT. CAP. 76.

27. If any child, young person, or woman is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give notice thereof to the factory inspector of the district.

SHOP HOURS ACT, 1892.

55 & 56 VICT. CAP. 62.

An Act to amend the Law relating to the Employment of Young Persons in Shops.

[28th June, 1892.]

WHEREAS the health of many young persons employed in shops and warehouses is seriously injured by reason of the length of the period of employment :

Be it therefore enacted by the Queen's most excellent Majesty, by and with the advice and con-

sent of the Lords Spiritual and Temporal, and **Appndx.**
Commons, in this present Parliament assembled, —
and by the authority of the same as follows :

1. This Act may be cited as the Shop Hours Short title.
Act, 1892.

2. This Act shall come into operation on the first Commence-
ment of
Act.
day of September one thousand eight hundred and
ninety-two.

3. (1) No young person shall be employed in or Hours of
employ-
ment in
shops.
about a shop for a longer period than seventy-four
hours, including meal times, in any one week.

(2) No young person shall to the knowledge of
his employer be employed in or about a shop having
been previously on the same day employed in any
factory or workshop, as defined by the Factory and
Workshop Act, 1878, for the number of hours per- 41 & 42 Vict.
c. 16.
mitted by the said Act or for a longer period than
will together with the time during which he has
been so previously employed complete such number
of hours.

4. In every shop in which a young person is em- Notice of
hours to be
given.
ployed a notice shall be kept exhibited by the
employer in a conspicuous place referring to the
provisions of this Act and stating the number of
hours in the week during which a young person
may lawfully be employed in that shop.

5. Where any young person is employed in or Fine for
employing
persons
contrary to
the Act.
about a shop contrary to the provisions of this Act,
the employer shall be liable to a fine not exceeding
one pound for each person so employed.

Appndx.

Power of occupier to exempt himself from fine on conviction of actual offender.

6. Where the employer of any young person is charged with any offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said employer proves to the satisfaction of the court that he has used due diligence to enforce the execution of the Act, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

Summary proceedings.

7. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Act, 1878, and sections eighty-eight, eighty-nine, ninety, and ninety-one of the said Act, and so much of section ninety-two thereof as relates to evidence respecting the age of any person, and the provisions relating to the application of the said Act to Scotland and Ireland, so far as those provisions are applicable, shall have effect as if re-enacted in this Act and in terms made applicable thereto.

Appointment of inspectors.

8. The council of any county or borough, and in the city of London the common council, may appoint such inspectors as they may think necessary for the execution of this Act within the areas of their respective jurisdictions, and sections sixty-eight and seventy of the Factory and Workshop Act, 1878, shall apply in the case of any such in-

spector as if he were appointed under that Act, and **Appndx.**
as if the expression workshop as used in those —
sections included any shop within the meaning of
this Act.

The powers conferred by this section may be
exercised in Ireland by the council of any municipal
borough and by the commissioners of any town or
township.

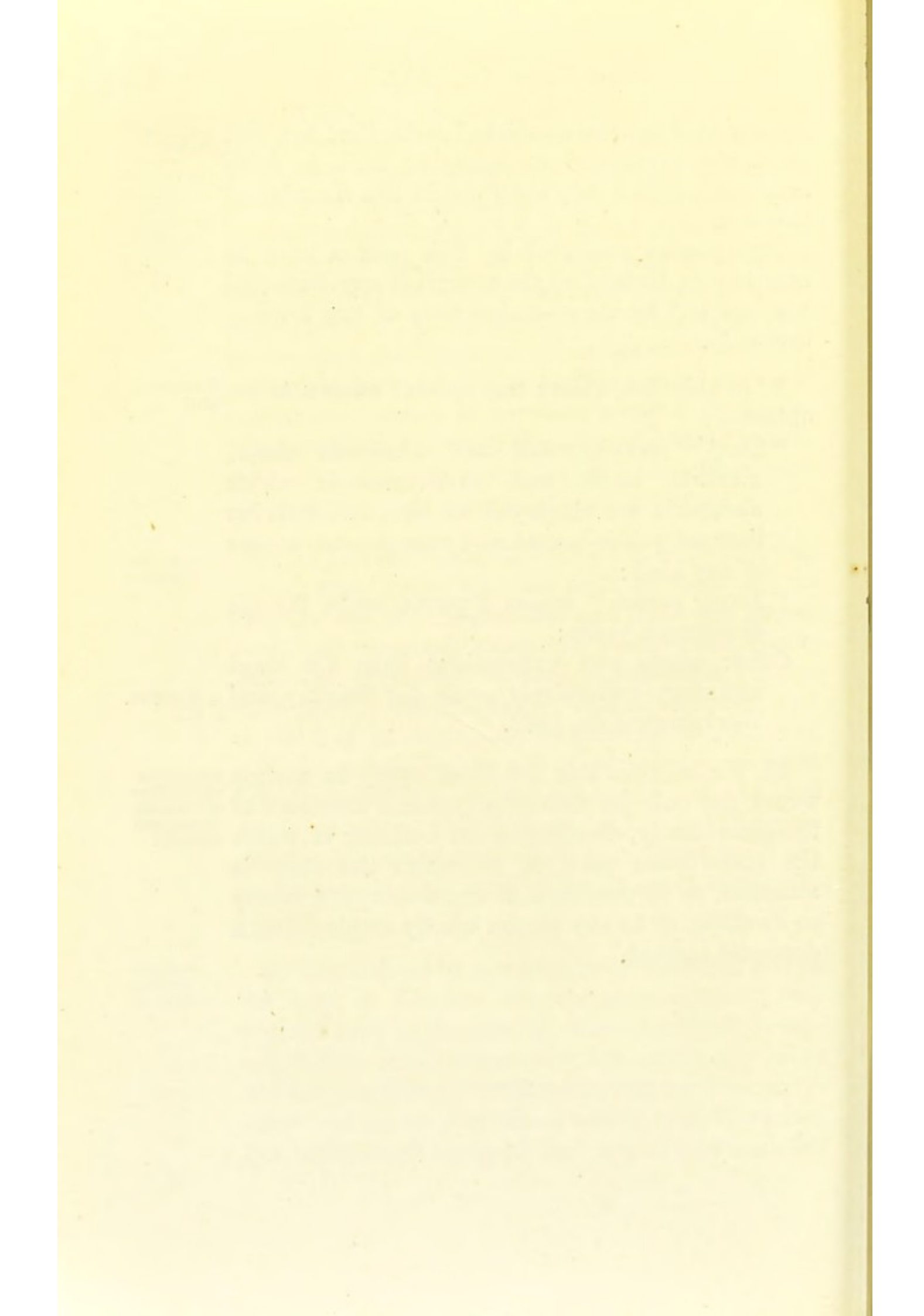
9. In this Act, unless the context otherwise re- **Interpreta-**
quires— **tion.**

“Shop” means retail and wholesale shops,
markets, stalls, and warehouses in which
assistants are employed for hire, and includes
licensed public-houses and refreshment houses
of any kind :

“Young person” means a person under the age
of eighteen years :

Other words and expressions have the same
meanings respectively as in the Factory and **41 & 42 Vict.**
Workshops Acts, 1878. **c. 16.**

10. Nothing in this Act shall apply to a shop **Exemption**
where the only persons employed are members of **of members**
the same family, dwelling in the building of which **of the same**
the shop forms part or to which the shop is **family, and**
attached, or to members of the employer's family **servants.**
so dwelling, or to any person wholly employed as a
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