

The law relating to factories and workshops : (the Factory and workshop act, 1901) (1 Edw. 7, ch. 22.) With appendix containing the special rules under the factory acts, 1891 & 1895. The Truck acts, 1831-1896, the Shop hours acts, 1892-1895, with notes. The text of the Workmen's compensation acts, 1897 & 1900 etc. etc. etc / by Evans Austin.

Contributors

Austin, Evans.

Publication/Creation

London : Knight, 1901.

Persistent URL

<https://wellcomecollection.org/works/pc9vd6ns>

License and attribution

The copyright of this item has not been evaluated. Please refer to the original publisher/creator of this item for more information. You are free to use this item in any way that is permitted by the copyright and related rights legislation that applies to your use.

See rightsstatements.org for more information.



Wellcome Collection
183 Euston Road
London NW1 2BE UK
T +44 (0)20 7611 8722
E library@wellcomecollection.org
<https://wellcomecollection.org>

THE LAW
RELATING TO
FACTORIES AND WORKSHOPS

EVANS AUSTIN

SECOND EDITION

1901

THE ROYAL SOCIETY
for the Promotion
OF HEALTH
LIBRARY

~~G2~~



~~F2~~

*Presented by
The Publishers*

January 1902



22101923629

Med
K20823

Standard Legal Works.

Publ. and Loc. Govt.
Third Edition. **ROYAL** and A. F. JENKIN, Barristers-at-Law. (1899.)
2 Vols., 63s.

The Law relating to Building. Third Edition. (1895):
By His Honour Judge EMDEN. Price 18s.

A Treatise on the Law of Markets and Fairs:
By J. C. PEASE and H. CHITTY, Barristers-at-Law. (1899.) Price 8s. 6d.

The Election of District Councillors and Guardians under the Local Government Act, 1894. Second Edition. (1899):

By the late F. ROWLEY PARKER, Solicitor and Parliamentary Agent (Author of "The Powers, Duties, and Liabilities of an Election Agent and of a Returning Officer at a Parliamentary Election in England or Wales"; "An Analytical Index and Digest to the Judicature Acts and Rules," etc.) (1892.) Price 21s.

The Law of Settlement and Removal of Paupers:
By A. F. VULLIAMY, Clerk to the Ipswich Board of Guardians. (1895.)
Price 12s. 6d.

The Law relating to Parish Councils:
Being the Local Government Act, 1894, &c., together with Notes, &c. By A. F. JENKIN, Barrister-at-Law. Second Edition. (1895.)
Price 10s.

Fry's Lunacy Laws. Third Edition:
Containing all the Statutes relating to Private Lunatics—Pauper Lunatics—Criminal Lunatics—Commissions of Lunacy—Public and Private Asylums—and the Commissioners in Lunacy; with an Introductory Commentary. Notes to the Statutes, including References to decided Cases; and a Copious Index of 129 pages. By G. F. CHAMBERS, Barrister-at-Law. (1891.) Price 15s.

Knight's Overseer's Manual. Second Edition:
By A. F. JENKIN, Barrister-at-Law. (1901.) Price 5s.

The Law relating to Public Libraries and Museums and Literary and Scientific Institutions. Fourth Edition. (1899):

By G. F. CHAMBERS, Barrister-at-Law, and H. W. FOVARGUE, Town Clerk of Eastbourne. Price 10s. 6d.

The Powers and Duties of an Election Agent and of a Returning Officer at a Parliamentary Election in England and Wales.
Second Edition (1892):

By the late F. ROWLEY PARKER, Solicitor and Parliamentary Agent.
Price 31s. 6d.

ME

ded 1
EC

borrowed
s perso
son

th

if i
rl

ore its
ths.
t be le
ved.

ne sp
the r
ne a

ne r n of a
ing it,
it to b

r un
may

the United

st be securely

ellows, Ordin
ce hours o

THE LAW
RELATING TO
FACTORIES AND WORKSHOPS

(The Factory and Workshop Act, 1901)

(1 EDW. 7, CH. 22.)

WITH
APPENDIX

CONTAINING

THE SPECIAL RULES UNDER THE FACTORY ACTS, 1891 & 1895.

THE TRUCK ACTS, 1831—1896,
THE SHOP HOURS ACTS, 1892—1895,
WITH NOTES.

THE TEXT OF
THE WORKMEN'S COMPENSATION ACTS,
1897 & 1900
ETC. ETC. ETC.

BY

EVANS AUSTIN, M.A., LL.D.,

OF THE MIDDLE TEMPLE, BARRISTER-AT LAW;

AUTHOR OF "THE LAW RELATING TO APPRENTICES," "THE LIGHT RAILWAYS ACT,"

ETC. ETC. ETC.

SECOND EDITION.

LONDON:

KNIGHT & CO.,

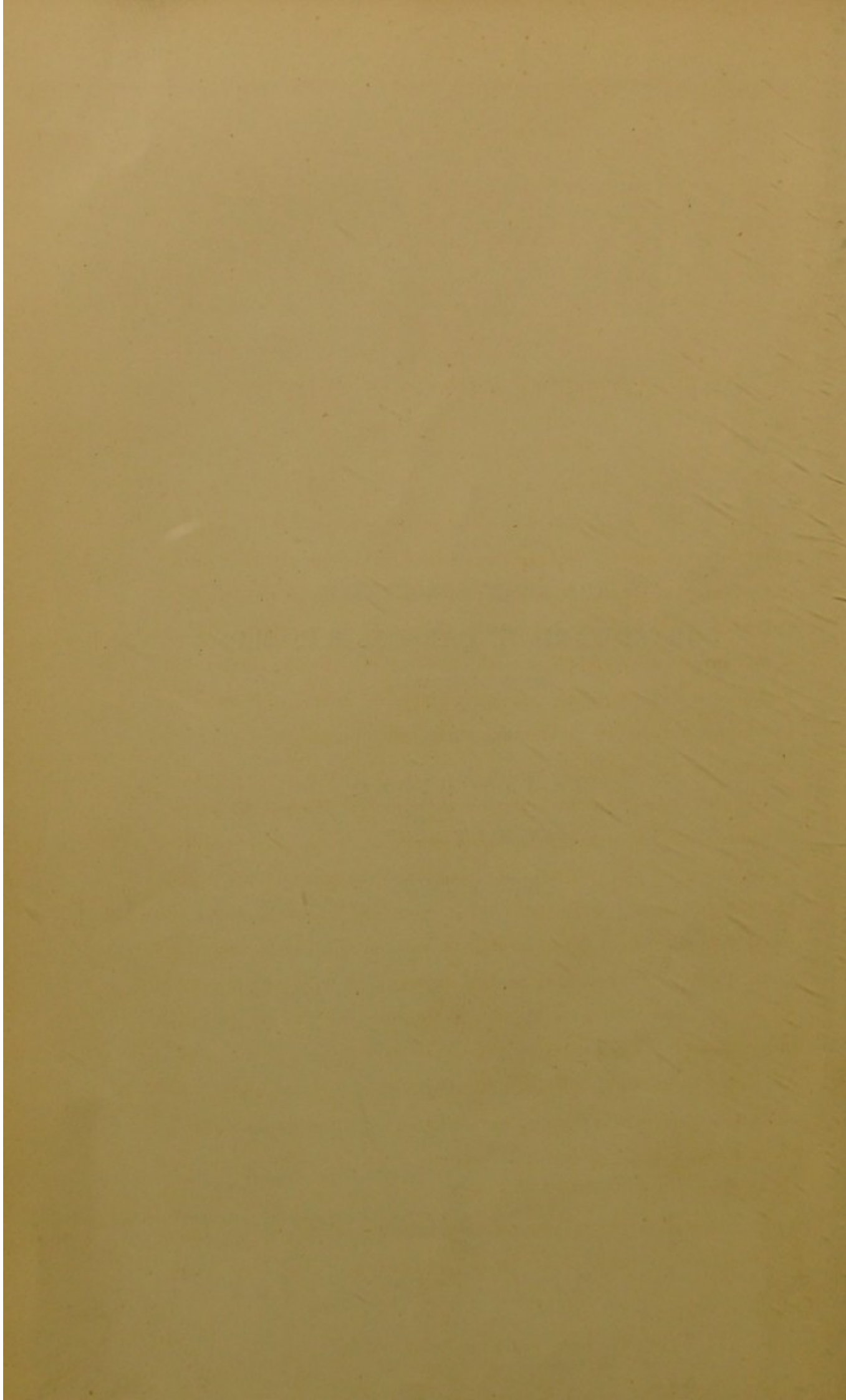
LA BELLE SAUVAGE, LUDGATE HILL, E.C.

December, 1901.

PRINTED BY
WILLIAM CLOWES AND SONS, LIMITED,
LONDON AND BECCLES.

WELLCOME INSTITUTE LIBRARY	
Coll.	welMOMec
Call	
No.	WA

TO
THE RIGHT HONOURABLE
SIR EDWARD H. CARSON, K.C., M.P.,
SOLICITOR-GENERAL,
THIS VOLUME
IS INSCRIBED
BY HIS FRIEND
THE AUTHOR.



PREFACE TO SECOND EDITION.

THE notes in this edition have been entirely rewritten and considerably extended. Where any of the provisions of the Factory, etc., Act, 1901, are new, and not merely re-enactments of the repealed Acts, such are shown in the notes to sections. Where a section is a re-enactment of those Acts, the corresponding sections of the repealed Acts are given in each case, under the marginal note. It is thought that this arrangement will be convenient for reference.

The provisions of the repealed Acts as to "docks" have been extended, and the Act is to have effect as if the machinery or plant used in the process of "coaling any ship in any dock, harbour, or canal" were included in the term "factory," and the word "plant" has been added in connection with the word "machinery" in relation to the process of coaling, etc., and when so used, that word is to include any "gangway or ladder" used by any person employed to load or unload or coal a "ship" (sec. 104). Certain "railway lines and sidings" used in connection with a factory or workshop, or with any "place" to which the Act applies, now become a "part" of such factory or workshop (sec. 106). The other amendments made by the new Act will be found summarized in Chapter II. of the Introduction, *post*, p. xxxi. The new provisions relating to "education"

so far as they affect "young persons and children" employed in factories, etc., will be found in the notes to secs. 68 and 71 of the Act.

The powers and duties of District Councils under the Factory Act (which have been considerably extended) will be found summarized in Chapter III. of the Introduction, *post*, p. xxxvii.

The provisions with respect to fire-escapes has been materially amended, and certain factories and workshops must now be provided with means of escape in case of fire, *from the basement to the top floor*. This provision will be found noted at p. 32.

All the "Special Rules" made under the Factory Acts of 1891 and 1895, and which were in force on the 1st November, 1901, will be found in the Appendix. The provisions of those Acts relating to these Special Rules are not repealed except "from a date to be fixed by Order of the Secretary of State." (Sec. 161 and Schedule 7, Part II.) Those provisions will be found at pp. 125-134. The Author desires to express his thanks to the Chief Inspector of Factories for copies of those Rules.

All the "Orders" made by the Secretary of State under the powers conferred by the repealed Acts, are either given in full or their material provisions referred to, under the various sections and schedules of the new Act, as by sec. 161 (2), "all orders . . . made or having effect under any enactment hereby repealed shall continue to have effect as if they had been made under this Act."

Under the repealed Acts a "woman" was prohibited from being employed in a factory, workshop, or laundry, within four weeks after she had given birth to a child. A "girl," however, was not so prohibited. So far as relates to "women," this provision has been re-enacted, and it is also made to apply to

"girls," so far as factories and workshops are concerned, by the insertion of the word "girl" in sec. 61—apparently without any direct legislative enactment. As to the employment of "girls" in "laundries" within four weeks of their confinement, see note to sec. 61.

The Truck Acts, 1831–1896, are given in the Appendix. The notes to the Act of 1831 and 1887 have been re-written and brought up to date, and the 1896 Act (which was passed after the publication of the first edition of this work) is now included, with notes. These Acts do not apply generally to factories and workshops, but certain powers are conferred by them upon inspectors of factories. It is believed that this work is the only one which fully treats of the provisions of those Acts.

The Shop Hours Acts, 1892–1895, with notes of the cases thereon up to date, will be also found in the Appendix. The Seats for Shop Assistants Act, 1899, is also given. The Shop Hours Acts incorporate certain provisions of the Factory Act, and inspectors appointed under those Acts have the same powers as if appointed under the latter Act.

The text of the Workmen's Compensation Acts, 1897 and 1900, is given in the Appendix. This work does not profess to be a treatise on the provisions of those Acts; they are, therefore, only set out for convenience of reference, as "factories" are brought within the application of the 1897 Act, and the 1900 Act is to be read as one with that Act. The latter Act came into operation on the 1st of July, 1901. Some cases, however, decided under the former Act, as applied to "factories," will be found in the notes to secs. 104 and 105 of the Factory Act, *post*, pp. 164 and 169.

The Table of Contents will show what other Acts or sections of Acts, Rules, Regulations, etc., are given in the Appendix.

The Author has to thank his friend, Mr. W. Valentine Ball, of the North Eastern Circuit, for preparing the Table of Cases, and List of Statutes cited, and also for collecting the cases on, and assisting in compiling some of the notes to, the Truck Acts, 1831-1896.

Cross references are given throughout the notes, and it is hoped they may be found of assistance in interpreting the provisions of the Act.

The Index to this edition has been extended, and the Author is again solely responsible for the same.

Every endeavour has been made, and every care taken, to make the notes to the sections plain, comprehensible, and accurate. Owing, however, to the limited time at the Author's disposal, he fears there may be some errors—for these he must crave the indulgence of readers.

E. A

6, PUMP COURT,
TEMPLE, E.C.,
December, 1901.

TABLE OF CONTENTS.

	PAGE
PREFACE	v
TABLE OF CASES CITED	xvii
REFERENCE TO STATUTES CITED	xix
INTRODUCTION	xxiii
CHAPTER I.—A SHORT HISTORY OF FACTORY LEGISLATION, FROM 1802-1895	xxiii
CHAPTER II.—AMENDMENTS, ETC., MADE BY THE ACT OF 1901 .	xxxii
CHAPTER III.—POWERS AND DUTIES OF DISTRICT COUNCILS	xxxvii

FACTORY AND WORKSHOP ACT, 1901.

[1 EDW. 7, CAP. 22.]

ARRANGEMENT OF SECTIONS.

PART I.

HEALTH AND SAFETY.

(i.) *Health.*

SECTION.

1. Sanitary condition of factory	1
2. Sanitary condition of workshops and workplaces	7
3. Overcrowding of factory or workshop	11
4. Power of Secretary of State to act in default of local authority .	12
5. Powers of inspector as to sanitary defects in factory or workshop remediable by sanitary authority	13
6. Temperature in factories and workshops	17
7. Ventilation	17
8. Drainage of floors	19
9. Sanitary conveniences in factories and workshops	20

(ii.) *Safety.*

10. Fencing of machinery	21
11. Steam boilers	24

SECTION.	PAGE
12. Regulations as to self-acting machines	26
13. Restrictions on cleaning when machinery is in motion	28
14. Provision of means of escape in case of fire	29
15. Byelaws for means of escape from fire	35
16. Doors of factory or workshop to open from inside	36
17. Power to make order as to dangerous machine	37
18. Power to make order as to unhealthy or dangerous factory or workshop	40

(iii.) *Accidents.*

19. Notice of accidents causing death or bodily injury	41
20. Investigation of and report on accidents by certifying surgeon	45
21. Inquest in case of death by accident in factory or workshop	46
22. Power to direct formal investigation of accidents	47

PART II.

EMPLOYMENT.

(i.) *Hours and Holidays.*

23. Restrictions on period of employment of women, young persons, and children	51
24. Hours of employment in textile factories—young persons and women	53
25. Hours of employment in textile factories—children	55
26. Hours of employment in non-textile factories and workshops— young persons and women	57
27. Hours of employment in non-textile factories and workshops— children	58
28. Hours of employment in print works and bleaching and dyeing works	61
29. Special provisions as to employment in women's workshops	61
30. Special provision as to eight hours' employment of women and young persons	62
31. Restriction on employment inside and outside factory or workshop on same day	63
32. Notice fixing hours of employment, etc.	64
33. Meal times to be simultaneous, and employment during meal times forbidden	65
34. Prohibition of Sunday employment	66
35. Annual holidays and half-holidays	66

(ii.) *Special Exceptions as to Hours and Holidays.*

36. Employment between 9 a.m. and 9 p.m. in certain cases	69
37. Employment of male young persons above sixteen in lace factories	70
38. Employment of male young persons above sixteen in bakehouses	71

TABLE OF CONTENTS.

xi

SECTION.	PAGE
39. Five hours' spell in certain textile factories	72
40. Different meal times for different sets, and employment during meal times	73
41. Special exceptions as to fish and fruit preserving	77
42. Special exceptions as to creameries	78
43. Substitution of another day for Saturday	78
44. Saturday employment in Turkey red dyeing	79
45. Holidays on different days for different sets	79
46. Employment inside and outside on the same day	80
47. Hours and holidays in factory or workshop of Jewish occupier	81
48. Sunday employment of Jews in factory or workshop of Jewish occupier	81

Overtime.

49. Overtime employment of women for press of work	82
50. Overtime employment of women on perishable articles	84
51. Overtime employment on incomplete process	86
52. Overtime employment in factories driven by water	87
53. Overtime employment in Turkey red dyeing and open-air bleaching	88

Night Work.

54. Night employment of male young persons of fourteen	89
55. Night employment of male young persons of fourteen in glass works	91
56. Night employment of male young persons of sixteen in printing newspapers	92

Intermittent Employment.

57. Exemption for certain flax scutch mills	92
---	----

Supplemental.

58. Power to impose sanitary requirements as condition of special exceptions	93
59. Power to rescind orders as to special exceptions	94
60. Notices, registers, etc., relating to special exceptions	94

(iii.) Fitness for Employment.

61. Prohibition of employment of women after childbirth	97
62. Prohibition of employment of children under twelve	97
63. Certificates of fitness for employment of young persons under sixteen and children in factories	98
64. Regulations as to grant of certificate of fitness	98
65. Power to obtain certificates of fitness for employment in workshops	102
66. Power to require certificates of fitness for employment in certain workshops	102
67. Power of inspector to require surgical certificate of capacity for work	103

PART III.

EDUCATION OF CHILDREN.

SECTION.	EDUCATION OF CHILDREN.	PAGE
68.	Attendance at school of children employed in factory or workshop	104
69.	Obtaining of school attendance certificate by occupier	107
70.	Payment by occupier of sum for schooling	108
71.	Employment as young person of child of thirteen on obtaining educational certificate	109
72.	Definitions of "certified efficient school," and "recognized efficient school	112

PART IV.

DANGEROUS AND UNHEALTHY INDUSTRIES.

(i.) *Special Provisions.*

73. Notification of certain diseases contracted in factory or workshop .	114
74. Provision as to ventilation by fan in certain factories and workshops	115
75. Lavatories and meals in certain dangerous trades	116
76. Restrictions as to employment in wet-spinning	116
77. Prohibition of employment of young persons and children in certain factories and workshops	117
78. Prohibition of taking meals in certain parts of factories and workshops	118

(ii.) *Regulations for Dangerous Trades.*

79. Power to make regulations for safety of persons employed in dangerous trades	120
80. Procedure for making regulations	121
81. Inquiries	121
82. Application of regulations	122
83. Provisions which may be made by regulations	123
84. Regulations to be laid before Parliament	123
85. Breach of regulations	123
86. Publication of regulations	124

<i>Factory and Workshop Act, 1891, sec. 8</i>	.	.	.	.	.	125
sec. 9	.	.	.	.	.	128
sec. 10	.	.	.	.	.	128
sec. 12	.	.	.	.	.	129
First Schedule	.	.	.	.	.	129
<i>Factory and Workshop Act, 1895, sec. 12</i>	.	.	.	.	.	133
sec. 24 (3)	.	.	.	.	.	133
sec. 28 (1)	.	.	.	.	.	133

PART V.

SPECIAL MODIFICATIONS AND EXTENSIONS.

(i.) *Tenement Factories.*

SECTION.	PAGE
87. Duties of owner of tenement factory	135
88. Regulations as to grinding of cutlery in tenement factory	137
89. Certificate of fitness in tenement factory	138

(ii.) *Cotton Cloth and other Humid Factories.*

90. Temperature and humidity	138
91. Power to alter table of humidity	139
92. Employment of thermometers	140
93. Notices and inspections where humidity is artificially produced	142
94. Regulations for the protection of health	142
95. Penalties for non-compliance	144
96. Application of foregoing provisions to other humid factories	144

(iii.) *Bakehouses.*

97. Sanitary regulations for bakehouses	145
98. Penalty for bakehouse being unfit on sanitary grounds	146
99. Limewashing, painting, and washing of bakehouses	147
100. Provision as to sleeping places near bakehouses	148
101. Prohibition of underground bakehouses	148
102. Enforcement of law as to retail bakehouses by sanitary authorities	151

(iv.) *Laundries.*

103. Application of Act to laundries	152
--	-----

(v.) *Docks.*

104. Application of certain provisions to docks	157
---	-----

(vi.) *Buildings.*

105. Application of certain provisions to buildings	166
---	-----

(vii.) *Railways.*

106. Application of certain provisions to railway sidings	170
---	-----

PART VI.

HOME WORK.

107. Lists of outworkers to be kept in certain trades	172
108. Employment of person in unwholesome premises	174
109. Making of wearing apparel where there is scarlet fever or small-pox	175
110. Prohibition of home work in places where there is infectious disease	175

SECTION.	PAGE
111. Application of Act to domestic factories and workshops . . .	177
112. Dangerous processes in domestic factories and workshops . . .	179
113. Abstracts for domestic factories and workshops . . .	180
114. Non-application of Act to certain domestic workshops . . .	180
115. Definitions of "domestic factory" and "domestic workshop" . .	181

PART VII.

PARTICULARS OF WORK AND WAGES.

116. Particulars of work or wages to be given to piece workers . . .	182
117. Inspection of weights and measures used in ascertaining wages .	194

PART VIII.

ADMINISTRATION.

(i.) *Inspection.*

118. Appointment and duties of inspectors and clerks and servants . .	195
119. Powers of inspectors	196
120. Right of inspector to conduct proceedings before magistrates . .	199
121. Certificate of appointment of inspector	200

(ii.) *Certifying Surgeons.*

122. Appointment and duties of certifying surgeons	200
123. When poor law medical officer is to act as certifying surgeon . .	201
124. Fees of certifying surgeons	201

(iii.) *Local Authorities.*

125. Powers of local authorities and their officers	202
---	-----

(iv.) *Special Orders.*

126. Provisions as to special orders of Secretary of State	203
--	-----

(v.) *Notices, Registers, and Returns.*

127. Notice of occupation of factory or workshop	204
128. Affixing of abstract and notices	205
129. General registers	205
130. Periodical return of persons employed	207
131. Registers of workshops	207
132. Report of medical officer of health on administration of Act . .	207

Miscellaneous Provisions.

133. Notice by medical officer of health of employment of woman, young person, or child in workshops	208
134. Certificate of birth in case of young persons under sixteen and children	208

PART IX.

LEGAL PROCEEDINGS.

SECTION.	PAGE
135. Fine for not keeping factory or workshop in conformity with Act	210
136. Fines in case of death or injury	211
137. Fine for employing persons contrary to Act	212
138. Fine for offence by parent	213
139. Forgery of certificates, false entries, and false declarations	214
140. Fine on person actually committing offence for which occupier is liable	215
141. Power of occupier to exempt himself from fine on conviction of the actual offender	215
142. Owner of machine liable in certain cases instead of occupier	217
143. Limit to cumulative fines	217
144. Prosecution of offences and recovery and application of fines	217
145. Appeal to quarter sessions	218
146. Limitation of time and general provisions as to summary proceedings	218
147. Evidence in summary proceedings	219
148. Service of notices and documents, etc.	220

PART X.

SUPPLEMENTARY.

(i.) *Application and Definitions.*

149. Factories and workshops to which Act applies	222
150. Application to Crown factories and workshops	231
151. Power to treat separate branches as separate factories or workshops	232
152. Definition of employment and working for hire	236
153. Application of Act to London	239
154. Application of Act to county boroughs	240
155. Saving for existing powers of district councils	240
156. General definitions	240
157. Men's workshops	242
158. Saving for young persons employed in repairs	243

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

159. Application of Act to Scotland	243
160. Application of Act to Ireland	247

(iii.) *Repeal, etc.*

161. Repeal of Acts	250
162. Commencement of Act	251
163. Short title	251

	PAGE
SCHEDULE I.	252
SCHEDULE II.	254
SCHEDULE III.	257
SCHEDULE IV.	259
SCHEDULE V.	262
SCHEDULE VI.	263
SCHEDULE VII.	268

APPENDIX.

TRUCK ACT, 1831	271
HOSIERY MANUFACTURE (WAGES) ACT, 1874	284
TRUCK AMENDMENT ACT, 1887	287
TRUCK ACT, 1896	298
SHOP HOURS ACT, 1892	306
SHOP HOURS ACT, 1893	310
SHOP HOURS ACT, 1895	311
SEATS FOR SHOP ASSISTANTS ACT, 1899	312
PUBLIC HEALTH ACT, 1875, secs. 38 and 91	314
PUBLIC HEALTH ACTS (AMENDMENT) ACT, 1890, sec. 22	317
PUBLIC HEALTH (LONDON) ACT, 1891, secs. 2 (1) (g) (2), 25-27, 38	318
ELEMENTARY EDUCATION ACT, 1876, secs. 5, 6, 7, 11, 23-26	322
ELEMENTARY EDUCATION ACT, 1880, sec. 4	326
ELEMENTARY EDUCATION ACT, 1900, secs. 6 and 7	327
EDUCATION (SCOTLAND) ACT, 1901, sec. 3	328
REVISED REGULATIONS OF THE BOARD OF EDUCATION of the 23rd of April, 1900, paragraphs 1-11, and Schedules	330
PREVENTION OF CRUELTY TO CHILDREN ACT, 1894, sec. 3 (2)-(5)	337
QUARRIES ACT, 1894	339
SPECIAL RULES MADE UNDER THE FACTORY AND WORK- SHOP ACTS, 1891 AND 1895	342
WORKMEN'S COMPENSATION ACT, 1897	385
WORKMEN'S COMPENSATION ACT, 1900	399
INDEX	401

TABLE OF CASES CITED.

	PAGE		PAGE
ARDING <i>v.</i> Economic Printing, etc., Co. (1898)	34	Cutts <i>v.</i> Ward (1867)	282
Ashersmith <i>v.</i> Drury (1858)	274	DOEL <i>v.</i> Sheppard (1856)	23
BEADON <i>v.</i> Parrott (1871)	237	Dredge <i>v.</i> Conway, Jones & Co. (1901)	169
Beetham <i>v.</i> Crewdson (1891)	274	ELLIS <i>v.</i> Cory & Son, Ltd. (1901)	165
Bennett <i>v.</i> Harding (1900)	9, 21	European Co. <i>v.</i> P. & O. Co. (1866)	164
Birtwistle <i>v.</i> Hindle (1897)	23	FERGUSON, <i>Ex parte</i> (1871)	164
Blenkinsop <i>v.</i> Ogden (1898)	22, 212	Ferguson <i>v.</i> Green (1901)	169
Bogle <i>v.</i> Sherborne Local Board (1880)	16	Fisher <i>v.</i> Jones (1863)	274
Bound <i>v.</i> Lawrence (1892)	289	Flowers <i>v.</i> Chambers (1899)	164
Bowers <i>v.</i> Lovekin (1856)	288	Fullers, Ltd. <i>v.</i> Squire (1901)	231, 239
Brannigan <i>v.</i> Robinson (1892)	38	GLASGOW <i>v.</i> Independent Print- ing Co. (1901)	272, 274
Bromley <i>v.</i> Tams (1881)	288	Goldstein <i>v.</i> Vaughan (1897)	82
Buxton Lime Firms Co. <i>v.</i> Howe (1900)	300	Gordon, <i>Ex parte</i> (1855)	288
CALEDONIAN Railway Co. <i>v.</i> Pa- terson (1898)	155	Gould <i>v.</i> Haynes (1890)	272
Carrington <i>v.</i> Bannister (1901)	166	Grainger <i>v.</i> Aynsley (1881)	288
Charles <i>v.</i> Plymouth Waterworks (1891)	275	Gray & Co. <i>v.</i> Mackenna (1899)	293
Chawner <i>v.</i> Cummings (1846)	273, 275	Groves <i>v.</i> Wimborne (Lord) (1898)	22, 212
Clemson <i>v.</i> Hubbard (1875)	275	HADDOCK <i>v.</i> Humphrey (1900)	164
Coe <i>v.</i> Platt (1852)	24	Hammond <i>v.</i> Pulsford (1895)	311
Coles <i>v.</i> Dickinson (1864)	228	Harcastle <i>v.</i> Jones (1862)	228
Collins <i>v.</i> Blantern (1765)	272	Hargreaves <i>v.</i> Taylor (1863)	16
Collman <i>v.</i> Roberts (1896)	307	Haydon <i>v.</i> Taylor (1863)	228
Cook <i>v.</i> Metropolitan Tramway Co. (1887)	289	Henderson <i>v.</i> Glasgow Corpora- tion (1900)	230
Cooper, <i>Ex parte</i> (1884)	282	Hennessy <i>v.</i> McCabe (1900)	160
Corning <i>v.</i> Burden (1853, Ameri- can)	39, 163	Hensey <i>v.</i> White (1900)	42, 43, 44
Crabtree <i>v.</i> The Fern Spinning Co., Ltd. (1901)	27, 238	Hewlett <i>v.</i> Allen (1894)	274, 282

	PAGE		PAGE
Hoare v. Ritchie (1901) . . .	115	Redgrave v. Kelly (1889) . . .	274, 278
Hoddinott v. Newton, Chambers & Co., Ltd. (1901). . .	27, 169	——— v. Lloyd (1895) . . .	23
Hodgkin, <i>Ex parte</i> (1875). . .	164	Reg. v. Edmundson (1859) . . .	162
Howarth v. Coles (1867) . . .	226	——— v. Hannam (1886) . . .	164
Howe v. Finch (1886) . . .	38	Riley v. Warden (1849) . . .	288
Hoyle v. Oram (1862) . . .	228	Robinson v. Sunderland Corpora- tion (No. 2) (1899) . . .	16
Hughes v. Donella (1894). . .	273	Rogers v. Manchester Central Packing Co. (1898) 226, 229, 230, 265	
Hunt v. G. N. Ry. Co. (1891) 288, 289		Roper v. Greenwood (1901) . . .	42, 43
Hynd v. Spowart (1894) . . .	282		
JACKSON v. Hill (1884) . . .	288	SAVOY Hotel v. London County Council (1900) . . .	309
KNIGHT v. Cubitt & Co. (1901) . .	170	Schofield v. Schunck (1855) . . .	23
LAING v. Young & Leslie (1901) .	166	Schwerzerhof v. Wilkins (1898). .	151
Lamb v. G. N. Ry. Co. (1891) 282, 287, 289		Scott v. Midland Ry. Co. (1897). .	338
Law v. Graham (1901) . . .	229	Sim v. Evans (1875) . . .	339
Leicester Corporation v. Branen (1892)	167	Sleeman v. Barrett (1864). . .	228
Lloyd v. Sugg & Co. (1900) . . .	43	Smith & Son v. Kyle (1901) . . .	307, 309
London County Council v. Brass (1901)	33	Smith v. Walton (1877) . . .	274, 278
London County Council v. Lewis (1900)	33	Southport, Mayor, etc., of, v. Morris (1893)	164
"MAC" (The) (1882)	163	Spencer v. Livett (1900) . . .	267
McGrath v. Neill & Sons (1901) .	170	Squire v. Bayer & Co. (1901) . .	299
M'Lucas v. Campbell (1892) 274, 282		——— v. Stanley (1901) . . .	118
Merrill v. Wilson (1901) . . .	161	——— v. Sweeney (1900) . . .	174, 305
Morgan v. London General Omni- bus Co. (1883)	288	Stevens v. Gourley (1859). . .	167
Murphy v. Wilson (1883) . . .	26	Stroud v. Wandsworth Board of Works (1894)	16
OSBORN v. Wood (1897) . . .	144, 294	Stuart v. Nixon & Bruce (1901) 165, 166	
PALMER'S Shipbuilding, etc., Co. v. Chaytor (1869)	229	TAYLOR v. Hickes (1862) . . .	228
Pearce v. Lansdowne (1893) . . .	289	Thompson v. Ashington Coal Co. (1901)	44
Pearson v. Belgian Mills Co. (1896)	28	Timmins v. Leeds Forge Co. (1900)	44
Petrie v. Weir (1900)	230	Tracey v. Pretty (1901) . . .	16
Pillar v. Llynvi Coal Co. (1869) 283, 288		WALKER v. Lilleshall Co. (1900) .	43
Prior v. Slaithwaite Spinning Co. 66, 237		Wallis v. Thorp (1875) . . .	285
RAINE v. Jobson (1901) . . .	164	Watson v. Cotton (1847) . . .	162
Reddy v. Broderick (1901) . . .	169	Whikley v. Armitage (1866) . . .	288
		Whymper v. Harney (1865) . . .	226, 265
		Wilmott v. Paton (1901) . . .	162, 165
		Wilson v. Cookson (1863). . .	272, 274
		Wrigley v. Bagley & Wright (1901)	229
		YARMOUTH v. France (1887) . . .	39

REFERENCE TO STATUTES CITED.

	PAGE		PAGE
20 Geo. II. c. 43.		38 & 39 Vict. c. 13.	
(<i>Heritable Jurisdictions (Scotland) Act</i> , 1746)	246	(<i>The Holidays Extension Act</i> , 1875)	240
1 & 2 Will. IV. c. 37.		— — — c. 17.	
(<i>Truck Act</i> , 1831)	271	(<i>Explosives Act</i> , 1875), sec. 63	41, 44
2 Will. IV. c. 45.		— — — c. 55.	
(<i>Reform Act</i> , 1832), sec. 27 . .	161	(<i>Public Health Act</i> , 1875)	
6 & 7 Will. IV. c. 13.		3, 7, 9, 12, 19, 31	
(<i>Constabulary (Ireland) Act</i> , 1836)	248	— — — — sec. 4	9, 221
14 & 15 Vict. c. 19.		— — — — sec. 38	14
(<i>Fines (Ireland) Act</i> , 1851) . .	295	— — — — sec. 88	314
— — — c. 90.		— — — — sec. 91	2, 3, 7, 8, 19, 314
(<i>Fines Act (Ireland)</i> , 1851) . .	248	— — — — secs. 91-111	9
— — — c. 93.		— — — — sec. 204	35
(<i>Petty Sessions (Ireland) Act</i> , 1851)	295	— — — — sec. 207	35
17 & 18 Vict. c. 80.		— — — — sec. 229	35
(<i>Registration of Births (Scotland) Act</i> , 1854)	209	— — — — secs. 251, 253, 254, 257, 259-261	9
30 & 31 Vict. c. 146.		— — — — sec. 165	65
(<i>Workshop Regulation Act</i> , 1867), secs. 6 & 7	237	— — — c. 90.	
31 & 32 Vict. c. 37.		(<i>Employers and Workmen Act</i> , 1875).	
(<i>Documentary Evidence Act</i> , 1868), sec. 2	204	— — — — sec. 3	275
33 & 34 Vict. c. 75.		— — — — sec. 10	271, 287
(<i>Elementary Education Act</i> , 1870)	112	39 & 40 Vict. c. 79.	
35 & 36 Vict. c. 77.		(<i>Elementary Education Act</i> , 1876)	247
(<i>Metalliferous Mines Reg. Act</i> , 1872)	267, 339, 341	— — — — secs. 5-7	107
37 & 38 Vict. c. 48.		— — — — sec. 5	322
(<i>Hosiery Manufacture (Wages) Act</i> , 1874)	284	— — — — sec. 6	106, 322
		— — — — sec. 7	108, 199, 322
		— — — — sec. 11	107, 323
		— — — — sec. 12	327

	PAGE		PAGE
39 & 40 Vict. c. 79, sec. 16 . . .	112	54 & 55 Vict. c. 76.	
— — — — sec. 23 . . .	106, 323	(<i>Public Health (London) Act,</i>	
— — — — sec. 24 . . .	324	1891) . . .	8, 12, 146
— — — — sec. 25 . . .	101, 324	— — — — sec. 2 . . .	9, 318
— — — — sec. 26 . . .	101, 325	— — — — sec. 10 . . .	150
41 & 42 Vict. c. 49.		— — — — sec. 25 . . .	14, 319
(<i>Weights and Measures Act,</i>		— — — — sec. 26 . . .	147, 148, 320
1878) . . .	194	— — — — sec. 27 . . .	14, 320
— — — — c. 52.		— — — — sec. 38 . . .	21, 320
(<i>Public Health (Ireland),</i>		— — — — sec. 115 . . .	150
1878) . . .	7, 35, 248	— — — — sec. 141 . . .	146
— — — — sec. 2 . . .	11, 249	55 & 56 Vict. c. 18.	
— — — — sec. 107 . . .	7, 10, 11,	(<i>Weights and Measures Act,</i>	
	249, 316	1892) . . .	194
— — — — secs. 219-223 . . .	11, 36,	— — — — c. 42.	
	249	(<i>Irish Education Act, 1892</i> . . .	247
— — — — secs. 249-264 . . .	9	— — — — sec. 1 . . .	107
43 & 44 Vict. c. 23.		— — — — sec. 2 . . .	108
(<i>Elementary Education Act,</i>		— — — — sec. 18 . . .	109
1880), sec. 4 . . .	106, 107, 326	— — — — sched. 2 . . .	108
50 & 51 Vict. c. 46.		— — — — c. 62.	
(<i>Truck Amendment Act, 1887</i>) . . .	287	(<i>Shop Hours Act, 1892</i>) . . .	139, 306
— — — — c. 58.		— — — — sec. 3 . . .	64
(<i>Coal Mines Regulation Act, 1887</i>).		56 & 57 Vict. c. 19.	
— — — — sec. 3 . . .	267	(<i>Weights and Measures, 1893</i>) . . .	194
— — — — sec. 7 . . .	267	— — — — c. 51.	
— — — — secs. 12-15 . . .	304	(<i>Elementary Education (School</i>	
— — — — sec. 45 . . .	47, 50	<i>Attendance) Act, 1893</i>) . . .	107
— — — — sec. 46 . . .	47, 50	— — — — c. 67.	
— — — — secs. 39-48 . . .	294, 300	(<i>Shop Hours Act, 1893</i>) . . .	310
52 & 53 Vict. c. 21.		57 & 58 Vict. c. 28.	
(<i>Weights and Measures Act,</i>		(<i>Notice of Accidents Act, 1894</i>)	
1889) . . .	194	— — — — sec. 1 (1) . . .	42
— — — — c. 72.		— — — — c. 41.	
(<i>Infectious Disease (Notifica-</i>		(<i>Prevention of Cruelty to Chil-</i>	
<i>tion) Act, 1889</i>), sec. 6 . . .	177	<i>dren Act, 1894</i>).	
— — — — c. 63.		— — — — sec. 3 (2)-(5) . . .	199, 337
(<i>Interpretation Act, 1889</i>).		— — — — c. 42.	
— — — — sec. 38 . . .	251	(<i>Quarries Act, 1894</i>) . . .	339
53 & 54 Vict. c. 59.		— — — — secs. 1 and 3 . . .	46, 339
(<i>Public Health Acts (Amend-</i>		— — — — sec. 3 (b), (c) . . .	42, 340
<i>ment) Act, 1890</i>) . . .	8	— — — — sec. 3 (c) . . .	91, 340
— — — — sec. 6 . . .	9	— — — — c. 60.	
— — — — sec. 22 . . .	16, 21, 317	(<i>Merchant Shipping Act,</i>	
— — — — sec. 38 . . .	12	1894) . . .	158
54 & 55 Vict. c. 56.		— — — — sec. 492 . . .	161
(<i>Elementary Education Act,</i>		— — — — sec. 742 . . .	160, 163
1891), sec. 3 . . .	108, 109	— — — — c. ccxiii. . . .	239

	PAGE		PAGE
57 & 58 Vict. c. cexiii.		60 & 61 Vict. c. 46.	
(<i>London Building Act</i> , 1894).		(<i>Weights and Measures (Metric System) Act</i> , 1897) . . .	194
— — — — — sec. 164 . . .	239	62 & 63 Vict. c. 13.	
— — — — — sec. 189 . . .	35	(<i>Elementary Education (School Attendance) Act</i> , 1899) . . .	107
58 Vict. c. 5.		63 & 64 Vict. c. 22 . . .	399
(<i>Shop Hours Act</i> , 1895) . . .	311	(<i>Workmen's Compensation Act</i> , 1900).	
59 & 60 Vict. c. 44.		— — — — — c. 27.	
(<i>Truck Act</i> , 1896) . . .	298	(<i>Railway Employment (Prevention of Accidents) Act</i> , 1900) . . .	39, 45, 228, 268
— — — — — sec. 10 . . .	157	— — — — — sec. 16 . . .	171
60 & 61 Vict. c. 37.		— — — — — c. 53.	
(<i>Workmen's Compensation Act</i> , 1897) . . .	160, 163	(<i>Elementary Education Act</i> , 1900).	
— — — — — sec. 1 (1) . . .	42	— — — — — sec. 1 . . .	326
— — — — — sec. 7 . . .	164	— — — — — secs. 6 & 7 . . .	107, 327
— — — — — c. 38.		1 Edw. VII. c. 9.	
(<i>Public Health (Scotland) Act</i> , 1897) 7, 10, 35, 243, 244		(<i>Education (Scotland) Act</i> , 1901).	
— — — — — sec. 3 . . .	10	— — — — — sec. 3 . . .	107, 111, 113, 244, 328, 329
— — — — — sec. 16 . . .	7, 10, 183-187, 316		
— — — — — secs. 146-171 . . .	9		
— — — — — secs. 183-187 . . .	10, 36		
— — — — — c. 46.			

ABBREVIATIONS.

A. C.	Law Reports, House of Lords.
B. & S.	Best & Smith.
C. B., n.s.	Common Bench Reports (New Series)
C. C. F.	Cotton Cloth Factories Act
C. M. R. A.	Coal Mines Regulation Act, 1887
D. G.	Dublin Gazette
E. G.	Edinburgh Gazette
E. & B.	Ellis & Blackburn
Ex.	Welsby, Hurlstone & Gordon's Reports
Factory Act	Factory & Workshop Act, 1901
F.	Fraser (Scotch Reports).
Jur.	Jurist.
J. P.	Justice of the Peace
(1901) K. B.	Law Reports, King's Bench Division
L. G.	London Gazette
L. J. C. P.	Law Journal, Common Pleas
L. J. Ex.	Law Journal (New Series), Exchequer
L. J. M. C.	Law Journal, Magistrates' Cases
L. J. Q. B.	Law Journal, Queen's Bench
L. J. K. B.	Law Journal, King's Bench
L. R. Ex.	Law Reports, Exchequer
L. R. Q. B.	Law Reports, Queen's Bench
L. R. Q. B. D.	Law Reports, Queen's Bench Division
L. T.	The Law Times
L. T., n.s.	Law Times Reports (New Series)
Order	Order made by the Secretary of State pursuant to powers conferred on him by the Factory Acts 1878-1895
P. H. Act	Public Health Act
() Q. B.	Law Reports, Queen's Bench Division
S. L. C.	Smith's Leading Cases
S. L. R.	Scotch Law Reports.
S. L. Rev. Act	Statute Law Revision Act
St. R. & O.	Statutory Rules & Orders
St. R. & O. Rev.	Statutory Rules & Orders Revised
T. L. R.	The Times Law Reports
W. C. Act	Workmen's Compensation Act, 1897.
W. R.	Weekly Reporter

INTRODUCTION.

CHAPTER I.

A SHORT HISTORY OF FACTORY LEGISLATION.
1802-1895.

THE 42 Geo. III. c. 73 (1802) was the first Act subjecting factories and mills to statutory regulations, etc. This Act, however, only applied to "Cotton and Woollen mills and Cotton and Woollen factories" wherein three or more apprentices, or twenty or more other persons, were employed. The full title of this Act was "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." Among its provisions were the following:—The rooms were to be washed with quicklime and water twice a year, and care was to be taken to admit fresh air. Apprentices were to be provided with two complete suits of clothes per year, were not to work more than twelve hours per day (exclusive of meal hours), and were not to work between nine o'clock at night and six o'clock in the morning (except in certain cases). They were to be instructed in "reading, writing, and arithmetick, &c.," every working day for the first four years, and in the principles of the Christian religion, for one hour every Sunday. Two persons who had no connection with any of the mills or factories were to be appointed every year as "Visitors," one of whom was to be a Justice of the Peace,

and the other a Clergyman of the Established Church of England or Scotland. The "Visitors" were to require the "master" to call in medical aid in the case of infectious disorders.—Copies of the Act were to be "affixed" in two conspicuous places, etc. Mills and factories employing more than three apprentices, or more than twenty other persons, were to be entered in a book kept by the Clerk of the Peace. It also provided penalties and the mode of recovering them, etc. This Act was subsequently amended by 59 Geo. III. c. 66 (1819), 60 Geo. III. c. 5 (1819), 6 Geo. IV. c. 63 (1825), 10 Geo. IV. chaps. 51 and 63 (1829). These amending Acts were repealed by 1 & 2 Will. IV. c. 39, s. 1 (1831), and the latter Act was itself repealed by 3 & 4 Will. IV. c. 103, s. 48 (1833), thus leaving the Act of 1802, itself still on the statute book, where it remained until repealed by the Factory Act of 1878.

The Act of 1833, was introduced and carried through by Lord Ashley (afterwards the Earl of Shaftesbury). It limited the labour of children under thirteen, to eight hours a day, and provided that young persons under eighteen should not work more than twelve hours a day or sixty-nine in a week, etc.

A Royal Commission was appointed in 1840 to inquire into the employment question, and, as a result, we have the Act of 1844 (7 & 8 Vict. c. 15), which extended and supplemented that of 1833. It prohibited the employment of children under *eight* years of age, and regulated the work of female workers, restricted night work, and provided for "inspection," etc. (These later Acts also brought within their operation the manufacture of other materials besides cotton and wool, which were the only materials included within the 1802 Act.) The next Act, 8 & 9 Vict. c. 29 (1845), regulated the labour of children, young persons, and women in "Print works." The latter was followed by two others in the year 1847, viz., 10 & 11 Vict. c. 29—"An Act to limit the hours of labour of young persons and females in factories," and, *ib.*, c. 70—"An Act to amend the law as to school attendance of

children employed in Print works." By c. 29, no person under the age of eighteen was to be employed in any mill or factory to which 7 & 8 Vict. c. 15 applied, for more than ten hours in any one day, or more than fifty-eight hours in any one week, except as in that Act provided, and the restrictions of this Act were extended to "females" above the age of eighteen years. These three latter Acts were repealed by 33 & 34 Vict. c. 62, s. 5, 37 & 38 Vict. c. 44, s. 21, and 33 & 34 Vict. c. 62, s. 5, respectively.

We next have the Act of 1850 (13 & 14 Vict. c. 54)—"An Act to amend the Acts relating to Factories." This Act repealed so much of 7 & 8 Vict. c. 15, and 10 and 11 Vict. c. 29, as restricted or limited the hours of employment, etc., of young persons, and of females above the age of eighteen; and enacted that such young persons and females were not to be employed before six o'clock in the morning or after six o'clock in the evening, or after two o'clock on Saturdays. It also made provision for "meal time," restricted the recovery of "lost time," etc. This Act remained in force until repealed by the Act of 1878.

The Act of 1850 was followed by that of 1853 (16 & 17 Vict. c. 104)—"An Act to further regulate the employment of children in factories." It also restricted the employment of children to twelve hours per day, etc. This was also repealed by the Act of 1878.

The next Act was "The Factory Act, 1856" (19 & 20 Vict. c. 38). It dealt with the provisions of the Act of 1844 with respect to "mill-gearing," etc., and declared that the word "machinery" in that Act should include "mill-gearing," and provided a penalty for not "fencing" machinery after notice, etc. This was also repealed by the Act of 1878.

The next Act—23 & 24 Vict. c. 78 (1860)—placed the employment of women, young persons, and children in bleaching works and dyeing works, under certain regulations of the Factory Acts. It was subsequently amended by 25 & 26 Vict. c. 8, 26 & 27 Vict. c. 38, and 27 & 28 Vict. c. 98, all four Acts, however, being repealed by 33 &

34 Vict. c. 62, s. 5 (the Factory and Workshop Act, 1870).

In 1861, "Lace" factories were dealt with, by 24 & 25 Vict. c. 117. This Act regulated the employment of children, young persons, and women, and extended certain provisions of the Factory Acts to these factories.

The next step in factory legislation was the appointment, in 1862, of a Royal Commission to inquire into the employment of children and young persons, etc., generally, and, as a result, we have the Act of 1864 (27 & 28 Vict. c. 48). This Act brought within the scope of the law relating to factories several trades not up to that time included. It was also repealed by the Act of 1878. In 1867 two Acts were passed, one relating to "factories," *i.e.* 30 & 31 Vict. c. 103, and the other relating to "workshops," *ib.* c. 146. Both these Acts applied to the United Kingdom. The former, among its other provisions, defined the words "factory" and "manufacturing process," and applied the Factory Acts to factories not comprised within the previous Acts, etc., etc. The latter defined a "workshop" to mean "any room or place whatever, whether in the open air or under cover, in which any handicraft is carried on by any child, young person, or woman, and to which and over which the person by whom such child, young person, or woman is employed has the right of access and control." It also extended certain provisions of the then existing Factory Acts to workshops, and made provision for the employment of a "fan," etc., for the prevention of the inhalation of dust by workmen in grinding processes, and made regulations for the attendance at school of children employed in workshops, and provided for the recovery and application of penalties, etc., etc. Both these Acts were repealed by the Act of 1878.

The next Act was "The Factory and Workshop Act, 1870" (33 & 34 Vict. c. 62). This was a short Act, its main object being to extend the Acts relating to factories generally, to "printworks, and bleaching and dyeing works." This was repealed by the Act of 1878.

In 1871 two other short Acts were passed. The first (34 Vict. c. 19) was an Act for exempting persons professing the Jewish religion, from penalties in respect of young persons and females professing the same religion, working on Sundays; and the second (34 & 35 Vict. c. 104) restricted the employment of certain children and females in the manufacture of bricks and tiles (not being ornamental tiles), exempted the curing of fish from the operation of the then existing Factory and Workshop Acts, modified the provisions of the existing Acts in certain cases, and provided for the recovery and application of penalties, etc., etc. Both these Acts were repealed by the Act of 1878.

The last Act previous to the consolidating Act of 1878 was the "Factory Act, 1874" (37 & 38 Vict. c. 44), which limited the Factory Acts to which it applied to those of 1833, 1844, and 1856. This statute raised the age of children at which they were to be allowed to be employed at all in any factory, from eight years to that of nine during 1875, and, after that year, to the age of ten. It also restricted the hours of employment, and prevented the continuous employment of children, young persons, or women for more than four hours and a half without an interval of at least half an hour for a meal, and provided for the more efficient education of children, by requiring, after January, 1876, their attendance at a school recognised by the Education department, etc., and it also enacted, that after January, 1876, children, young persons, and women should not be employed in the recovery of "lost time," etc. This Act was repealed by that of 1878.

In 1875 a third Royal Commission was appointed to deal with the factory question. It resulted in the repeal of all the existing legislation, and the re-enactment in the codifying Act of 1878 of many of the better features of the older Acts.

That Act was the groundwork of the law relating to factories and workshops around which the subsequent legislation of the years 1883, 1889, 1891, and 1895 entwined itself.

The Act of 1878 classified the works, premises, and

trades to which it applied as "factories" and "workshops," and divided the former into "textile" and "non-textile" factories.

"Workshops" were subject to certain sanitary provisions of that Act, but by the 1891 Act the enforcement of those provisions in workshops was taken from inspectors and placed upon the sanitary authority. The sanitary and safety provisions were amended and extended, by the Acts of 1891 and 1895, as were also the "period" and "conditions" of employment, and also those relating to holidays.

The 1878 Act did not apply to workshops (other than bakehouses) conducted on the system of not employing any child, young person, or woman therein; but the Act of 1891 extended certain provisions thereof to such workshops, and the Act of 1895 further extended certain provisions of the 1891 Act to them, as well as certain provisions of that Act itself.

No restriction was placed upon the employment of male adults, except that the sanitary and safety provisions applied to them generally. The 1895 Act, however, extended the power given to the Secretary of State under the 1891 Act to prohibit the employment, or modify or limit the period of employment for all or any classes of persons in dangerous trades, etc.

The 1878 Act prohibited the employment of children under ten years of age, but the age was raised to eleven years by the Act of 1891.

Three classes of "persons" were dealt with by the 1878 Act: (i.) "children," *i.e.* persons "under the age of fourteen years"; (ii.) "young persons," *i.e.* "of the age of fourteen years and under the age of eighteen years"; and (iii.) "women," *i.e.* "of eighteen years of age and upwards," and a "child" of thirteen years could be employed as a "young person" on obtaining an educational certificate. But a "child" or "young person" under the age of sixteen could not be employed in a "factory" unless they obtained a certificate of fitness for employment.

No actual change in the law was made by the Act of 1895, but the provisions of the Factory Acts of 1878, 1883, and 1891 were in several respects materially amended and extended. The following were the principal alterations made by that Act. A statutory definition of "overcrowding" was made applicable to every factory and workshop which could be modified by the Secretary of State by order made in pursuance of the 1878 Act, for any period during which artificial other than electric light was used for illuminating purposes. The prohibition contained in the 1878 Act against cleaning machinery in motion was extended from children to young persons. The provisions of the 1891 Act relating to "fire escapes," etc., were extended, by giving a court of summary jurisdiction power to make orders for the provision of movable fire escapes, not involving structural alterations, wherever, in the opinion of the Court, premises were not sufficiently protected in that respect. Power was also given to a court of summary jurisdiction where a complaint was made by an inspector that a manufacturing process or handicraft could not be carried on in any factory or workshop or part thereof, without danger to health, life, or limb, by order, to prohibit such premises from being used, until such works had been executed as were, in the opinion of the Court, necessary to put them in a proper condition.

"Dangerous machines" were also dealt with in the same way, but the provisions in this respect were somewhat more stringent, for the Court could prohibit a machine from being further used altogether where it was incapable of being repaired or altered. An interim order could also be made on the "ex parte" application of an inspector, pending the hearing of the complaint in the regular way.

The enactment of the 1878 Act with respect to notice of "accidents," etc., was altogether repealed, and sec. 18 of the 1895 Act was substituted, and further provision made as to inquests, and every occupier of a factory or workshop was required to keep a "register of accidents,"

and power was given to the Secretary of State to direct a formal investigation of any accident in a factory or workshop, and, where such an investigation was held, the provisions of secs. 45 and 46 of the Coal Mines Regulation Act, 1887 (50 & 51 Vict. c. 58), were to have effect.

"Overtime" employment of "young persons," *i.e.* those under 18 years of age, was prohibited altogether under sec. 53 of the 1878 Act, and the overtime employment of "women" under that section was reduced from five days to three days in any one week, and from forty-eight days to thirty days in any one year, and under sec. 56 of that Act of from ninety-six to sixty days in a year. "Home work" was prohibited altogether in the case of "children;" and "young persons" and women who had been employed for the full number of hours in a factory and workshop, were prohibited from taking home work, or being afterwards employed in a shop. Certain new industries were brought for the first time within the scope of the Factory Acts, *i.e.* "laundries," also every dock, wharf, quay, and warehouse, and, so far as related to the process of loading or unloading therefrom or thereto, all machinery and plant used in that process, and "building" operations where steam, etc., machinery was used.

In "tenement" factories the "owner" instead of the occupier was made liable for the sanitary condition, fencing, lime-washing, posting of abstracts, notices, etc., in those factories. All "bakehouses" were brought within the provisions of the 1878 Act and of the 1883 Act, and an "underground" place which was not in use as a bakehouse on the 1st of January, 1896, was prohibited from being used as such in future. The "particulars clause" of the 1891 Act was repealed, and a new one provided.

"Dangerous trades" were brought within the operation of sec. 8 of the 1891 Act, and the Secretary of State had power to prohibit or restrict employment in such trades. This provision is not repealed by the new Act.

Adequate measures were to be taken for securing and maintaining a reasonable temperature in each room of a

factory or workshop where any person was employed, and every medical practitioner attending on or called in to visit a patient suffering from lead, phosphorus, or arsenical poisoning, or anthrax contracted in a factory or workshop, had to send to the Chief Inspector a notice giving the name and address, and the disease from which such patient was suffering, etc. Textile factories, in which atmospheric humidity was artificially produced, and which were not for the time being subject to special rules under the 1891 Act, were to be subject to the Cotton Cloth Factories Act, 1889 (52 & 53 Vict. c. 62), now repealed.

Every person who was in occupation of a "workshop" on the 1st of January, 1896, had, before the expiration of twelve months from that date, to serve on the inspector for the district a written notice containing the name of the workshop and the place where it was situate, etc., and in default, was liable to a penalty not exceeding £5, and any notice so served had to be forwarded to the sanitary authority of the district in which the workshop was situate.

CHAPTER II.

AMENDMENTS, ETC., MADE BY THE ACT OF 1901.

THE title of this Act is "An Act to consolidate with Amendments the Factory and Workshop Acts" (17th August, 1901).

This Act comes into operation in England, Wales, Scotland, and Ireland on January 1st, 1902. It contains 10 Parts, 163 Sections, and 7 Schedules. It consolidates with amendments the principal Act of 1878 and its amending Acts of 1883, 1891, 1895, and the Cotton Cloth Factories Acts, 1889 and 1897.

Amongst the many amendments made by the new Act are the following:—

The Secretary of State has now power to act in default Failure of

district
council to
take action.

of the local authority, where he is satisfied that the provisions of the Act, or of the law relating to public health (in so far as it affects factories, workshops, or workplaces), have not been carried out by district councils (sec. 4). The temperature in factories and workshops is to be regulated, and the Secretary of State may direct that thermometers be provided and maintained in every room in any factory or workshop, and may prescribe a "standard of sufficient ventilation" for any class of factories or workshops (sec. 7). The proper drainage of floors in a factory or workshop is provided for by sec. 8.

"Tempera-
ture, venti-
lation," etc.

"Steam
boilers."

The provisions as to "safety" have been amended by the providing that every "steam boiler" used for generating steam in a factory or workshop, must have attached to it a proper safety valve, a steam and water gauge, and be thoroughly examined and reported upon by a competent person at least once in every fourteen months, and such report is to be signed by the person making the examination, and if that person is the inspector of a boiler-inspecting company, by the chief engineer of the company. The report must be entered in the general register of the factory or workshop (sec. 11). The power to make orders as to dangerous machines, etc., has been extended to include such boilers (sec. 17).

Cleaning
machinery.

Children are not to be allowed to clean "any place under any machinery other than overhead mill-gearing" while the machinery is in motion: sec. 13, (1) (b).

"Fire
escapes."

Certain factories and workshops must now be provided with a certificate from the district council of the district in which the factory or workshop is situate, that they are provided with means of escape in case of fire, *from the basement to the top floor*, and the certificate must specify in detail the means of escape so provided, and such means of escape, etc., must be maintained in good condition and free from obstruction, and for the purpose of this provision the whole of the "tenement," factory or workshop, is to be deemed to be one factory or workshop, and the "owner" is to be substituted for the occupier: sec. 14 (1) (6) (7). Every

district council will now have, in addition to any other powers which they possess with reference to the prevention of fire, power to make "byelaws" providing for means of escape from fire in the case of *any* factory or workshop (sec. 15), and the power conferred by sec. 10 (1) of the 1895 Act on courts of summary jurisdiction to order the provision of movable fire-escapes, is not re-enacted.

The provisions with regard to "employment" have not been materially amended. "Employment."

In "textile" factories, however, where the period of employment for "young persons and women" on a Saturday begins at 6 a.m., that period—if *not less* than one hour is allowed for meals—has been *reduced* from one o'clock to noon, as regards any manufacturing process—and from half-past one to half-past twelve, as regards other employment. And if *less* than one hour is allowed for meals, it has been *reduced* from half-past twelve to half-past eleven, and from one o'clock to noon respectively. Where the period of employment begins at 7 a.m. the period of employment now ends at half-past twelve, as regards any manufacturing process—and at one o'clock, as regards other employment: sec. 24 (3) (a) and (b), (4).

The overtime employment of women on perishable articles has been reduced from five days to three days in any one week, and from sixty days to fifty days in the whole twelve months (sec. 50). Overtime.

In "Creameries" in which women and young persons are employed, the Secretary of State may, by Special Order, vary the beginning and end of the daily period of employment, and allow such persons to be employed for not more than three hours on "Sundays" and "holidays," but such Order is not to permit any excess over either the daily or weekly maximum number of hours of employment allowed by the Act (sec. 42). "Sunday," etc., employment in creameries.

A child under the age of twelve years must not be employed in a factory or workshop unless lawfully so employed at the commencement of the Act (1st January, 1902) (sec. 62). The age under the repealed Acts was

eleven years. The definition of a "child" now is "a person who is under the age of fourteen years, and who has not, being of the age of thirteen years, obtained a certificate of proficiency or attendance at school mentioned in Part 3 of this Act:" sec. 156 (1).

"Lavatories and meals" in dangerous trades.

In any factory or workshop where lead, arsenic, or other poisonous substance is so used as to give rise to dust or fumes, a person is not allowed to take a meal or to remain during the time allowed for meals, in any room in which any such substance is used, and suitable provision must be made for enabling the persons employed in such rooms to take their meals elsewhere in the factory or workshop (sec. 75 (2)).

"Regulations for dangerous trades."

An entirely new set of sections relating to "Regulations for dangerous trades," are to be found in the Act (secs. 79-85). It must be pointed out, however, that the existing provisions relating to "Special Rules and Requirements" contained in the Act of 1891, secs. 8-11, and 12, and the First Schedule, and secs. 12, 24 (3), and 28 of the Act of 1895 relating to the same subject, are *not* repealed, except "from a date to be fixed by Order of the Secretary of State" (sec. 161, Sched. 7, Part II.).

"Cotton cloth factories" Acts.
"Bake-houses."

The provisions of the repealed Cotton Cloth Factories Acts are now contained in secs. 90-96 of the Act.

An underground bakehouse is now defined (sec. 101 (3)). After the 1st day of January, 1904, an underground bakehouse is not to be used unless certified by the district council to be suitable for that purpose. In the event of the refusal of a certificate by the district council, the occupier may apply to a court of summary jurisdiction, and the court, if satisfied that the bakehouse is suitable for use, etc., may grant the certificate in place of the district council. Where any place has been let as a bakehouse, and the certificate required cannot be obtained unless structural alterations are made, and the occupier alleges that the whole, or part of the expenses of the alterations, ought to be borne by the "owner," he may apply to a court of summary jurisdiction, and such court may make

such order concerning the expenses, as seems to it to be "just and equitable" under the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may, at the request of the "occupier," determine the "lease" (sec. 101 (8)).

The provisions of the Act of 1895 with regard to "Laundries." laundries have been re-enacted without amendment (sec. 103).

The provisions with regard to docks, etc., has been Coaling, etc. amended by extending the process of loading or unloading to "coaling any ship in any harbour, dock, or canal," and the word "plant" in that section now includes "any gangway or ladder used by any person employed to load or unload or coal a ship," and the expressions "ship" and "harbour" are to have the same meaning as in the Merchant Shipping Act, 1894 (sec. 104). Certain rail- "Railway" way "lines and sidings," used in connection with a factory lines and sidings. or workshop, are brought within certain provisions of the Act, as if the lines or siding were part of the factory or workshop (sec. 106).

The provisions with regard to "Home Work" have "Home been amended, the effect of the amendment being, that work." whereas under the repealed Acts, outworkers lists had to be sent to the factory inspectors, and to be open to the inspection of the local authorities, they now have to be sent to the local authorities as well as the factory inspector, etc. (sec. 107). Home Work is prohibited in places where there is infectious disease, and the district council of the district in which such place is situate, may make an order forbidding any work being given out to any person living or working there. In a case of urgency this power may be exercised by any two or more members of the council acting on the advice of the medical officer of health (sec. 110).

The provisions of the Act with regard to dangerous "Domestic processes is now extended to "domestic" factories and factories," etc. workshops (sec. 112), and domestic "factories" are now defined (sec. 115).

"General registers."

General registers must be kept in every factory and workshop, showing in a "prescribed" form the prescribed particulars of certain provisions of the Act, and entries made therein by the "occupier" will be *primâ facie* evidence of the facts therein stated, and failure to make any entry required, will be admissible as *primâ facie* evidence that that provision has not been observed (sec. 129).

"Returns."

Periodical "returns" of the persons employed in a factory or workshop, are now required to be sent to the Chief Inspector of Factories at intervals of not less than one, nor more than three years (sec. 130).

"Registers of workshops."

Every district council must keep a "register of workshops" situate within their district, and the medical officer of health of every such council must, in his annual report to them, report specifically on the administration of the Act in workshops and workplaces, and send a copy of his report to the Secretary of State (secs. 131 and 132).

"Crown" factories, etc.

The Act is to apply to factories and workshops belonging to the Crown (sec. 150).

"Mill gearing."

The definition of the expression "mill gearing" has been amended by the addition of the words "or other appliance."

"Orders," etc.

All "Orders" and all "Special Rules and requirements" made or having effect under any enactment repealed by the Act, are to continue to have effect as if they had been made under this Act, etc. (sec. 160 (2)).

"Electrical stations."
"Dry cleaning," etc.

"Electrical stations," *i.e.* "any premises or that part of any premises in which electrical energy is generated or transformed for the purpose of supply by way of trade, or the lighting up of any street, public place, or public building, or of any hotel, or of any railway, or other industrial undertaking," has been added to the list of "non-textile factories." The processes of "dry-cleaning," "carpet-beating," and "bottle-washing works" have been added to the definition of non-textile factories and workshops (sec. 149, and Sched. 6, Part I. (20), Part II. (28)).

CHAPTER III.

POWERS AND DUTIES OF DISTRICT COUNCILS.

THE Factory and Workshop Act, 1901, amends and considerably extends the powers which sanitary authorities had under the repealed Acts.

It may be said generally that so far as "factories" are concerned the administration of the sanitary provisions of the Factory Act, are to be carried out by factory inspectors, but as regards "workshops" and "workplaces" the duty of carrying out those provisions and the provisions of the law relating to public health in general, so far as those places are concerned, is placed upon district councils.

Every workshop, and every workplace, within the "Health," meaning of the P. H. Act, 1875, must be kept free from effluvia arising from any drain, water-closet, earth-closet, privy, urinal, or other nuisance, and unless so kept is to be deemed to be a "nuisance," liable to be dealt with summarily under the law relating to public health. The provisions of sec. 91 of the P. H. Act, 1875 (Appx., *post*, p. 314), with respect to a factory, workshop, or workplace, not kept in a cleanly state, or not ventilated, or overcrowded, are to apply to every factory, workshop, and workplace, except any factory to which sec. 1 of the Factory Act applies; and where on the certificate of a "medical officer of health" or inspector of nuisances, it appears to any council that the limewashing, cleansing, or purifying of any such workshop or workplace, or of any part thereof, is necessary for the health of the persons employed therein, the council are to give notice to the owner or occupier of the workshop, etc., to limewash, cleanse, or purify the same, as the case may require, and if the person to whom such notice is given fails to comply therewith, he is liable to a fine not exceeding 10s. for every day during which

the default continues, and the council may cause the workshop to be limewashed, etc., and may recover the expenses incurred by them in doing so from the person in default. These provisions, however, do not apply to any workshop or workplace to which the P. H. (London) Act, 1891, applies. (Sec. 2, *post*, p. 7.)

“Over-crowding.”

A workshop for the purpose of the law relating to public health is deemed to be so “overcrowded” as to be dangerous or injurious to the health of the persons employed therein, “if the number of cubic feet of space in any room therein bears to the number of persons employed at one time in the room a proportion less than 250, or during any period of overtime 400 cubic feet of space to every person.” (Sec. 3, *post*, p. 11.)

Failure to carry out provisions.

The Secretary of State has power, if satisfied that the provisions of the Act or of the law relating to public health in so far as it affects factories, workshops, and workplaces, have not been carried out by a district council, by Order, to authorize an “inspector of factories” to take such steps as appear necessary or proper for enforcing those provisions, and an inspector so authorized is to have the same powers with respect to workshops and workplaces as he has with respect to factories, and may take the like proceedings for enforcing the provisions of the Act, or of the law relating to public health as might be taken by the district council, and can recover from the council all such expenses as are not recovered from any other person. This is a new power. (Sec. 4, *post*, p. 12.)

Powers of inspectors of factories.

Where it appears to any factory inspector that any act, neglect, or default, in relation to any drain, water-closet, etc., water supply, nuisance, etc., in a factory or workshop is punishable or remediable under the law relating to public health, but not under the Act, the inspector is to give notice in writing of the act, neglect, etc., to the district council, in whose district the factory or workshop is situate, and it is to be the duty of such council to make inquiry into the subject-matter of the notice, and take such action thereon as seems to them proper for the purpose

of enforcing the law, and they are to inform the inspector of the proceedings they take in consequence of his notice. For the purposes of this power, a factory inspector may take with him into a factory or workshop, the medical officer of health, inspector of nuisances, or other officer of the council. Where such notice is given by an inspector, and the council do not take proceedings within one month for punishing or remedying the subject-matter of the notice, the factory inspector may take the like proceedings in relation thereto as the council might have taken, and he will be entitled to recover from the council all such expenses in and about the proceedings, as he incurred, and as are not recovered from any other person, and have not been incurred in any unsuccessful proceedings. (Sec. 5, and see notes, *post*, pp. 13-16.) [With respect to the "water supply," in factories and workshops, see sec. 62 of the P. H. Act, 1875. The word "house" in that section meaning "factories and other buildings in which persons are employed in any manufacture, trade, or business."]

In every room in a workshop, sufficient means of ventilation is to be provided and maintained, and the Secretary of State may by Special Order prescribe a "standard of sufficient ventilation" for any class of workshop, and that standard is to be maintained in all workshops of that class; and a workshop in which there is a contravention of this provision is to be deemed a nuisance liable to be dealt with summarily under the law relating to public health. If the occupier of a workshop alleges that the whole or part of the expenses of providing the required means of ventilation ought to be borne by the owner, he may apply to a court of summary jurisdiction, who may make such order concerning the expenses or other apportionment as appears to it to be just and equitable, regard being had to the terms of any contract between the parties. This provision is new. (Sec. 7. See notes, *post*, pp. 18 and 19.)

In every factory or workshop, or part thereof, in which Wet floors.

any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, adequate means are to be provided for draining off the wet, and a workshop in which there is a contravention of this provision is to be deemed a nuisance liable to be dealt with summarily under the law relating to public health. This provision is new. (Sec. 8. See notes, *post*, p. 20.)

Sanitary
conveniences.

Every factory and workshop must be provided with sufficient and suitable accommodation in the way of "sanitary conveniences," regard being had to the number of persons employed or in attendance at the workshop, and where persons of both sexes are employed or in attendance, proper separate accommodation must be provided for persons of each sex. The "standard of suitable accommodation" is to be determined by the Secretary of State by Special Order. A workshop in which there is a contravention of this provision is to be deemed not to be kept in conformity with the Act, and the occupier will be liable to a fine not exceeding £10. These provisions do not apply, however, to the administrative county of London, or to any place where sec. 22 of the P. H. Acts (Amendment) Act, 1890 (Appx., *post*, p. 317), is in force. The power of the Secretary of State to determine the standard of sufficient and suitable accommodation, is new. (Sec. 9 and notes, *post*, p. 20.)

"Fire-
escapes," etc.

Every "factory" of which the construction was *not* commenced on or before the 1st day of January, 1892, and in which more than forty persons are employed, and every "workshop" of which the construction was *not* commenced before the 1st day of January, 1896, and in which more than forty persons are employed, must be furnished with a certificate from the district council of the district in which the factory or workshop is situate, that such factory or workshop is provided with such means of escape from the basement floor to the top floor, "as can reasonably be required under the circumstances of each case," and a factory or workshop not so furnished is to be

deemed not to be kept in conformity with the Act, and it is the duty of the council to examine every such factory and workshop, and where satisfied that they are so provided, to give the certificate (which must specify in detail the means of escape so provided). The latter provision is new. With respect to factories and workshops, the construction of which was commenced before those dates, the district council must from time to time ascertain whether all the factories and workshops within their district are provided with such means of escape, and where they are not so provided they must serve on the "owner" a notice in writing specifying the measures necessary for providing such means and requiring him to carry them out before a specified date, and the owner, notwithstanding any agreement with the occupier, is to have power to take such steps as are necessary for complying with the requirements of the council, and if he does not comply therewith he is liable to a fine not exceeding £1 for every day that the non-compliance continues, and where there is a difference of opinion between the owner and the council in relation to this provision, the difference is on the application of the owner or the council, to be made within one month after the time when the difference arises, to be referred to arbitration, and thereupon the provisions of the first schedule of the Act are to apply, and the award on the arbitration will be binding on both parties. For the purpose of enforcing the foregoing provisions, a factory inspector may give the like notice and take the like proceedings under the provisions of the Act with respect to matters punishable or remediable under the law relating to public health. The means of escape are to be maintained in good condition and free from obstruction, and if not so maintained the occupier will be liable to a fine not exceeding £10. For the purposes of this provision, the whole of a "tenement" factory or workshop is to be deemed one factory or workshop, and the "owner" is to be substituted for the occupier. The latter two provisions are new. All expenses incurred by a district council in

this relation are to be defrayed (*a*) in the case of an "urban" district council, as part of their expenses of the general execution of the P. H. Act, 1875; and (*b*) in the case of a "rural" district council, as special expenses incurred in the execution of that Act, and those expenses are to be charged to the contributory place in which the factory or workshop is situate. (Sec. 14. See notes to that section, *post*, pp. 31-35.)

County of
London.

In the application of the foregoing provisions to the administrative county of London, the London County Council is to take the place of a district council: sec. 153.

"Byelaws" as
to fire-escapes.

Every district council is now to have, in addition to any powers which they already possess with reference to the prevention of fire, power to make "byelaws" providing for means of escape from fire in *any* factory or workshop, and secs. 182-186 of the P. H. Act, 1875, are to apply to any byelaw so made. This provision is new, and replaces sec. 10 (1) of the 1895 Act, which gave to courts of summary jurisdiction power to order the occupiers of factories and workshops to provide and maintain movable fire-escapes. In the application of these provisions to the administrative county of London, the London County Council are to take the place of a district council: sec. 153 (2). (Sec. 15.)

Unhealthy,
etc., workshop.

The power of a court of summary jurisdiction to make orders as to unhealthy or dangerous factories or workshops are not applicable where proceedings may be taken by or at the instance of a district council under the provisions of the law relating to public health. (Sec. 18.)

"Bake-
houses."

Where a court of summary jurisdiction is satisfied on the prosecution of a district council that any room or place used as a "bakehouse" is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier is to be liable to a fine not exceeding, for the first offence, 40s., and for any subsequent offence £5, and the court, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier for

the purpose of removing the ground of complaint. (Sec. 98, *post*, p. 146.)

An "underground bakehouse" (which is now defined) "Under-ground" bakehouses. is not to be used as a bakehouse "unless it was so used at the passing of this Act," viz., August 17, 1901. After the 1st of January, 1904, an underground bakehouse is not to be used, unless certified by the district council to be suitable for that purpose; and it is not to be certified as suitable, unless the council is satisfied that it is suitable as regards "construction, light, ventilation, and in all other respects," and these provisions are to have effect as if they were included among the provisions relating to bakehouses which are referred to in sec. 26 of the P. H. (London) Act, 1891 (*Appx.*, *post*, p. 320). If the district council refuse to give a certificate, the occupier may, within twenty-one days from the refusal, apply to a court of summary jurisdiction, and if it considers the bakehouse is suitable, it will thereupon grant a certificate, which is to have the same effect as if granted by the council. Where any place has been let as a bakehouse, and the certificate cannot be obtained unless alterations are made, and the occupier alleges that the whole or part of the expenses of the alterations ought to be borne by the "owner," he may apply to a court of summary jurisdiction, and the court may make such order concerning the expenses, etc., as appears to it "to be just and equitable," regard being had to the terms of any contract between the parties, etc. The whole of the latter provisions are new. (Sec. 101, *post*, p. 148.)

As respects "retail" bakehouses (which are defined) "Retail" bakehouses. the foregoing provisions are to be enforced by the district council of the district in which such bakehouse is situate, and for that purpose the medical officer of health of the district council is to have and may exercise all the powers of entry, inspection, taking legal proceedings, and otherwise of an inspector under sec. 119 of the Act. (Sec. 102, *post*, p. 151.)

The provisions of the repealed Acts with regard to "Laundries."

laundries have been re-enacted without amendment. District councils will therefore have the same powers with regard to "workshop" laundries, as they had under those Acts. (Sec. 103, *post*, p. 152.)

"Out-
workers"
lists.

An important amendment has been made with regard to "home work." The occupier of every factory and workshop and every contractor employed by any such occupier in the business of the factory or workshop, must keep in the prescribed form and manner, and with the prescribed particulars, "lists" showing the names and addresses of the persons directly employed by him either as workmen or as contractors in the business of the factory or workshop outside the factory or workshop, and the places where they are employed; and must send, on or before the 1st day of February and the 1st day of August in each year, copies of those lists to the district council of the district in which the factory or workshop is situate; and every district council must cause the lists so received to be examined, and must furnish the name and the place of employment of every outworker included in such list, whose place of employment is outside their district, to the council of the district in which his place of employment is. The lists so to be kept, are to be open to inspection by any officer duly authorized by the district council, and the copies sent to the council, and the particulars furnished by one council to another, are to be open to inspection by any factory inspector. These provisions apply to any place from which any work is given out, and to the occupier of that place, and to every contractor employed by any such occupier in connection with the said work, as if that place were a workshop. A contravention by the occupier of a factory, workshop, or place, or by a contractor, renders them liable to a fine not exceeding 40s., and in case of a second or subsequent offence, not exceeding £5. (Sec. 107, *post*, p. 172.)

Factories,
etc., injurious
to health.

If the district council within whose district is situate a place in which work is carried on for the purpose of or in connection with the business of a factory or workshop,

give notice in writing to the occupier of the factory or workshop, or to any contractor employed by any such occupier, that that place is injurious or dangerous to the health, then, if the occupier or contractor after the expiration of one month from the receipt of the notice, gives out work to be done, and that place is found by the court having cognizance of the case to be so injurious or dangerous, he will be liable to a fine not exceeding £10. This provision is to apply in the case of the occupier and any place from which any work is given out as if that place were a workshop, but this provision is not to apply except in the case of persons employed in such classes of work as the Secretary of State may specify by Special Order. (Sec. 108, *post*, p. 174.)

If any inmate of a house is suffering from any of the infectious diseases to which the following provision applies, the district council of the district in which the house is situate may make an order forbidding any work to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or workshop, or of any other place from which work is given out, or on the contractor employed by any such occupier. This order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order must be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the medical officer of health or that other reasonable precautions be adopted. In a case of urgency these powers may be exercised by any two or more members of the council acting on the advice of the medical officer of health. If any occupier or contractor on whom an order has been served contravenes the provisions of the order, he is liable to a fine not exceeding £10. For the infectious diseases to which these provisions apply, see notes to sec. 110, *post*, p. 176. The foregoing provisions are new.

"Domestic"
workshops.

The provisions of the Act with respect to ventilation and the drainage of floors do not apply to domestic workshops, and the exercise in a private house or private room by the family dwelling therein, of manual labour by way of trade or for the purposes of gain in or incidental to certain handicrafts, is not of itself to constitute that house or room a domestic workshop. (Secs. 111 (3) (e), and 114, *post*, pp. 179 and 180.)

Weights and
measures.

Every Act for the time being in force relating to weights and measures is to extend to weights, measures, etc., and weighing machines, used in any 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 the factory or workshop were a place where goods are kept for sale, and every inspector, etc., of weights and measures is to inspect, stamp, mark, search for, and examine such weights, etc., and is to have the same powers and duties as he has in relation to weights, etc., used in the sale of goods. (Sec. 117, *post*, p. 194.)

Powers of
local
authorities
and their
officers.

For the purpose of their duties with respect to workshops and workplaces under this Act, and under the law relating to public health, the district council 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 Act. (Sec. 125, and see sec. 119.)

Notice of
occupation of
a workshop.

Where an inspector of factories receives notice of the occupation of a "workshop" he must forward the notice to the district council of the district in which the workshop is situate. (Sec. 127 (3).)

Registers of
workshops.

Every district council must keep a register of all workshops situate within their district. (Sec. 131.)

Report of
medical officer
of health on
administra-
tion of Act.

The medical officer of health of every district council must, in his annual report to them, report specifically on the administration of this Act in workshops and workplaces, and he must also send a copy of his annual report, or so much of it as deals with this subject, to the Secretary of State. (Sec. 132, *post*, p. 207.)

Where any woman, young person, or child is employed in a workshop, in which no abstract of the Act is affixed as required, and the medical officer of health of a district council becomes aware thereof, he must forthwith give written notice thereof to the inspector for the district. (Sec. 133, *post*, p. 208.)

Notice by
medical officer
of health.

As to legal proceedings under the Act, see secs. 135-148.

Legal pro-
ceedings.

The powers conferred by the Act on a district council or other local authority are, in the case of a factory or workshop belonging to, or in the occupation of the Crown, to be exercised by a factory inspector. (Sec. 150 (3).)

Crown work-
shops.

References in the Act to a district council and the district thereof, are to be construed as including references to the council of a county borough, and the county borough. (Sec. 154.)

County
boroughs.

The powers conferred by the Act on district councils are to be in addition to, and not in substitution for, any other powers which they may possess. (Sec. 155.)

Saving for
existing
powers of
district
councils.

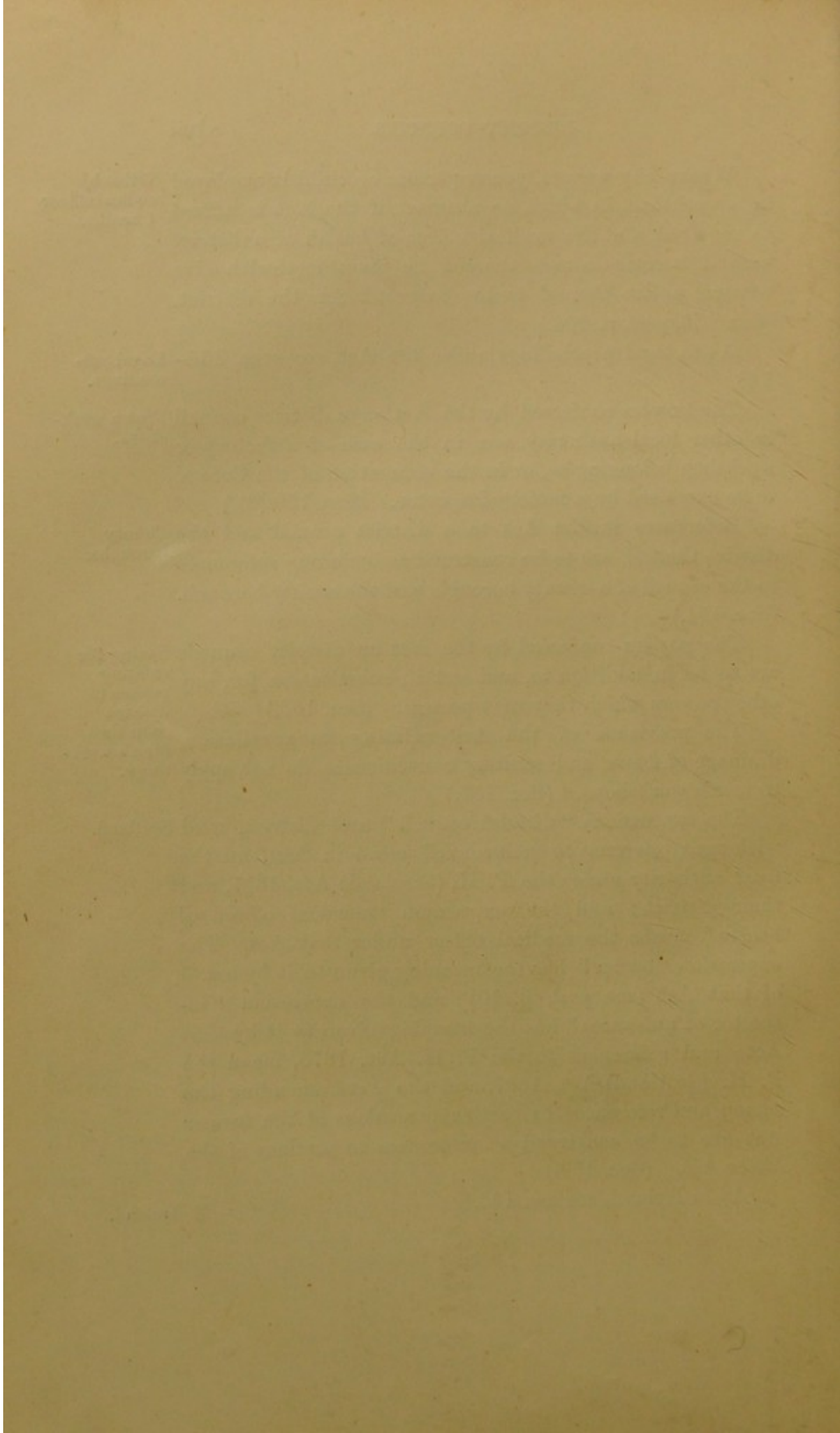
The provision of the Act relating to ventilation, drainage of floors, and sanitary conveniences, do not apply to men's workshops. (Sec. 157.)

Men's work-
shops.

The expressions "district council" and district, used with such reference to such council, mean in Scotland the local authority under the P. H. (Scotland) Act, 1897, and their district; and the expression "medical officer of health" means the medical officer under that Act. The expression "owner" has the meaning given to it by sec. 3 of that Act (see *post*, p. 10); and the expression "inspector of nuisances" has the meaning given to it by that Act; and references to the P. H. Act, 1875, mean the P. H. (Scotland) Act, 1897, and the Acts amending the same; and references to particular sections of the former Act are to be construed as references to sections of the latter Act. (Sec. 159.)

As to Ireland, see sec. 160.

Ireland.



THE LAW RELATING TO FACTORIES AND WORKSHOPS.

FACTORY AND WORKSHOP ACT, 1901.

(1 EDW. VII. CAP. 22.)

An Act to consolidate with Amendments the Factory
and Workshop Acts. [17th August, 1901.]

BE it 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, as follows :—

PART I.

HEALTH AND SAFETY.

(i.) *Health.*

Sec. 1.

1.—(1.) The following provisions shall apply to every factory as defined by this Act, except a domestic factory :—

Sanitary condition of factory. (1878), ss. 3, 33, 101. (1891), ss. 3, 5, 39.

(a.) It must be kept in a cleanly state ;

(b.) It must be kept free from effluvia arising from any drain, watercloset, earthcloset, privy, urinal, or other nuisance ;

Sec. 1. 2 THE LAW RELATING TO FACTORIES AND WORKSHOPS.

(c.) It must not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein;

(d.) It must 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.

38 & 39 Vict.
c. 55.

(2.) The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory to which this section applies.

(3.) For the purpose of securing the observance of the requirements in this section as to cleanliness in factories, all the inside walls of the rooms of a factory, and all the ceilings or tops of those rooms (whether those walls, ceilings, or tops are 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 (subject to any special exceptions made in pursuance of this section) be limewashed once at least within every fourteen months, to date from the time when they were 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 time when they were last washed.

(4.) Where it appears to the Secretary of State that in any class of factories, or parts thereof, the provisions of this section with respect to limewashing or washing 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 Special Order grant to that class of factories, or parts thereof, a special exception that the said provisions shall not apply thereto.

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

The provisions of this section apply to every factory as defined by the Act except domestic factories: sec. 111 (2) (*f*). And this and the following eight sections relating to "health" apply to certain laundries: sec. 103 (1) (*d*).

Sub-sec. (1).—The expression "factory" means a textile factory and a non-textile factory, or either of those descriptions of factories; see the meaning of "textile" and "non-textile" factories in sec. 149. For definition of a "domestic" factory, see sec. 115.

In "tenement" factories (defined by sec. 149 (1)) the "owner" instead of the occupier is liable for the observance, and punishable for the non-observance, of the provisions of this section with respect to the cleanliness, freedom from effluvia, overcrowding, ventilation, and, so far as they relate to any engine-house, passage, or staircase, or room, etc., limewashing, etc., of the interior of such factories: sec. 87 (1) (*i*), *post*, p. 135.

(*c*.) "Overcrowding" is defined in sec. 3, *infra*.

(*d*.) The word "process" includes the use of any locomotive: sec. 156, *post*, p. 241.

Sub-sec. (2).—The duty of enforcing the provisions of this section as to cleanliness, ventilation, and overcrowding in the factories to which it applies is placed upon inspectors of factories, who are to administer all the provisions of this section in those factories: see the provisions of sec. 91 of the P. H. Act, 1875, Appx., *post*, p. 314.

Sub-sec. (4).—The power of the Secretary of State to make or rescind special orders is conferred by sec. 126, *post*, p. 203; the expression "special order" means an order which is subject to the provisions of that section.

All "orders," etc., made or having effect under any enactment repealed by this Act are to continue to have effect as if they had been made under this Act: sec. 161 (2).

The following Orders were made under sec. 33 of the 1878 Act, as amended by the 1891 Act (now sec. 1, *supra*):—

ORDERS.

ORDER OF THE SECRETARY OF STATE, DATED NOVEMBER 16, 1895,
CONSOLIDATING THE PREVIOUS ORDERS GRANTING SPECIAL
EXCEPTION:—LIMEWASHING, ETC. (*L. G.* 1895, December 10;
St. R. & O., 1895, p. 242).

And whereas it appears to me that in the non-textile factories specified in Schedule A. hereto, and in such non-textile factories and parts of non-textile factories as are specified in Schedule B. hereto, the regulations in the said section are not required for the purpose of securing therein the observance of the requirements of the Act as to cleanliness, or are by reason of special circumstances inapplicable:

Now I, the Right Honourable Sir Matthew White Ridley, Baronet, one of Her Majesty's Principal Secretaries of State, by this Order made under Part II. of the Factory and Workshop Act, 1878, grant to the non-textile factories specified in Schedule A. hereto, and to such non-textile factories and parts of non-textile factories as are specified in Schedule B. hereto, a special exception that the regulations in section 33 of the said Act shall not apply thereto: (*now sec. 1, supra*).

Provided nevertheless as to both Schedule A. and Schedule B. that nothing in this Order shall be taken to affect the obligation of keeping a factory in a cleanly state, as prescribed by section 3 of the said Act: (*now sec. 1, supra*).

Provided also, as to Schedule B.:—

- (1.) That the special exception shall not apply to such factory or part of a factory as does not afford clear 300 cubic feet for each person employed therein.
- (2.) That if it appear to an inspector that any factory or part of a factory for which 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 such factory, or part of a factory.

This Order shall come into operation on the first day of January, 1896, and shall continue in force until revoked.

The Orders of the 20th December, 1882, 11th June, 1894, and 19th March, 1895, as to limewashing, are hereby revoked from the 1st day of January, 1896.

SCHEDULE A.

The whole of the following non-textile factories :—

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

SCHEDULE B.

Foundries other than foundries in which brass mixing or brass casting is carried on.

Parts of non-textile factories as hereinafter mentioned :—

1. Such warerooms 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.
2. Such parts of any non-textile factory as are subject to the influence of steam evolved in the process of manufacture.
3. Such parts of any non-textile factory as are places in which pitch, tar, or like material is used.
4. Such parts of any non-textile factory as are places in which unpainted or unvarnished wood is manufactured.
5. Such parts of any non-textile factory as are places in which any metal other than brass is moulded, cast, or founded.
6. Such ceilings or tops of rooms in any non-textile factory as are of slate or iron or are at least 20 feet from the floor.
7. All ceilings or tops of rooms in any non-textile factory in which any of the following occupations are carried on :—

Sec. 1. 6 THE LAW RELATING TO FACTORIES AND WORKSHOPS.

Print works.
Bleach works.
Dye works.
Engineering and machine shops.
Agricultural implement making.
Coachmaking.
Fellmongers, curriers, tanners.
Making of aerated water.
Making of preserved fruit, sweetmeats, bonbons.
Engraving.
Manufacture of starch, soap, candles.
Cornflour mills.
Manufacture of watch movements, shaving, boring,
turning, and fitting of brass.

ORDER OF THE SECRETARY OF STATE, DATED FEBRUARY 8, 1896,
GRANTING SPECIAL EXCEPTION: LIMEWASHING, ETC. (*L. G.*
1896; February 14, *St. R. & O.*, 1896, p. 106.)

And whereas it appears to me that in the parts of shipbuilding works, gun factories, engineering and machine shops, in which the number of cubic feet of space bears to the number of persons employed therein at one time a proportion not less than 2,500 to every person, the regulations in the said section are not required for the purpose of securing therein the observance of the requirements of the Act as to cleanliness:

Now I, the Right Honourable Sir Matthew White Ridley, Baronet, one of Her Majesty's Principal Secretaries of State, by this Order, made under sec. 33 (*now sec. 1, supra*) of the Factory and Workshop Act, 1878, grant to the following non-textile factories,—

SHIPBUILDING WORKS.
GUN FACTORIES,
ENGINEERING AND MACHINE SHOPS,

a special exception that the regulations in section 33 of the said Act shall not apply thereto:

Provided—

- (1.) that the special exception shall not apply to such part of a factory as does not afford clear 2,500 cubic feet for each person employed therein;
- (2.) that nothing in this Order shall be taken to affect the obligation of keeping a factory in a cleanly state, as

prescribed by section 3 of the said Act (*now sec. 1, supra*);

- (3.) that if it appear to an inspector that any part of a factory to which this exception applies is not in a cleanly state, he may, by written notice, require the occupier to lime-wash 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 such part of a factory.

Sub-sec. (5).—A factory not kept in conformity with this section, renders the “occupier” liable to a fine not exceeding £10, and in the case of a second or subsequent conviction within two years from the last conviction for the same offence, not less than £1 for each offence; and a 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 bringing his factory into conformity with this Act; but the Court may, on application, enlarge the time so named if, after the expiration of the time so or as originally named or enlarged by subsequent order, the order is not complied with, the occupier is liable to a fine of £1 per day whilst such non-compliance continues: sec. 135.

Scotland.—The reference to sec. 91 of the P. H. Act, 1875, is to be construed as reference to sec. 16 of the P. H. (Scotland) Act, 1897 (60 & 61 Vict. c. 38): sec. 159 (17).

Ireland.—The reference to sec. 91 of the P. H. Act, 1875, is to be construed as reference to sec. 107 of the P. H. (Ireland) Act, 1878 (41 & 42 Vict. c. 52): sec. 160 (13).

2.—(1.) The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace, not kept in a cleanly state, or not ventilated, or overcrowded, shall apply to every factory, workshop, and workplace, except any factory to which the last preceding section applies.

Sanitary condition of workshops and workplaces.
38 & 39 Vict. c. 55.
(1878), s. 101.
(1891), s. 4.

(2.) Every workshop and every workplace within the meaning of the Public Health Act, 1875, must be kept free from effluvia arising from any drain, water-closet, earthcloset, 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.

(3.) Where on the certificate of a medical officer of health or inspector of nuisances it appears to any district council 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 council 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.

(4.) 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 council may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

54 & 55 Vict.
c. 76.

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

Sub-sec. (1).—This sub-section puts upon councils the duty of seeing that “workshops” or “workplaces” (and factories to which sec. 1 does not apply) are kept in a cleanly state, ventilated, and not overcrowded. The definition of “overcrowding” in sec. 3 (1) *infra*, applies also to “workshops.” See sec. 91, P. H. Act, 1875, Appx., *post*, p. 314. See also note to sec. 1, sub-sec. (2), *supra*.

A “workshop” is defined in sec. 149, *post*, p. 222, and that expression includes a “tenement workshop,” which is also defined by the same section. There is no definition, however, of the word “workplace” in this Act, nor in the P. H. Act, 1875, nor the P. H. (Amendment) Act, 1890, nor in the P. H. (London) Act, 1891. The expression “workplace” is used in the P. H. Act, 1875, sec. 91 (6), and again in the P. H. (London) Act, 1891, secs. 25 (2) and 38. In a case under sec. 38 (1) of the latter Act, the question was whether a certain stable and stable-yard—belonging to a person who let out daily cabs and horses for hire, and who had

neglected to provide sufficient sanitary conveniences for his horse-keepers and customers—was a “workplace” within the meaning of that section. “The first question we have to consider is whether this stable-yard is a workplace. Even assuming that the doctrine of *ejusdem generis* applies—and I am not sure that it does apply—but assuming that it does apply, it does not seem to me to mean a similarity with a factory or workshop in the work that is done there, but the meaning is that it must be a similarity having reference to the objects of the Act of Parliament, a similarity in keeping persons employed there for any considerable length of time; a similarity, in fact, in so far as the matters are concerned which go to make up the objects of this enactment, but not a similarity as to the work done in a workshop or factory. A workplace must be a place where work is done permanently, and where people assemble together to do work permanently of some kind or other; though I do not say that the mere presence of workmen in repairing a private house would make it a workplace. That being so, these stables are, I think, a workplace within the meaning of the Act”: *per* Channell, J., *Bennett v. Harding*, (1900) 2 Q. B. 397, 69 L. J. Q. B. 701, 83 L. T. 51, 48 W. R. 647, 64 J. P. 676, 16 T. L. R. 445. A “workplace” may therefore be said to be any premises, rooms, offices, or places which are not factories or workshops subject to the provisions of the Act, and where persons carry on work within a limited area by way of trade or business or for the purposes of gain. Cf. definition of tenement workshop, sec. 149, *post*, p. 222.

Sub-sec. (2).—The nuisance clauses of the P. H. Act, 1875, are secs. 91–111. The summary proceedings to be taken are those under secs. 251, 253, 254, 257, 259, 260, 261 of the P. H. Act, 1875: sec. 6 of the P. H. Acts (Amendment) Act, 1890, and secs. 117–126 of the P. H. (London) Act, 1891. Scotland under secs. 146–171 of the P. H. (Scotland) Act, 1897; Ireland under secs. 249–264 of the P. H. (Ireland) Act, 1878.

Sub-sec. (3).—“Owner,” within the meaning of the P. H. Act, 1875 (sec. 4), means “the person for the time being receiving the rackrent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rackrent:” sec. 156. As to powers of local authorities and their officers, see sec. 125.

Sub-sec. (5).—This section is not to apply to any workshop or workplace which is not a factory subject to the provisions of this Act, relating to cleanliness, ventilation, and overcrowding. See P. H. (London) Act, 1891, secs. (2) (g); 25, Appx., *post*, pp. 318,

Sec. 2. 10 THE LAW RELATING TO FACTORIES AND WORKSHOPS.

319; but it is applicable to all workshops as defined by sec. 149, *post*, p. 222, including "men's workshops" (sec. 157), domestic factories.

References to a district council and the district thereof are to be construed as including references to the council of a county borough and the county borough: sec. 154, *post*, p. 240. As regards the city of London, references in the Act to a district council and the district thereof shall (except with regard to the provisions relating to the means of escape from fire (sec. 14) and the power to make bye-laws providing for such (sec. 15)) be construed as references to the court of common council and the city; and as regards any other part of the administrative county of London, as references to the council of a metropolitan borough and the metropolitan borough: sec. 153. The powers conferred by this Act on all such councils are to be in addition to, and not in substitution for, any other powers which they may possess: sec. 155.

Scotland.—The expression "district council" and "district," used in reference to such council, means the local authority under the P. H. (Scotland) Act, 1897 (60 & 61 Vict. c. 38), and their district. The expression "owner" has the meaning given to it by the P. H. (Scotland) Act, 1897, sec. 3, viz. "the person for the time entitled to receive, or who would, if the same were let, be entitled to receive, the rents of the premises, and includes a trustee, factor, tutor, or curator, and in case of public or municipal property, applies to the persons to whom the management thereof is entrusted." References to the P. H. Act, 1875, mean references to the P. H. (Scotland) Act, 1897, and the Act amending the same; and references to secs. 91 and 182-186 of the former Act are to be construed respectively as references to secs. 16 and 183-187 of the latter Act: sec. 159 (17), *post*, p. 245. The expression "medical officer of health" means the medical officer under the P. H. (Scotland) Act, 1897; and "inspector of nuisances" means the sanitary inspector within the meaning of that Act: sec. 159 (3) and (15).

Ireland.—The provisions of sec. 107 of the P. H. (Ireland) Act, 1878 (41 & 42 Vict. c. 52), with respect to a factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, is not to apply to any "factory" which is subject to the provisions of this section, but they are to apply to every other factory, workshop, or workplace: sec. 160 (11), *post*, p. 248. The expression "district council" is not defined with reference to Ireland. References to the P. H. Act, 1875, are to be substituted for references to the P. H. (Ireland) Act, 1878, and in particular

secs. 2, 107, and 219-223 of the latter Act are to be substituted for secs. 4 (definitions), 91 (definitions of nuisances), and 182-186 (bye-laws), of the former Act respectively : sec. 160 (13). The expression "owner" means the same as that in the P. H. Act, 1875 ; see *supra*. The expression "medical officer of health" includes a medical superintendent of health : sec. 160 (5).

3.—(1.) A factory shall for the purposes of this Act, and a workshop shall for the purposes of the law relating to public health, be deemed to be so over-crowded as to be dangerous or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed at one time in the room a proportion less than two hundred and fifty, or, during any period of overtime, four hundred, cubic feet of space to every person.

Over-crowd-
ing of factory
or workshop.
(1895), s. 1,
1901.

(2.) Provided that the Secretary of State may, by Special Order, modify this proportion for any period during which artificial light other than electric light is employed for illuminating purposes, and may, by like order, as regards any particular manufacturing process or handicraft, substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and thereupon this section shall have effect as modified by the order.

(3.) Where a workshop or workplace, not being a domestic workshop, is occupied by day as a workshop and by night as a sleeping apartment, the Secretary of State may by Special Order modify the proportion of cubic feet of space prescribed by this section, and substitute therefor any higher figures, and thereupon this section shall have effect as modified by the order.

(4.) There shall be affixed in every factory and workshop a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of this section.

Sub-sec. (3) is new.

This section defined "overcrowding" in a factory and workshop. The provision of this section with respect to overcrowding in "workshops" is to be carried out by district councils under the P. H. Acts, 1875, and the P. H. (London) Act, 1891, and not by inspectors of factories. See also the P. H. Acts (Amendment) Act, 1890, sec. 38.

The cubic feet of space can be measured according to the actual "space" in any particular room of a factory or workshop.

For a summary of the duties, etc., of "councils" under the Act, see *ante*, p. xxxvii.

Sub-sec. (3).—A domestic workshop is defined in sec. 115, *post*, p. 181.

Sub-sec. (4).—The notice specifying the number of persons who may be employed under this section must be affixed at the entrance of every factory and workshop (other than a domestic factory or workshop: see sec. 111 (4) (b)), in such parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the proscribed form and in such a position as to be easily read by the persons employed in the factory or workshop: sec. 128 (1), *post*, p. 205. A contravention of this provision renders the occupier of such factory or workshop liable to a fine not exceeding 40s.: *ib.* (2).

Power of
Secretary of
State to act
in default of
local au-
thority.
1901.

4.—(1.) If the Secretary of State is satisfied that the provisions of this Act, or of the law relating to public health in so far as it affects factories, workshops, and workplaces, have not been carried out by any district council, he may, by order, authorize an inspector to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing those provisions.

(2.) An inspector authorised in pursuance of this section shall, for the purpose of his duties thereunder, have the same powers with respect to workshops and workplaces as he has with respect to factories, and he may, for that purpose, take the like proceedings for enforcing the provisions of this Act or of the law relating to public health, or for punishing or remedying any default as might be taken by the district council; and he shall be entitled

to recover from the district council all such expenses in and about any proceedings as he may incur, and as are not recovered from any other person.

This section is new, and replaces sec. 1 of the 1891 Act.

An "inspector" under this Act means an inspector appointed by the Secretary of State under sec. 118 (1).

An inspector can only act in pursuance of this section under an order of the Secretary of State. "Order" apparently means "instructions" or "directions." Cf. sec. 126.

For provisions of the law relating to public health affecting factories, workshops, and workplaces, see Appx., *post*.

5.—(1.) Where it appears to an inspector that any act, neglect, or default, in relation to any drain, watercloset, earthcloset, privy, ashpit, water-supply, nuisance, or other matter in a factory or workshop, is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of the act, neglect, or default, to the district council in whose district the factory or workshop is situate, and it shall be the duty of the district council to make such inquiry into the subject of the notice, and take such action thereon, as seems to that council proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

Powers of inspector as to sanitary defects in factory or workshop remediable by sanitary authority.
(1878), s. 4.
(1891), s. 2(2).
(1895), s. 3.

(2.) An inspector may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the district council.

(3.) Where notice of an act, neglect, or default, is given by an inspector under this section to a district council, and proceedings are not taken within one month for punishing or remedying the act, neglect, or default, the inspector may take the like

proceedings for punishing or remedying the same as the district council might have taken, and shall be entitled to recover from the district council all such expenses in and about the proceedings as the inspector incurs and as are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

This section provides a remedy for sanitary defects, etc., in those factories and workshops which do not come within the operation of this Act, and which are therefore subject to the general law relating to public health and within the jurisdiction of district councils, and specifically gives to an inspector power which he has not otherwise. As to the general powers of inspectors under this Act, see sec. 119.

This section does not override the right of a council acting on the report of their surveyor under sec. 38 of the P. H. Act, 1875 (Appx., *post*, p. 314), to require the owner or occupier of a house used as a factory in which persons of both sexes are employed, to construct sufficient privy accommodation, etc., for the separate use of each sex, and which renders any such owner or occupier neglecting or refusing to comply with such order liable to a penalty not exceeding £20, and a further fine of 40s. for every day during which the default is continued.

By sec. 2 (1) (*g*) of the P. H. (London) Act, 1891 (Appx., *post*, p. 318), any factory, workshop, or workplace which is not a factory subject to the provisions of the Factory Acts relating to cleanliness, ventilation, and overcrowding, and is not kept in a cleanly state, etc., ventilated, and is overcrowded, etc., is a nuisance liable to be dealt with summarily under that Act. See also *ib.*, secs. 25-27, *post*, pp. 319, 320.

This section also applies to "men's workshops," sec. 157, and to laundries, sec. 103 (1) (*d*).

The words in the last two lines of sub-sec. (1), "and to inform the inspector of the proceedings taken in consequence of the notice," would appear to mean that it is the duty of the district council, where they have acted upon the notice, to give the inspector details of their proceedings, such as sending him a copy of the "notice" served by them on the occupier. Cf. last two lines of sec. 14 (1), *post*.

Sub-secs. (1) and (2).—The words "where it appears," in sub-sec. (1) seem to imply that the inspector is to be the sole judge as to whether an "act, neglect, or default" exists in relation to any

drain, watercloset, etc. The council, though bound to "inquire" into the subject-matter of the notice, need not apparently take any "action" upon the notice if after such "inquiry" they think "proper" that they should not take any proceedings for enforcing the law. The words "like proceedings" seem, however, to point to something more than a mere deliberation by the council upon the "notice" of the inspector. It may mean that the inspector having formed a judgment that an act, neglect, or default, punishable or remediable under the law relating to public health, does in fact exist, the council must, without going behind such judgment, proceed to enforce the act, neglect, or default so "appearing" to the inspector to be punishable or remediable by law. The words in sub-sec. (3), "for punishing or remedying the act, neglect, or default," would seem to strengthen this contention, for if the inspector is not to have a legal discretion as to what is in fact an act, neglect, or default, the power given to him to take "proceedings for punishing or remedying the same" would have no effect. Again, the words "like proceedings" in the same subsection seem to imply that the act, neglect, or default must be something real and of a nature which, if the council did their duty, they would have proceeded to punish or cause to be remedied. The power conferred upon an inspector by sub-sec. (2) supports the view that the inspector is to be sole judge of the act, neglect, or default referred to in sub-sec. (1), for the object of conferring this power must be to enable him to form a proper judgment before he acts.

Sub-sec. (3).—The inspector's legal right to take action under this section does not come into force unless and until he has given "notice" to the council that it "appears" to him that some sanitary defect existed, and until he has waited a full month after giving such notice and the council have failed to take any steps to punish or remedy the defect, etc., which he has already found as a fact exists. The words "like proceedings" refer to proceedings which the council might have taken if they had on their own initiative taken steps to have such act, neglect, etc., remedied or punished.

The word "expenses" is not confined to legal expenses; it also includes all such expenses as may be incurred by an inspector, in and about taking any remedial measures which the council might have taken, such as the carrying out of any alterations, etc., or other measures necessary to bring the act, neglect, or default into conformity with the law, provided, of course, such were within the powers of the council. But in order to entitle the inspector to recover "all such expenses," the "proceedings" must not have been unsuccessful.

If, therefore, the measures taken by the inspector to punish or remedy the act, neglect, or default failed, neither the owner or occupier of the particular factory, etc., in question nor the council would be liable for the expenses of the abortive "proceedings."

Where the "like proceedings" contemplated by this section are taken by an inspector on default by a council, a court of summary jurisdiction has no power to inquire into the necessity for, or reasonableness of, the requirements specified in any notice given to an owner or occupier of a factory or workshop by an inspector under the law relating to public health: *Hargreaves v. Taylor* (1863), 3 B. & S. 613; *Bogle v. Sherborne Local Board* (1880), 46 J. P. 675; *Robinson v. Sunderland Corporation* (No. 2) (1899), 1 Q. B. 751; 68 L. J. Q. B. 330; 80 L. T. 262; 63 J. P. 341; *Stroud v. Wandsworth Board of Works* (1894), 2 Q. B. 1; 63 L. J. M. C. 88; 70 L. T. 190; 10 T. L. R. 232; 58 J. P. 652; *Tracey v. Pretty* (1901), 1 Q. B. 444; 70 L. J. K. B. 234; 83 L. T. 767; 49 W. R. 282; 65 J. P. 196; 17 T. L. R. 200.

A factory inspector gave notice (under the similar provisions of the repealed Factory Acts) to a sanitary authority that there was a deficiency of sanitary accommodation in a certain factory within their district. The sanitary authority took no proceedings within a reasonable time beyond the statutory period for punishing or remedying the same. The inspector thereupon gave notice to the factory owner under the law relating to public health, requiring him to erect certain specified sanitary conveniences. The owner failed to comply with this notice. Upon proceedings before justices against the owner for failing to comply with the requirements of the notice, the inspector contended that the justices had no jurisdiction to hear evidence upon or to decide the question of the suitability or sufficiency of the accommodation existing in the factory, or required by the notice. On behalf of the factory owner it was contended that these matters were questions of fact which the justices had jurisdiction to decide upon evidence to be given before them. The justices decided in favour of the latter contention, and heard evidence on both sides, and upon the evidence dismissed the summons. Held, on a case stated by the justices (by Lord Alverstone, C.J., Grantham, Bruce, Darling, J.J., Phillimore, J., dissenting), that the justices had no jurisdiction to inquire into the suitability or sufficiency of the sanitary accommodation existing at the factory, or required by the notice of the inspector. *Tracey v. Pretty, supra*. Where proceedings are taken by an inspector under this section, and a notice is given by him to a factory owner under sec. 22 of the P. H. Acts (Amendment) Act, 1890 (App., *post*, p. 317), an appeal lies to Quarter Sessions

under sec. 7 of that Act, from the requirement of the factory inspector (*ib.*).

As to appeals to Quarter Sessions generally under this Act, see sec. 145.

6.—(1.) In every factory and workshop adequate measures must be taken for securing and maintaining a reasonable temperature in each room in which any person is employed, but the measures so taken must not interfere with the purity of the air of any room in which any person is employed.

Temperature
in factories
and work
shops. (1895),
s. 32.
1901.

(2.) The Secretary of State may, by Special Order, direct with respect to any class of factories or workshops that thermometers be provided, maintained, and kept in working order, in such place and position as may be specified in the order.

(3.) A factory or workshop in which there is any contravention of this section, or of any order under this section, shall be deemed not to be kept in conformity with this Act.

Sub-sec. (1).—The words “but the measures so taken must not interfere with the purity of the air of any room in which any person is employed” are new. They are apparently intended to provide against the temperature being “maintained” by gas-jets and such-like means, in rooms without adequate ventilation. Sub-sec. (2) is also new.

Sub-sec. (3).—The penalty for a breach of the provisions of this section is a fine on the occupier not exceeding £10, and in the case of a second or subsequent conviction, in relation to a factory within two years, not less than £1 for each offence (sec. 135 (1)).

This section does not apply to domestic factories or workshops (sec. 111 (4) (e)), nor to “men’s workshops” (sec. 157), but it does apply to laundries (sec. 103 (1) (d)) and to tenement factories (sec. 87 (1)).

7.—(1.) In every room in any factory or workshop sufficient means of ventilation shall be provided, and sufficient ventilation shall be maintained.

Ventilation.
1901.

(2.) The Secretary of State may, by Special Order, prescribe a standard of sufficient ventilation for any

class of factories or workshops, and that standard shall be observed in all factories and workshops of that class, and an order made under this power may supersede any provision of this Act or order of the Secretary of State with respect to ventilation in cotton cloth factories.

(3.) A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(4.) If the occupier of a factory or workshop (including a cotton cloth factory in which humidity of the atmosphere is artificially produced) alleges that the whole or part of the expenses of providing the means of ventilation required by this Act ought to be borne by the owner, he may by complaint apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable under the circumstances of the case, regard being had to the terms of any contract between the parties.

This section is new.

Sub-secs. (1) and (2).—The duty of providing and maintaining sufficient ventilation is primarily put upon the "occupier" of factories and workshops. Sub-sec. (1) leaves to factory inspectors the right to prescribe the means to be adopted for remedying the insufficiency of ventilation, so far as regards "rooms" of individual factories and workshops, sub-sec. (2) only applying to "classes" of factories and workshops, for which the Secretary of State may, by Special Order (sec. 126), prescribe the "standard of sufficient ventilation" for that "class." In the case of any tenement factory or class of tenement factories, used wholly or partly for the weaving of cotton cloth, the "owner" shall, if the Secretary of State by order so directs, be substituted for the occupier for the purposes of

the requirements of this section, or of any order with respect to ventilation: sec. 87 (3). As to "domestic" factories and workshops, see sec. 111 (4) (e). As to ventilation in cotton cloth factories, see secs. 93 and 94.

Sub-sec. (3).—The penalty for a contravention of this section in a "factory" is a fine not exceeding £10 (sec. 135), but a "workshop" in which there is a contravention is to be deemed a "nuisance," and to be dealt with under the public health law. See sec. 91, P. H. Act, 1875 (Appx., *post*, p. 314).

Sub-sec. (4).—This sub-section contemplates the case of a factory or workshop where the insufficiency of ventilation is such that it cannot be remedied without making extensive structural or mechanical alterations. The "occupier" being the person in the final instance liable to make good the insufficiency of ventilation, this section gives him the right of applying to a court of summary jurisdiction, to say whether the whole or any part of the "expenses" incurred by him in providing the additional means of ventilation required by the Act, should be paid by the "owner." If the court, having regard to all the circumstances of the case, thinks it just and equitable that the "owner" should bear the whole expense of such alterations, it can make an order upon him to that effect; but if, on the other hand, it is of opinion that the occupier and the owner should each bear a part of those expenses, it can apportion them between them. But in deciding the question, the justices *must* have regard to the terms of any contract existing between the parties. See note to sec. 14 (4), and see sec. 101 (8). This section does not apply to "men's workshops," sec. 157, or to domestic factories or workshops: sec. 111. As to tenement factories, see sec. 87.

For definition of "owner," see note to sec. 2, *ante*, p. 9.

8.—(1.) In every factory or workshop or part thereof in which any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, adequate means shall be provided for draining off the wet.

Drainage of
floors.

1901.

(2.) A factory in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act, and a workshop in which there is a contravention of the provisions of this section shall be deemed to be a nuisance liable

to be dealt with summarily under the law relating to public health.

This section is new.

It applies to "parts" of factories and workshops as well as to them as a whole. Thus it would apply to sheds and yards forming part of a factory or workshop. It does not apply to "damp" floors *per se*, but only deals with the case of those floors which are liable to be wetted by the "process" which is carried on, and where the wet flows over the floor and feet of the workers. In such cases "adequate means" must be provided to draw off the wet. This section does not apply to "men's workshops," sec. 157, or to "domestic" factories or workshops (sec. 111 (3) (e)), but it does to laundries: sec. 103 (1) (d).

Sub-sec. (2).—See note to sub-sec. (3), sec. 7, *supra*.

Sanitary conveniences in factories and workshops. (1895), s. 35. 1901.

9.—(1.) Every factory and workshop must be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at the factory or workshop, and also where persons of both sexes are or are intended to be employed or in attendance, with proper separate accommodation for persons of each sex.

(2.) The Secretary of State shall, by Special Order, determine what is sufficient and suitable accommodation within the meaning of this section.

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

53 & 54 Vict. c. 59.

(4.) This section does not apply to the administrative county of London, or to any place where section twenty-two of the Public Health Acts Amendment Act, 1890, is in force.

This section only applies to factories and workshops, not to "workplaces" (as to the latter, see note to sec. 2, *ante*, p. 8).

Sub-secs. (1) and (2).—Sub-sec. (2) is new. Under the similar provisions of the 1895 Act (sec. 35) it was left to an inspector or local authority to decide in each case what was "sufficient and suitable" accommodation. The Secretary of State must now, by

"Special Order" (sec. 163), determine the standard of the number and kind of the "conveniences" which are hereafter to be provided in a factory or workshop, having regard to the number of persons employed or "in attendance." In *Bennett v. Harding* (*ante*, p. 9) the expression "in attendance" in sec. 38 of the P. H. (London) Act, 1891 (Appx., *post*, p. 320), was interpreted to mean "persons who are in fact upon the premises for a considerable period of time, and if they are so in attendance, they are not the less so, because they are there for the purpose of being customers or as customers. It does not seem to me that the purpose or object for which they are there affects the question whether they are there or not" *per* Channell, J.

Sub-sec. (3).—The penalty is a fine not exceeding £10 : sec. 135.

Sub-sec. (4).—As to the administrative county of London, see sec. 153, and for sec. 22 of the P. H. Acts (Amendment) Act, 1890, see Appx., *post*, p. 317. The latter section is not applicable to "rural" councils.

This section does not apply to men's workshops : sec. 157.

(ii.) *Safety.*

10.—(1.) With respect to the fencing of machinery in a factory the following provisions shall have effect :—

Fencing of
machinery.
(1878), s. 5.
(1891), s. 6.
(1895), s. 7.

- (a.) 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 any water wheel or engine worked by any such power, must be securely fenced ; and
- (b.) Every wheel-race not otherwise secured must be securely fenced close to the edge of the wheel-race ; and
- (c.) All dangerous parts of the machinery, and every part of the mill gearing, must either be securely fenced, or be in such position or of such construction as to be equally safe to every person employed or working in the factory as it would be if it were securely fenced ; and

(d.) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or under examination in connexion with repair, or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine.

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

The operation of this section is confined to factories as defined by the Act (sec. 149).

A factory inspector is the primary judge whether machinery is dangerous or not. Where a complaint is made by an inspector to a court of summary jurisdiction of neglect to fence any machinery which he considers dangerous, that court will have jurisdiction to decide as to the alleged dangerous nature of the machinery or of any parts thereof.

This and the following eight sections relating to "safety" also apply to certain laundries: sec. 103 (1) (d).

The provisions of this section as to fencing, apply to every wheel of a machine which is in any way the medium of conveying the motive power to that part which actually aids in the manufacturing process, *i.e.* to every wheel except the operative one.

The carelessness and wilful disobedience to the foreman's orders of a factory hand, who has been injured by an unfenced machine, will afford no answer to summary proceedings, under this section and sec. 136, against the occupier of a factory for having neglected to fence the machine. See *Blenkinsopp v. Ogden* [1898], 1 Q. B. 783; 67 L. J. Q. B. 537; 78 L. T. 554; 14 T. L. R. 360. Where a person is injured in consequence of the occupier of a factory having failed to fence or to maintain the fencing of machinery, as required by this section, an action for damages will lie against the occupier, notwithstanding that a penalty is imposed by sec. 136 for breach of this statutory duty. See *Groves v. Wimborne (Lord)* [1898], 2 Q. B. 402; 67 L. J. Q. B. 862; 79 L. T. 284; 14 T. L. R. 493; and see also notes to sec. 136.

The provisions of this section are not applicable to docks, wharves, quays, or warehouses, or to "machinery" or "plant" used in the "process" of loading or unloading or coaling any ship in any dock, harbour, or canal; see sec. 104 (1). By that section

such docks, etc., and the machinery so used are themselves "factories," and it would therefore appear that if any such docks, etc., or the machinery so used, were dangerous to life or limb, etc., there is no power under the Act to cause either the docks, etc., or the machinery to be fenced, etc. The only power conferred in this respect is that given to a court of summary jurisdiction, by sec. 17, to make an "order" prohibiting the use of "any part of the ways, works, machinery, or plant used in a factory," or if capable of repair or alteration, of prohibiting such use "until it is duly repaired or altered." This is also so in the case of certain "buildings" (see sec. 105 (1)), and certain railway "lines and sidings." (See sec. 106 (1).)

Sub-sec. (1) (a).—Every part of a water wheel or engine, and every fly-wheel, must be fenced, although it may be so situated that no danger or liability to accident is likely to ensue from its position. See *Doel v. Sheppard* (1856), 5 E. & B. 856; 25 L. J. Q. B. 124.

(c).—All dangerous parts of the machinery, and every part of the mill-gearing, must be securely fenced, according to the best-known method at the time. See *Schofield v. Schunck* (1855), 24 L. T. 253.

It will be observed that by this sub-section "all dangerous parts of the machinery and every part of the mill-gearing" must *either* be "securely fenced" *or* be in such a position or of such construction, as to be equally safe to every person employed or working in the factory, "as it would be if it were securely fenced," thus giving an alternative mode of providing for the safety of such machinery. The words "all dangerous parts of the machinery" are not limited to such machinery as supplies or conveys the motive power to the machines by which the industrial operations of the factory are immediately effected; they apply to all the machinery in a factory. *Redgrave v. Lloyd* (1895), 1 Q. B. 876; 64 L. J. M. C. 155; 43 W. R. 527; 59 J. P. 293; 11 T. L. R. 326, and to all machinery from which, in the ordinary course of working, danger may reasonably be anticipated, although such danger may arise by reason only of careless working or of external causes. *Birtwhistle v. Hindle* (1897), 1 Q. B. 192, 66 L. J. Q. B. 173, 76 L. T. 159, 45 W. R. 207, 61 J. P. 70, 13 T. L. R. 129.

The expression "machinery" includes any "driving strap or band:" sec. 156; it therefore makes the latter, part of the machinery, and not of the mill-gearing. Mill-gearing comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley, or other appliance, by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process; *ib.* "Process" includes the use of any locomotive; *ib.*

The machinery and mill-gearing need not be fenced when not in motion for a manufacturing process. The mill-gearing in each separate room of a factory is separate and distinct from the mill-gearing in any other room, hence the mill-gearing in any particular room need not be fenced while no manufacturing process is going on in that room, and it is in motion for that purpose. See *Coe v. Platt* (1852), 7 Ex. 923, 22 L.J. Ex. 164.

Sub-sec. (2).—The occupier of a factory is liable to a penalty not exceeding £10 for any contravention of this section (sec. 136, p. 211), and if any person is killed, or dies, or suffers any bodily injury, or injury to health, in consequence of the "occupier" having neglected to observe any provision of this section, such occupier is liable to a fine not exceeding £100; and in the case of a second or subsequent conviction within two years from the last conviction for the same offence, not less than £1 for each offence, and the whole or any part of the fine may be applied for the benefit of the injured person or his family, or otherwise as the Secretary of State determines. In "tenement" factories, the "owner" (whether or not he is one of the occupiers) instead of the occupier is liable for the observance and punishable for the non-observance of the provisions of this section (sec. 87 (1) (ii.)), except so far as relates to such parts of the machinery as are supplied by the occupier. See also notes to sec. 136.

Steam boilers.

1901.

11.—(1.) Every steam boiler used for generating steam in a factory or workshop, or in any place to which any of the provisions of this Act apply, must, whether separate or one of a range—

(a.) have attached to it a proper safety valve and a proper steam gauge and water gauge to show the pressure of steam and the height of water in the boiler; and

(b.) be examined thoroughly by a competent person at least once in every fourteen months.

(2.) Every such boiler, safety valve, steam gauge, and water gauge must be maintained in proper condition.

(3.) A report of the result of every such examination in the prescribed form, containing the prescribed particulars, shall within fourteen days be entered

into or attached to the general register of the factory or workshop, and the report shall be signed by the person making the examination, and, if that person is an inspector of a boiler-inspecting company or association, by the chief engineer of the company or association.

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

(5.) This section shall not apply to the boiler of any locomotive which belongs to and is used by any railway company, or to any boiler belonging to or exclusively used in the service of His Majesty.

(6.) For the purposes of this section, the whole of a tenement factory or workshop shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier, and he shall register the report referred to in this section.

This section is new.

Sub-sec. (1).—This applies to a steam boiler (whether separate or one of a range) used for generating steam, in any factory or workshop, as defined by the Act (sec. 149), or in any "place" to which any of the provisions of the Act apply.

(b.) The question of the "competency" of the person chosen to make the examination required by this sub-section will be for the factory inspector to decide. It is thought that a "boiler-maker" would be held to be a "competent person," although he might not be a qualified engineer.

Sub-sec. (2).—See sec. 17 (1) as to making orders as to dangerous boilers, etc.

Sub-sec. (3).—The last part of this sub-section applies to the case of a boiler insurance company or association, having inspectors for examining the boilers of the persons, etc., insured with them, and apparently means that their inspectors are to report to them the result of their examination, whereupon their "chief engineer" is to sign the report of such inspectors, and send it to the occupier of the factory, workshop or "place," where the boiler in question is in use. It is the duty of the "occupier" of a factory or workshop, etc., to see that the report required by this sub-section is duly entered in or attached to the general register. "Prescribed"

Secs. 11, 26 THE LAW RELATING TO FACTORIES AND WORKSHOPS.
12.

means prescribed for the time being by the Secretary of State (sec. 156 (1)). As to "general registers," see sec. 129.

Sub-sec. (4).—Any breach of any of the provisions of this section will render the occupier (in tenement factories or workshops the "owner": sub-sec. (6)) liable to a fine not exceeding £10: sec. 135.

Sub-sec. (5).—A steam-travelling crane is not a "locomotive." See *Murphy v. Wilson* (1883), 52 L. J. Q. B. 524; 84 L. T. (N. S.) 788; 48 J. P. 24.

Sub-sec. (6).—"Tenement" factories and workshops are defined in sec. 149 (1); see also *ib.* (2).

Regulations
as to self-act-
ing machines.
(1878), s. 9.
(1895), s. 9.
1901.

12.—(1.) In a factory erected on or after the first day of January one thousand eight hundred and ninety-six, the traversing carriage of any self-acting machine must not be allowed to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it runs out is a space over which any person is liable to pass, whether in the course of his employment or otherwise. Provided that nothing in this sub-section shall prevent any portion of the traversing carriage of any self-acting cotton spinning or woollen spinning machine being allowed to run out within a distance of twelve inches from any part of the head stock of another self-acting cotton spinning or woollen spinning machine.

(2.) A person employed in a factory must not be allowed to be in the space between the fixed and the traversing parts of a self-acting machine unless the machine is stopped with the traversing part on the outward run, but for the purpose of this provision the space in front of a self-acting machine shall not be included in the space aforesaid.

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

(4.) A factory in which a traversing carriage is allowed to run out in contravention of this section shall be deemed not to be kept in conformity with this Act, and any person allowed to be in the space aforesaid or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

Sub-sec. (1).—The proviso in this sub-section is new.

This regulation applies to factories “erected” after the 1st January, 1896. It is conceived that there may be cases where, although a factory may have been “erected” before that date, yet certain structural alterations or additions may have been made to it since, and it is doubtful whether the requirement of this section would apply to such cases. It will be noticed that the word here used is “erected,” but in secs. 14 (1) and 16 (2) the word used in an analogous sense is “constructed.” As to the meanings that have been placed upon the words “constructed” and “erected” see *Hoddinott v. Newton, Chambers & Co.* (1901), A. C. 49, *per* Lord Shand, at p. 60; Lord Lindley, at p. 75; and Lord Macnaghten, at p. 54. Cf. sec. 105 (1).

For definition of “employment,” etc., see sec. 152.

The penalty for a breach of this sub-sec. is a fine not exceeding £10: sec. 135.

Sub-sec. (2).—The expression “person” is not defined by this Act. It apparently includes every person in or about the factory, whether “employed” in the process, etc., or not, such as clerks, etc. (see sec. 152 (1)). As to the word “allowed,” see *Crabtree v. Fern Spinning Co.* (1901), 18 T. L. R. 91, in note to sec. 152, *post*.

The penalty for a breach of this sub-section is a fine not exceeding £3; or if the offence was committed during the night, £5 for each person so employed: sec. 137 (1).

Sub-sec. (3).—“Woman” means a woman of 18 years and upwards. “Young person” means a person who has ceased to be a child and is under the age of 18 years. “Child” means a person who is under the age of 14 years, and who has *not*, being of the age of 13 years, attained the certificate of proficiency or attendance at school mentioned in Part III. of the Act, sec. 156 (1). Part III. contains secs. 68–72 (Education of Children).

The penalty for a breach of this sub-section is a fine not exceeding £3: sec. 137 (1).

Restrictions
on cleaning
when ma-
chinery is in
motion.

(1878), s. 9.

(1895), s. 8.

1901.

13.—(1.) A child must not be allowed to clean in any factory—

(a.) any part of any machinery; or

(b.) any place under any machinery other than overhead mill-gearing,

while the machinery is in motion by the aid of steam, water, or other mechanical power.

(2.) A young person must not be allowed to clean any dangerous part of the machinery in a factory while the machinery is in motion by the aid of steam, water, or other mechanical power; and for this purpose such parts of the machinery shall, unless the contrary is proved, be presumed to be dangerous as are so notified by an inspector to the occupier of the factory.

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

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

Sub-sec. (1) (b) is new.

For definition of "child," "young person," and "woman" see notes to last section.

Sub-sec. (1).—This sub-section prevents a "child" from being allowed in any way to clean any part of any machinery, or any place under any machinery while it is in motion. The word "machinery" includes the machinery as a whole, whether fixed or in motion, and not merely the part in motion: *Pearson v. Belgian Mills Co.* (1896), 1 Q. B. 244; 65 L. J. M. C. 48; 74 L. T. 101; 44 W. R. 334; 60 J. P. 151; 12 T. L. R. 197.

Sub-secs. (2) and (3).—"Young persons" may clean those parts which have not been notified by an inspector as dangerous, but must not clean such parts as are "mill-gearing" while the machinery is in motion for the purpose of propelling any part of the manufacturing machinery, and a "woman" can clean all parts,

except the latter. For definition of "mill-gearing" see note to sec. 10, *ante*, and sec. 156. It seems doubtful whether a woman can clean beneath a machine when the shafting in a mill is running free.

The factory inspector is to be the primary judge as to whether the machinery is dangerous or not, but it is open to the occupier to prove "the contrary;" but the notification by the inspector to the occupier of the parts which the former considers dangerous will be a condition precedent to any proceeding against the latter.

Sub-sec. (4).—The penalty for a breach of this section is a fine not exceeding £3, or if the offence is committed during the night, £5 for each person so employed: sec. 137 (1).

14.—(1.) Every factory of which the construction was not commenced on or before the first day of January one thousand eight hundred and ninety-two, and in which more than forty persons are employed, and every workshop of which the construction was not commenced before the first day of January one thousand eight hundred and ninety-six, and in which more than forty persons are employed, must be furnished with a certificate from the district council of the district in which the factory or workshop is situate that the factory or workshop is provided 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 if the factory or workshop is not so furnished it shall be deemed not to be kept in conformity with this Act; and it shall be the duty of the council to examine every such factory and workshop, and, on being satisfied that the factory or workshop is so provided, to give such a certificate as aforesaid. The certificate must specify in detail the means of escape so provided.

Provision of means of escape in case of fire. (1891), s. 7 (1)–(3). (1895), ss. 10, 11 (4), (5). 1901.

(2) With respect to all factories and workshops 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 district council of every district from time to time to ascertain whether all such factories and workshops within their district

are provided with such means of escape as aforesaid, and, in the case of any factory or workshop which is not so provided, to serve on the owner of the factory or workshop a notice in writing specifying the measures necessary for providing such means of escape as aforesaid, and requiring him to carry them out before a specified date, and thereupon the owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements, and unless the requirements are complied with, the owner shall be liable to a fine not exceeding one pound for every day that the non-compliance continues.

(3.) In case of a difference of opinion between the owner of the factory or workshop and the council under the last foregoing subsection, the difference shall, on the application of either party, to be made within one month after the time when the difference arises, be referred to arbitration, and thereupon the provisions of the First Schedule of this Act shall have effect, and the award on the arbitration shall be binding on the parties thereto, and the notice of the council shall be discharged, amended, or confirmed in accordance with the award.

(4.) If the owner alleges that the occupier of the factory or workshop 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 or workshop 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.

(5.) For the purpose of enforcing the foregoing provisions of this section, an inspector may give the like notice and take the like proceedings as under the foregoing provisions of this Act with respect to

matters punishable or remediable under the law relating to public health but not under this Act, and those provisions shall apply accordingly.

(6.) The means of escape in case of fire provided in any factory or workshop shall be maintained in good condition and free from obstruction, and if it is not so maintained the factory or workshop shall be deemed not to be kept in conformity with this Act.

(7.) For the purposes of this section the whole of a tenement factory or workshop shall be deemed to be one factory or workshop, and the owner shall be substituted for the occupier.

(8.) All expenses incurred by a district council in the execution of this section shall be defrayed—

(a.) In the case of an urban district council, as 38 & 39 Vict. c. 55.
part of their expenses of the general execution of the Public Health Act, 1875; and

(b.) In the case of a rural district council, as special expenses incurred in the execution of the Public Health Act, 1875;

and those expenses shall be charged to the contributory place in which the factory or workshop is situate.

The first sub-section is practically the same as sec. 7 (1) of the repealed Act of 1891, except that the words "on the storeys above the ground floor" are not re-enacted, and the words "the certificate must specify in detail the means of escape so provided" at the end of the sub-section, are added. Sub-secs. (6) and (7) are new.

Sub-sec. (1).—District councils have, under this sub-section, the power of entering every such factory and workshop, for the purpose of ascertaining whether or not they are provided with proper means of escape, etc.; and if they are satisfied that they are so provided, they must give a certificate, specifying in detail, the means of escape so provided. Cf. the words "and to inform," etc., in the last line of sub-sec. (1) of sec. 5, *supra*.

If the occupier fails to obtain the required certificate, he is liable to a fine not exceeding £10: sec. 135 (1).

The carrying out of the provisions of this sub-section devolve upon inspectors of factories. Where the "occupier" fails to comply with these provisions, a court of summary jurisdiction can,

on complaint by the inspector, make an order (in addition to, or instead of, inflicting a fine) upon him to provide such means of escape from fire as it may think are reasonably required under the circumstances of the case : sec. 135 (2).

This sub-section applies to every "factory" the construction of which was commenced on or after the 1st of January 1892, and in which more than forty persons are employed, and to every "workshop" the construction of which was commenced on or after the 1st of January 1896, and in which more than forty persons are employed.

As previously pointed out, the words "on the storeys above the ground floor," which were in the analogous section of the Act of 1891 are not re-enacted. The effect, therefore, of this section now is, that where the whole of a building is used as a "factory" or as a "workshop," it must be provided with means of escape in case of fire, from the basement floor to the top floor.

By sec. 149, sub-sec. (4) of "where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, that place shall not be deemed to form part of the factory or workshop, for the purpose 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." Those places in the building, etc., which do not come within the definition of a factory or of a workshop in sub-sec. (1) of sec. 149, must come within sub-sec. (4), *supra*, for they would be places situate within the "precincts" of a building forming a "factory or workshop," and solely used "for some purpose other than the manufacturing process," etc., which make the other floors factories, within the definition. In the case, therefore, of a building which contains several floors, one or more of which are let by the "owner" to separate tenants (occupiers), some of whom carry on a business which is of such a nature as to bring those particular floors within the definition of a "factory" or "workshop" contained in sec. 149 (1), and another floor, or more than one floor, to a tenant who does not carry on such a business, the provisions of sub-secs. (1) and (2) of this section, will only apply to those floors of the building which come within such definition.

The owner of a building let the second, third, and fourth floors (before 1892) to tenants who, during their tenancies, carried on businesses, each of which was of such a nature as to render the premises in which it was carried on a "factory" within the definition of a "factory" contained in sec. 93 of the repealed Act of 1878, and in each of which more than 40 persons were

employed, and where the tenants of the basement, ground, and first floors did not carry on business of such a nature :—*Held*, that the second, third, and fourth floors *only* were “factories” within the definition in that section : *London County Council v. Lewis* (1900), 69 L. J. Q. B. 277; 82 L. T. 195; 64 J. P. 39; 16 T. L. R. 137. The definition of a “factory” and a “workshop” in sec. 149 of this Act is substantially the same as it was in sec. 93 of the 1878 Act.

Sub-sec. (2).—This sub-section applies to every factory the construction of which was commenced before the 1st of January 1892, and to every workshop the construction of which was commenced before the 1st of January 1896, and in both cases where more than 40 persone are employed.

The powers of a council under this sub-section are limited to the enforcing of such measures only as are necessary to provide means of escape in case of fire, in a particular factory or workshop, and do not extend to requiring the “owner” of a building to provide such means of escape as will encroach upon, and constitute a trespass on, the property of a third party : *London County Council v. Lewis, ubi supra. London County Council v. Brass* (1901), 17 T. L. R. 504. Such requirements cannot be enforced as to the whole of a building, if under the Act, the whole of such building is not a factory or workshop. See note to sub-sec. (1), *supra*.

This sub-section gives the owner of a factory a statutory right of trespass upon the premises of his tenants, notwithstanding any covenant for quiet enjoyment, etc., which may be contained in the agreement between them.

Sub-sec. (3).—If the “owner” (see definition, *ante*, p. 9) and the council, cannot agree as to the means of escape in case of fire which can reasonably be required by the latter under all the circumstances of the case, the “difference” (*i.e.* the reasonableness of the requirements contained in the “notice” in sub-sec. (2)) must be referred to arbitration, whereupon the provisions of Schedule 1 (*post*, p. 252) are to apply. The only persons who can be parties to the arbitration are the “owner” of the particular factory or workshop in question, and the council (see Schedule 1 (1), *post*, p. 252), and the arbitrator will have no power to order any requirements of the council to be carried out, which affect third parties (other than the occupiers of the factory or workshop).

Sub-sec. (4).—This sub-section does not, it is submitted, create any legal liability on the “occupier” to bear the whole or any part of the “expenses” incurred by the “owner” in complying with the requirements of the council under sub-sec. (2). If such a legal liability were intended, the legislature would surely have inserted words which would make it clear that such was their intention. The words in sub-sec. (2), “notwithstanding any

agreement with the occupier," would seem to indicate that the legal obligation to incur those expenses are placed solely upon the owner, but subject to his legal rights upon any specific covenant in any agreement which may exist between them, providing for the repayment by the occupier of the whole or any part of such statutory expenses. Such legal rights would depend upon the wording of the covenants in the lease or agreement.

In a lease of a factory for twenty-one years, the tenants covenanted to pay "all rates and taxes, sewers rate, and main drainage rate, parish dues, and all other rates, taxes, and impositions and outgoings whatsoever, which were then, or should at any time thereafter, be assessed, charged, or in any wise imposed upon or in respect of the demised premises . . . by authority of Parliament or otherwise. Then followed a covenant for repairs. Then the tenant further covenanted to pay "a fair share and proportion of all costs and expenses which the lessors in respect of being owners and lessors of the premises demised . . . might be called upon to bear, pay, or contribute, or would be liable to, in or about every or any reparation, pulling down, rebuilding, or raising of every or any party wall, party fence, wall, timber, partition, or party arch, or incidental thereto, or in or about any drainage or sewerage or otherwise, by virtue of any Act or Acts of Parliament." During the term, the lessors, as owners of the demised premises, were compelled to spend £710 in constructing a fire escape according to the requirement of the local authority under the similar provisions to this sub-section contained in sec. 7 (2) of the repealed Act of 1891. In an action to recover this expense from the tenant:—*Held*, that it was not an imposition or outgoing under the first covenant, and even if it was, the second covenant was to be read as a proviso on the first, and the words "expenses which the lessors . . . might be called upon to pay . . . by virtue of any Act or Acts of Parliament" aptly described it, and took it out of the operation of the first covenant. The tenant was, therefore, liable to pay not all but "a fair share" of such expense: *Arding v. Economic Printing and Publishing Co.* (1898), 79 L. T. 420; 15 T. L. R. 11.

The intention of the legislature is, apparently, this, that while not imposing any legal liability upon the occupier to pay the owner the whole, or any part, of those expenses, but having imposed upon the owner a statutory expenditure of what may sometimes be an abnormal amount, though upon his own property, yet, having regard to the benefit the occupier may derive from such expenditure upon those premises, it gives to a county court equitable jurisdiction, to order the occupier to bear the whole, or any part, of such expenses, if it seems to it "just and equitable under all the circumstances of the case" to do so.

If an "owner" has a legal right to recover such expenses from his tenant under a covenant in the lease or agreement (see note *supra*), he can, it is contended, proceed against him in the High Court, and he is not restricted by this sub-section, to the county court, this provision is meant to apply only to those cases where the "owner" has *no* such covenant by the "occupier" legally entitling him to recover such statutory expenses, and the words "may apply" seem to import this meaning; if it was intended otherwise, the word "shall" or "must" would no doubt have been used.

Cf. sec. 7 (4), *ante*, and sec. 101 (8).

Sub-sec. (5).—See *ante*, secs. 4 and 5.

Sub-sec. (6).—This sub-section is new. The penalty is a fine on the occupier not exceeding £10: sec. 135 (1).

Sub-sec. (7).—This sub-section is new. As to tenement factories generally, see secs. 87–89. For definition of "tenement" factories, and workshops, see sec. 149 (1).

Sub-sec. (8) (a).—See sec. 207 of the P. H. Act, 1875. (b.) See sec. 229 of the P. H. Act, 1875.

The expenses incurred by the London County Council under this section are to be defrayed as part of their expenses in the management of the London Building Act, 1894 (57 & 58 Vict. cap. cxxiii., sec. 189): sec. 153 (1).

References to a district council and the district thereof, are to be construed as including reference to the council of a county borough and the county borough: sec. 154.

In the application of this section to the administrative county of London, the London County Council is to take the place of the district council. As regards the city of London, references to a district council, and the district thereof, are to be construed as references to the court of common council and the city; and as regards any other part of the administrative county of London, as references to the council of a metropolitan borough and the metropolitan borough: sec. 153.

Scotland.—The expression "district council" and the expression "district," used with reference to such council, mean the local authority under the P. H. (Scotland) Act, 1897, and their district: sec. 159 (2).

Ireland.—The expression "district council" is not defined. Under the repealed Acts, the expression "sanitary authority" meant an urban or rural sanitary authority within the meaning of the P. H. (Ireland) Act, 1878.

15. Every district council shall, in addition to any powers which they possess with reference to the Byelaws for means

of escape
from fire.
1901.

prevention of fire, have power to make byelaws providing for means of escape from fire in the case of any factory or workshop, and sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall apply to any byelaws so made.

This section is new. Sec. 10 (1) of the 1895 Act, which related to the provision of movable fire-escapes, is not re-enacted.

This section empowers a council to make byelaws providing for means of escape from fire in "any" factory or workshop, irrespective of the number of persons employed. Secs. 182-186 of the P. H. Act, 1875, enable councils to make byelaws generally, and to impose penalties for their breach, etc. Both "urban" and "rural" councils will have power to make such byelaws under this section. Urban councils have power to make byelaws for the prevention of fires in new buildings (P. H. Act, 1875, sec. 157 (2)), and this would apparently include the re-erection of an old one.

As to the powers of the London County Council, see sec. 153 (3), *post*.

Scotland.—References to secs. 182-186, *supra*, mean secs. 183-187 of the P. H. (Scotland) Act, 1897: sec. 159 (17).

Ireland.—References to secs. 182-186, *supra*, mean secs. 219-223 of the P. H. (Ireland) Act, 1878: sec. 160 (13).

Doors of
factory or
workshop to
open from
inside.
(1895), s. 10
(2), (3), (6).

16.—(1.) While any person employed in a factory or workshop is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, must not be locked or bolted or fastened in such a manner that they cannot be easily and immediately opened from the inside.

(2.) In every factory or workshop the construction of which was not commenced before the first day of January one thousand eight hundred and ninety-six, the doors of each room in which more persons than ten are employed, shall, except in the case of sliding doors, be constructed so as to open outwards.

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

Sub-sec. (1).—The provisions of this section apply equally to the outer and inner doors, and to the doors of any separate room within a factory or workshop. It will be observed that if “any person” is employed within a factory or workshop or in any room thereof, the provisions of this section must be observed. For definition of “employment,” see sec. 152 (1).

Sub-sec. (2).—A factory or workshop, the construction of which was commenced after the 1st of January 1896, and in which more than ten persons are employed in any one room, must have the doors of every such room so constructed as to open “outwards,” or must have “sliding” doors. See note to sec. 12 (1) as to “construction.”

Sub-sec. (3).—The penalty on the occupier for a breach of this section is a fine not exceeding £10: sec. 135 (1).

This section does not apply to men’s workshops: sec. 157).

17.—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any part of the ways, works, machinery, or plant used in a factory or workshop (including a steam boiler used for generating steam), is in such a condition that it cannot be used without danger to life or limb, by order, prohibit its use, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered.

Power to make order as to dangerous machine. (1895), s. 4. 1901.

(2.) Where a complaint has been made under this section, the court or a justice may, on application ex parte by the inspector, and on receiving evidence that the use of any such part of the ways, works, machinery, or plant, involves imminent danger to life, make an interim order prohibiting, either absolutely or subject to conditions, the use thereof until the earliest opportunity for hearing and determining the complaint.

(3.) If there is any contravention of an order under this section, the person entitled to control the use of the part of the ways, works, machinery, or plant, shall be liable to a fine not exceeding forty shillings a day during the contravention.

The words in sub-secs. (1), (2), (3), “part of the ways,” and

"works" "or plant;" and the words "including a steam boiler used for, generating steam" in sub-sec. (1), are new.

It is not clear who the persons are for whose protection this section is intended to provide. Its provisions extend to all factories and workshops under the Act (sec. 149), except "men's workshops" (see sec. 157). The power to make an order is limited to any "part" of the ways, works, machinery, plant, or boiler used "in" a factory or workshop, and if such "part," etc., were not "within" a factory, etc., this section would not apply.

Sub-sec. (1).—The word "ways" will, it is submitted, include the floors, passages, paths, connecting-bridges, within a factory or workshop, and, where the factory is a dock (see sec. 104), to the roadways, gangways, landing-stages, passages, connecting-bridges, spaces, and areas within such dock; and to places where persons are employed or work and have to traverse or pass in the course of their employment. In interpreting the expression "ways" it will not be necessary to confine it to such "ways" as are marked out by metes and bounds, or by habitual user; the ways should, however, be actually in use, not partly made "ways" not in use. See per Smith, J., *Howe v. Finch* (1886), 17 Q. B. D. 187. "The course which a workman would in ordinary circumstances take in order to go from one part of a shop where a part of the business is done to another part where business is done, when the business of the employer requires him to do so, must be regarded as a way:" per Lord Esher, M.R., *Willets v. Watt* (1892), 2 Q. B. 92; 61 L. J.; Q. B. 540; 8 T. L. R. 252. See also *Bromley v. Cavendish Spinning Co.* (1886), 2 T. L. R. 881.

The expression "works" includes buildings in the course of construction, and the plot of ground on which they are to be erected. A plot of ground in the course of being cleared of old buildings, in order to form a site for the new building operations, is the "works" of the employer of labour who has contracted to clear it, and whose business it is to perform such contracts. *Brannigan v. Robinson* (1892), 1 Q. B. 344; 61 L. J. Q. B. 202; 66 L. T. 647; 8 T. L. R. 244.

The expression "works" also, it is thought, will comprise any premises, or places, or areas "in" a factory, or workshop, where persons are employed or work for hire (see sec. 152) in the business, trade, or operations carried on by the "occupier" of such factory or workshop. See also Schedule 6, Parts I. and II., where various "works" are defined.

There is no definition of "machinery" in the Act, but, by sec. 156, the expression "includes any driving-strap or band."

A machine has been defined to include "every mechanical

device or combination of mechanical powers and devices to perform some function and to produce a certain effect and result." *Corning v. Burden* (1853), 15 How, N.S. 267 (American).

The word "machinery," as here used, will include any machinery however driven or moved, and is not confined to that driven or moved by steam, water, or other mechanical power. See also notes to secs. 104 and 149.

The word "plant" is not defined by the Act. The expression would include fixtures, tools, machinery, and all other apparatus which are necessary to or used in carrying on any trade, or business, or processes in any factory or workshop, to which the Act applies. It has been held to include a wharfinger's horse (*Yarmouth v. France* (1887), 19 Q. B. D. 647; 57 L. J. Q. B. 7). "In its ordinary sense (plant) includes whatever apparatus is used by a business man for carrying on his business—not his stock-in-trade which he buys or makes for sale—but all goods and chattels, fixed or movable, live or dead, which he keeps for permanent employment in his business:" per Lindley, L.J., *ib.*

And where an explosion of gas occurred on board a coal vessel which had not been provided with proper ventilators, it was held that the vessel was part of the "plant" of the defendants, who were discharging her, although they were not the owners of the vessel. *Carter v. Clarke* (1898), 14 T. L. R. 172.

See also sec. 104 (2), where the word "plant" when used by any person employed to load or unload or coal a ship, in a dock, harbour, or canal, is to include a "gangway" or "ladder."

As to steam boilers, see sec. 11, *ante*; and see note to sec. 10, *ante*, as to "fencing," etc.

Sub-sec. (2).—Before an inspector can make an *ex parte* application, he must have lodged a "complaint" with the court under sub-sec. (1). A single justice may make the *interim* order under this sub-section.

Sub-sec. (3).—This penalty for a contravention of an "order" (*interim* or otherwise) is a special one.

The provisions of the section are to have effect "as if every dock, wharf, quay, and warehouse, and all machinery or plant used in the process of loading or unloading, or coaling any ship in any dock, harbour, or canal were included in the word 'factory,'" etc.: sec. 104. They also have effect in the case of premises where machinery, etc., is temporarily used for the construction of, or structural work in connection with a building: see sec. 105 (1), and also where any line or siding not being part of a railway within the Railway Employment (Prevention of Accidents) Act, 1900 (63 & 64 Vict. c. 27), is used in connection with a factory or workshop, or with any "place," to which any of the provisions of this Act are

applied, as if the line or siding were part of the factory or workshop: see sec. 106 and note.

This section does not apply to men's workshops: sec. 157.

Power to
make order as
to unhealthy
or dangerous
factory or
workshop.
(1895), s. 2.

18.—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any place used as a factory or workshop or as part of a factory or workshop is in such a condition that any manufacturing process or handicraft carried on therein cannot be so carried on without danger to health or to life or limb, by order, prohibit the use of that place for the purpose of that process or handicraft, until such works have been executed as are in the opinion of the court necessary to remove the danger.

(2.) Provided that proceedings shall not be taken under this section in cases where proceedings might be taken by or at the instance of any district council under the provisions of the law relating to public health, unless the inspector is authorized to take proceedings under the foregoing provisions of this Act with respect to the enforcement of sanitary provisions in workshops, or with respect to matters punishable or remediable under the law relating to public health but not under this Act.

(3.) If there is any contravention of an order under this section, the occupier of the place shall be liable to a fine not exceeding forty shillings a day during the contravention.

Sub-sec. (1).—This provision will cover the case of defective structures of all kinds. Where great vibration is caused by the use of an engine, etc., in a manufacturing process, it is doubtful whether that process could be held to be "dangerous" to health. It is thought that if it was shown that the vibration was such, that it affected the health, etc., of the workers to an injurious extent, that a court might make such an order as is contemplated under this section. The word "process" includes the use of any locomotive: sec. 156.

Sub-sec. (2).—Cf. sec. 5, *ante*.

Sub-sec. (3).—It will be seen that the penalty here imposed is upon the “occupier,” and not upon the “owner.” If, therefore, any “place” or part of any place used as a factory or workshop is condemned by a council, or otherwise, as being in such a condition that the manufacturing process or handicraft carried on there cannot be so carried on without danger to “health,” “life,” or “limb,” the “occupier” is the only person who can be “prohibited” from using such place, and it would be upon him that the burden would be cast of executing the “works” necessary to remove the danger, etc.

(iii.) *Accidents.*

19.—(1.) Where there occurs in a factory or workshop any accident which either—

(a.) causes loss of life to a person employed in the factory or workshop; or

(b.) causes to a person employed in the factory or workshop such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work,

written notice shall forthwith be sent to the inspector for the district.

(2.) If the accident causes loss of life, or is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure, filled with hot liquid or molten metal or other substance, or by explosion or by escape of gas, steam, or metal, then, unless notice thereof is required by section sixty-three of the Explosives Act, 1875, to be sent to a Government inspector, notice thereof shall forthwith be sent to the certifying surgeon for the district.

(3.) The notice shall state the residence of the person killed or injured, and the place to which he has been removed.

Notice of accidents causing death or bodily injury.
(1895), s. 18.

38 & 39 Vict.
c. 17.

(4.) If any notice required by this section to be sent with respect to an accident in a factory or workshop is not so sent, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

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

This section is a re-enactment of the similar provisions contained in sec. 18 of the 1895 Act.

These provisions apply to every factory or workshop as defined by the Act (including certain laundries: sec. 103 (1) (*d*)), except "domestic" factories and workshops: sec. 111 (4) (*d*) and quarries which are factories, Quarries Act, 1894, sec. 3 (*b*) (Appx., *post*, p. 340).

Sub-sec. (1).—The expression "accident" is not defined. It involves the idea of something "fortuitous and unexpected": *Hensey v. White* (1900), 1 Q. B. 481; 69 L. J. Q. B. 188; 81 L. T. 767; 16 T. L. R. 64; 63 J. P. 804. The question whether an injury is sustained by an "accident" is a mixed question of law and fact; per Collins and Stirling, L.JJ.; *Roper v. Greenwood*, *infra*.

Sub-sec. (1) (*b*).—This is similar to part of sec. 1 (1) of the Notice of Accidents Act, 1894 (57 & 58 Vict. c. 28). That Act does not apply to factories or workshops. The written notice need only be sent "to the inspector for the district."

It would seem that every "bodily injury" caused by an "accident" which prevents a person from being employed during the statutory period, must be reported, no matter how the injury arose. The mere fact of "employment" in a factory or workshop would render such injury reportable. There may be many cases of "bodily injury" which would prevent a person from being employed for the statutory period, yet it may be caused otherwise than by an "accident" within the ordinary meaning of the word, and whilst engaged in ordinary employment. Thus, in a case under the Workmen's Compensation Act, 1897, sec. 1 (1) (Appx., *post*, p. 385), a woman employed as a

box maker suffered internal injury from the strain of doing work upon boxes larger and heavier than she was used to, and the County Court Judge had found that the "injury" did not arise from an "accident" within that Act. The Court of Appeal held that the judge had properly so found: *Roper v. Greenwood* (1900), 83 L. T. 471. And where a workman in attempting, in the ordinary course of his duty, to start a wheel, ruptured some bloodvessel on his stomach, and died shortly afterwards, and it was shown that his internal organs were not in their natural state, it was held that his death, not being occasioned by anything fortuitous or unforeseen, was not caused by an "accident" within the meaning of the Act: *Hensey v. White, ubi supra*. And where a workman, having a blistered finger, was handling oil and red lead in the ordinary course of his employment, and in so doing, failed to keep the red lead from the blistered finger, which accordingly became inflamed, and was seriously injured, it was held by the Court of Appeal, that he had not suffered any "injury" by accident within the rule laid down in *Hensey v. White, supra*. *Walker v. Lilleshall Co.* (1900), 1 Q. B. 481; 69 L. J. Q. B. 188; 81 L. T. 769; 48 W. R. 257; 64 J. P. 85; 16 T. L. R. 108.

On the other hand, if the accident is caused by something fortuitous and unexpected, it is caused by "accident," although the injury may be increased by the physical condition of the person injured. Thus a workman, employed as a smith at the engineering works of the appellants, was holding a flatter on an anvil for a fellow-workman to strike the flat end of the flatter. The fellow-workman made a bad stroke and struck the rod or round part of the flatter and jarred the workman's hand, causing it to swell and bring on gout in the hand. The workman had previously been attended for gout in the hand and elbow, by a doctor, who was of opinion that the swollen hand was caused by gout brought on by the jar, and who also certified that the workman was suffering from a weak hand caused partially by the injury:—*Held*, that the injury to the workman was caused by an "accident." *Lloyd v. Sugg & Co.* (1900), 1 Q. B. 481; 69 L. J. Q. B. 190; 81 L. T. 768; 16 T. L. R. 65. And a workman was employed by the defendants in the work of lifting and removing planks from a stack of timber. One night there was rain and frost, and the planks became frozen together, the planks lower in the stack being more firmly frozen together than those above; on the next day the workman began the work in the morning, and lifted and removed planks all day; about 4 p.m. while trying to lift a plank, he ruptured himself. The workman claimed compensation under the W. C. Act, 1897, and the County Court Judge found that the injury was caused by the lifting of the plank, and was an

injury by "accident" within the meaning of the Act:—*Held* (dismissing the appeal), that there was evidence of something fortuitous and unexpected upon which the County Court Judge might properly find that the injury was caused by "accident" within the meaning of the Act: *Timmins v. Leeds Forge Co.* (1900), 83 L. T. 120; 16 T. L. R. 521). This case does not, however, seem to be quite consistent with *Hensey v. White, ubi supra*. A collier was employed working on a narrow seam of coal, where he had to kneel to get the coal, and while so working a piece of coal penetrated the skin of his knee and set up blood-poisoning, from which he died:—*Held*, that the injury was caused by "accident": *Thompson v. Ashington Coal Co.* (1901), 17 T. L. R. 345.

Sub-sec. (2).—As to the duties and powers of a certifying surgeon in the case of an accident, see sec. 20, *infra*, and note. Sec. 63 of the Explosives Act, 1875, is as follows:—

38 & 39 Vict.
c. 17, sec. 63.

"Whenever there occurs any accident by explosion or by fire in or about or in connection with any factory, magazine, or store, or any accident by explosion or by fire causing loss of life or personal injury in or about or in connection with any registered premises, the occupier of such factory, magazine, store, or premises shall forthwith send, or cause to be sent, notice of such accident and of the loss of life or personal injury (if any) occasioned thereby to the Secretary of State. A notice of any accident of which notice is sent in pursuance of this section to a Government inspector, need not be sent to any inspector or sub-inspector of factories or any inspector of mines.

"Where in, about, or in connection with any carriage, ship, or boat, either conveying an explosive, or on or from which an explosive is being loaded or unloaded, there occurs any accident by explosion or by fire causing loss of life or personal injury, or if the amount of explosive conveyed or being so loaded or unloaded exceeds in the case of gunpowder half a ton, and in the case of any other explosive the prescribed amount, any accident by explosion or by fire, the owner or master of such carriage, ship, or boat, and the owner of the explosive conveyed therein or being loaded or unloaded therefrom, or one of them, shall forthwith send or cause to be sent notice of such accident, and of the loss of life or personal injury, if any, occasioned thereby, to the Secretary of State.

"Every such occupier, owner or master as aforesaid who fails to comply with this section shall be liable to a penalty not exceeding twenty pounds."

Sub-sec. (5).—For definition of "blast furnaces" and "iron mills" see Sched. 6, Part I. (9) and (11).

The provisions of this and secs. 20-22 apply to every dock,

wharf, quay, and warehouse, and to all machinery or plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal, as if they were included in the word "factory" sec. 104 (1); and to any premises on which machinery worked by steam, water, or other mechanical power, is temporarily used for the construction of a "building" or any structural work in connection therewith: sec. 105 (1). And this section and sec. 22 are to have effect as if (a) any building which exceeds thirty feet in height, and which is being constructed or repaired by means of a scaffolding, and (b) any building which exceeds thirty feet in height, and in which more than twenty persons, not being domestic servants, are employed for wages,—were included in the word "factory," and as if, in the first case, (a) the employer of the persons engaged in the construction or repair, and, in the second case, (b) the occupier of the building, were the occupier of a factory: *ib.* (2). Where any line or siding not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900, is used in connection with a factory or workshop, or with any place to which any of the provisions of this Act are applied, this sec. and sec. 22 are to apply as if the line or siding were part of a factory or workshop: sec. 106 (1), and note.

Where lead, phosphorus, arsenical or mercurial poisoning, or anthrax is contracted in any factory or workshop, written notice must forthwith be sent to the inspector and certifying surgeon for the district, and the provisions of this section are to apply to such cases in the same way as they apply to accidents: sec. 73 (3).

The general register which is to be kept in every factory and workshop must show in the prescribed form, the prescribed particulars as to every accident of which notice is required by this section to be sent to an inspector: sec. 129 (1) (c). If this requirement is not complied with, the occupier is liable to a fine not exceeding £5: *ib.*, sub-sec. (5).

20.—(1.) Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or 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 that accident, and within the next twenty-four hours send to the inspector a report thereof.

Investigation of and report on accidents by certifying surgeon. (1878), s. 32.

(2.) The certifying surgeon, for the purpose only

of an investigation under this section, shall have the same powers 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.

Sub-sec. (1).—As to certifying surgeons generally, see secs. 122–124.

Sub-sec. (2).—A certifying surgeon is to have the same general powers as an inspector (see sec. 119, *post*, p. 196) for the purposes of an investigation, etc., under this section, and in addition, the power to enter any room in a building to which the person killed or injured has been removed. This section applies to docks, etc.: sec. 105 (1) (ii.); buildings: sec. 105 (1) (ii.); railway sidings: sec. 106 (1) (ii.). It does not apply to any quarry to which the Quarries Act, 1894 (*Appx.*, *post*, p. 339), applies, that is, “to every place (not being a mine) in which persons work in getting slate, stone, coprolites, or other minerals, and any part of which is more than twenty feet deep”: *ib.*, secs. 1, & 3 (b).

Inquest in
case of death
by accident
in factory or
workshop.
(1891), s. 22
(3).
(1895), s. 19.

21.—(1.) Where a death has occurred by accident in a factory or workshop, the coroner shall forthwith advise the district inspector of the time and place of holding the inquest, and, unless an inspector or some person on behalf of the Secretary of State is present to watch the proceeding, the coroner shall adjourn the inquest, and shall, at least four days before holding the adjourned inquest, send to the inspector notice in writing of the time and place of holding the adjourned inquest.

Provided that, if the accident has not occasioned the death of more than one person, and the coroner has sent to the inspector notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the inquest, it shall not be imperative on him to adjourn the inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn.

(2.) 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, 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 factory or workshop, shall be at liberty to attend at the inquest, and, either in person or by his counsel, solicitor, or agent, to examine any witness, subject nevertheless to the order of the coroner.

The provisions of this section are analogous to those contained in sec. 48 of the Coal Mines Regulation Act, 1887 (50 & 51 Vict. c. 58).

This section applies to docks: sec. 104 (1) (ii.); buildings: sec. 105 (1) (ii.), and railway sidings: sec. 106 (1) (ii.); but not to men's workshops, sec. 157.

The following persons have a *locus standi* at the inquest, viz. (i.) the relatives of the deceased, (ii.) a factory inspector, (iii.) the occupier of the factory or workshop in which the accident occurred, and (iv.) any person appointed by "the order in writing" of the majority of the workpeople employed in the factory, etc.; also the counsel, solicitor or agent of any of the above parties. The coroner has a discretion as to the conduct of the proceedings.

22. Where it appears to the Secretary of State that a formal investigation of any accident occurring in a factory or workshop and its causes and circumstances is expedient, the Secretary of State may direct that such an investigation be held, and with respect to any such investigation the following provisions shall have effect:

Power to direct formal investigation of accidents. (1878), s. 21 (1). C. M. R. Act, 1887, ss. 45 & 46.

- (1.) The Secretary of State may appoint a competent person to hold the investigation, and may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the investigation;

- (2.) The person or persons so appointed (hereinafter called "the court") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident, and enabling the court to make the report in this section mentioned ;
- (3.) The court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences against this Act, and all the powers of an inspector under this Act, and in addition the following powers, namely :—
 - (a.) Power to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purpose ;
 - (b.) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make ;
 - (c.) Power to require the production of all books, papers, and documents which it considers important for the said purpose ;
 - (d.) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination :
- (4.) Persons attending as witnesses before the

court shall be allowed such expenses as would be allowed to witnesses attending before a court of record; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of His Majesty's superior courts, who on request, signed by the court, shall ascertain and certify the proper amount of the expenses:

- (5.) The court holding an investigation under this section shall make a report to the Secretary of State, stating the causes of the accident and its circumstances, and adding any observations which the court thinks right to make:
- (6.) All expenses incurred in and about an investigation under this section (including the remuneration of any person appointed to act as assessor) shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act:
- (7.) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, shall for every such offence be liable to a fine not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable to a fine not exceeding ten pounds for every day that such failure continues.

The Secretary of State may cause any special

report of an inspector or any report of a court under this Part of this Act to be made public at such time and in such manner as he may think fit.

Sub-secs. (1)–(7), and the last paragraph are new. They are the same as secs. 45 and 46 of the Coal Mines Regulation Act, 1887 (50 & 51 Vict. c. 58), which were incorporated by reference, by sec. 21 (1) of the Act 1891.

This section also applies to docks: sec. 104 (1) (ii.), and to any premises on which machinery worked by steam, water, or other mechanical power is temporarily used for the construction of a building, etc.: sec. 105 (1), and as if (*a*) any building which exceeds thirty feet in height, and which is being constructed or repaired by means of scaffolding; and (*b*) any building which exceeds thirty feet in height, and in which more than twenty persons, not being domestic servants, are employed for wages, were included in the word “factory,” and as if, in the first case (*a*), the employer of the persons engaged in the construction or repair, and, in the second case (*b*), the occupier of the building, were the occupier of a factory: *ib.* (2); and also to certain railway lines and sidings: sec. 106.

PART II.

EMPLOYMENT.

(i.) *Hours and Holidays.*

Sec. 23.

23. A woman, young person, or child shall not be employed in a factory or workshop except during the period of employment herein-after mentioned.

Restrictions
on period of
employment
of women,
young
persons, and
children.
(1878), s. 10.

For definition of "women," "young persons," and "child," see note to sec. 12, *ante*, p. 27, and sec. 156 (1); and for definition of "employment," etc., see sec. 152 and notes, and sec. 156 (2).

The following sections relate to the "employment" of (i.) women, (ii.) young persons, (iii.) children, (iv.) male young persons above 16 years, in "Textile" factories:—(i.) and (ii.) sec. 24; (iii.) sec. 25:—

In pursuance of "special exceptions": (i.), (ii.), and (iii.) sec. 39; (iv.) sec. 37.

The following sections relate to the "employment" of (i.) women, (ii.) young persons, (iii.) children, (iv.) male young persons above 16 years, in "Non-textile" factories, and in "workshops":—(i.) and (ii.) secs. 26 (and see sec. 28), 30, 43; (iii.) secs. 27 (and see sec. 28), 43.

In pursuance of "special exceptions": (i.) and (ii.) secs. 36 and 44; (i.), (ii.), (iii.) sec. 43; (iv.) sec. 38.

The following sections relate to the "employment" of (i.) women, (ii.) young persons, (iii.) children—generally:—(i.) and (ii.) secs. 29, 31 (2)–(5), 34, 47, 48; (iii.) 31 (1), 34.

In pursuance of a "special exception:" (i.) and (ii.) secs. 41, 42, 46.

The following sections relate to "overtime" employment of "women" in "Non-textile" factories, and in workshops:—sec. 49. On perishable articles, sec. 50. On incomplete processes, sec. 51. In Watermills, sec. 52. In Turkey-red dyeing, sec. 53.

The following sections relate to the "overtime" employment of "young persons:" sec. 51 (on incomplete process); sec. 52 (in Watermills). As to "children," see sec. 51.

As to "holidays," see secs. 35 and 45; "meals," 24 (5), 25 (7), 26 (3), 27 (5) (c), 29 (1) (b), 33, and 40; Sunday employment, secs. 34, 47, 48, 54 (1) (d); "night work," secs. 54-56; "intermittent employment," sec. 57; "notice fixing hours of employment," etc., sec. 32.

The "period of employment" for women and young persons in textile and non-textile factories, and in workshops, are regulated by secs. 24 and 26; and in "women's workshops," by sec. 29, *infra*. If a "period of employment" is fixed to begin at the usual hour of starting the work in a factory or workshop, for instance, at 7 a.m., and the period of employment was from 7 a.m. to 7 p.m., it is doubtful whether, if for any unforeseen reason the factory or workshop did not start on any particular day until, say, 8 a.m., the women or young persons could, under those circumstances, work until 8 p.m.

The occupier of a factory or workshop (other than a domestic factory or workshop) who employs persons contrary to the Act is liable to a fine not exceeding £3, or if the offence is committed during the night, £5 for each person so employed, and for a second or subsequent conviction in relation to a factory within two years, not less than £1 for each offence; and where any person is so employed in a domestic factory or workshop, to a fine not exceeding £1, and if during the night £2 for each person so employed, and for a second or subsequent offence, etc., in relation to the factory, not less than £1 for each person. See sec. 137 (1), and notes. Where a woman, young person, or child is not allowed times for meals, and absence from work, or during any part of such times is, in contravention of the Act, employed in a factory or workshop, or allowed to remain in any room, they are to be deemed to be employed contrary to the Act. See *ib.* (2), and notes.

A "young person" being a mechanic, artisan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop is exempt from the provisions of the Act: sec. 158.

"Employment" is to be deemed to be continuous unless interrupted by an interval of at least half an hour: sec. 156 (2).

If any person is found in a factory workshop (except a domestic factory or workshop) except at meal times, or while all the machinery of the factory or workshop is stopped, or for the sole purpose of bringing food to the persons employed therein between the hours of four and five o'clock in the afternoon, he is, until the contrary is

proved, to be deemed to have been then "employed" in the factory or workshop; but yards, playgrounds, and places open to the public view, schoolrooms, waiting-rooms, etc., belonging to the factory or workshop, are not to be taken to be any part thereof within the meaning of the Act; but this does not apply to a "domestic" factory or workshop: sec. 147 (1). The onus of proving that a young person or child is not within the statutory limit of age will rest on the occupier: *ib* (2).

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

Hours of employment in textile factories—young persons and women. (1878), s. 11. 1901.

- (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;
- (2.) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning;
- (3.) Where the period of employment on Saturday begins at six o'clock in the morning, that period—
 - (a.) If not less than one hour is allowed for meals, shall end at noon as regards employment in any manufacturing process, and at half-past twelve 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-past eleven o'clock in the forenoon as regards employment in any manufacturing process, and at noon as regards employment for any purpose whatever;
- (4.) Where the period of employment on Saturday

begins at seven o'clock in the morning, that period shall end at half-past twelve o'clock in the afternoon as regards any manufacturing process, and at one o'clock in the afternoon as regards employment for any purpose whatever ;

(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 ;

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

(6.) A woman or young person 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.

This section relates to the employment of "women" and "young persons" in a "textile" factory. The expression "textile factory" means "any premises wherein or within the close or curtilage of which steam, water, or other mechanical power, is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass cocoanut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof: Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories": sec. 149 (1).

The periods of employment in sub-secs. (1) and (2) remain the same as under the repealed Acts. In sub-sec. (3) (a) they have been *reduced* from "one o'clock" to noon, as regards any manufacturing process; and from half-past one to half-past twelve, as regards other employment; and in (b) from half-past twelve to half-past eleven, and from one o'clock to noon, respectively; and in sub-sec. (4) from half-past one to half-past twelve, and from two o'clock to one o'clock, respectively.

The hours of employment, etc., for women and young persons in print works, and bleaching and dyeing works are to be the same as if the works were a textile factory, save that nothing shall prevent their continuous employment in those works for five hours without an interval of half an hour for a meal : sec. 28, *infra*. Women and young persons can also be employed continuously for five hours without an interval for a meal in textile factories used solely for the making of (a) elastic web, (b) ribbon, (c) trimming. See sec. 39 (1) ; and this exception can be extended : *ib.* (2).

As to the "period of employment" during the winter months, see sec. 39.

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

Hours of employment in textile factories—children. (1878), s. 12. (1883), s. 14.

(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.

(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 either—

- (a.) at one o'clock in the afternoon ; or
- (b.) if the dinner time begins before one o'clock, at the beginning of dinner time ; or
- (c.) if the dinner time does not begin before two o'clock, at noon.

(3.) The period of employment for a child in an afternoon set shall, except on Saturday, begin either—

- (a.) at one o'clock in the afternoon ; or
- (b.) at any later hour at which the dinner time terminates ; or
- (c.) if the dinner hour does not begin before two o'clock, and the morning set ends at noon, at noon ;

and shall end at the same hour as if the child were a young person.

- (4.) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person.
- (5.) A child shall not be employed in two successive periods of seven days in the 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.
- (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.
- (7.) A child shall not on either system be employed continuously for more than four hours and a half without an interval of at least half an hour for a meal.

This sec. is a re-enactment without amendments of sec. 25 of the 1878 Act. It applies only to children in "textile" factories. For definition of a "child," see note to sec. 12, *ante*, and sec. 156 (1), and for definition of "textile factory," see note to last section.

Sub-secs. (4) and (5).—Only one set of children can be employed on Saturdays. The expression "week," means the period between midnight on Saturday night and midnight on the succeeding Saturday night: sec. 156 (1).

Sub-sec. (7). A child may be employed, during the winter months (in pursuance of a special exception), continuously for five hours without an interval for a meal, in textile factories used solely for the making of (a) elastic webb, (b) ribbon, (c) trimming: sec. 39 (1), and this exception may be extended: *ib.* (2).

The owner (whether or not he is one of the occupiers) of a "tenement" factory is, instead of the occupier, liable for the observance and punishable for the non-observance of the provisions of this section provided that any occupier may affix in his own tenement, the notice with respect to the period of employment, and thereupon that notice is to have effect in substitution for the corresponding notice affixed by the owner: sec. 87 (1).

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

Hours of employment in non-textile factories and workshops—
young persons and women.
(1878), s. 13.

(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, or begin at eight o'clock in the morning and end at eight o'clock in the evening.

(2.) The period of employment on Saturday shall (save as is in this Act specially excepted) begin at six o'clock in the morning and end at two o'clock in the afternoon, or begin at seven o'clock in the morning and end at three o'clock in the afternoon, or begin at eight o'clock in the morning and end at four o'clock in the afternoon.

(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.

- (4.) A woman or a young person in a non-textile factory and a young person in a workshop shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.

This section regulates the employment of "women" and "young persons" in non-textile factories and in workshops. For definitions of a "non-textile factory," and of a "workshop," see sec. 149 (1).

Women and young persons may also be employed between 9 a.m. and 9 p.m. during the winter months in certain textile factories: see sec. 39. As to special exceptions in the case of creameries, see sec. 42. As to special provision for the employment of women and young persons for eight hours on a Saturday, see sec. 30.

As to the hours of employment for women and young persons in "domestic" factories and workshops, see sec. 111, and as to "overtime" employment in non-textile factories, etc., see sec. 49.

In print works, and bleaching and dyeing works, the period of employment is to be regulated by the provisions of secs. 24 and 25: see sec. 28.

As to the period of employment in Jewish factories and workshops, see secs. 48 and 49, and as to "women's workshops," see sec. 29.

As to the employment of "male" young persons above sixteen years in lace factories, see sec. 37.

For definition of "employment and working for hire," see sec. 152.

Hours of employment in non-textile factories and workshops—children.
(1878), s. 14.
(1883), s. 14.

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

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

- (2.) The period of employment for a child in the

morning set on every day, including Saturday, shall begin at six or seven or eight o'clock in the morning and end either—

- (a.) at one o'clock in the afternoon; or
- (b.) if the dinner time begins before one o'clock, at the beginning of dinner time; or
- (c.) if the dinner time does not begin before two o'clock, at noon.

(3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin either—

- (a.) at one o'clock in the afternoon; or
- (b.) at any hour later than half-past twelve at which the dinner time terminates; or
- (c.) if the dinner time does not begin before two o'clock and the morning set ends at noon, at noon;

and shall end on Saturday at two o'clock in the afternoon, and on any other day at six or seven or eight o'clock in the evening, according as the period of employment for children in the morning set began at six or seven or eight o'clock in the morning.

(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.

(5.) When a child is employed on the alternate day system—

- (a.) The period of employment for such a child shall, except on Saturday, either

begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening, or begin at eight o'clock in the morning and end at eight o'clock in the evening ;

(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, or begin at eight o'clock in the morning and end at four o'clock in the afternoon ;

(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.

(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.

This section regulates the employment of "children" in non-textile factories, and in workshops, and remains the same as under the repealed Acts. For definition of "child," see note to sec. 12, *ante*, p. 27, and sec. 156 (1).

Both morning and afternoon "sets" of children can work on Saturdays : sub-secs. (2) and (3).

As to the hours of employment in "print works, and bleaching and dyeing works," see next section. As to the restrictions on employment of a child, inside and outside a factory or workshop on

the same day, see sec. 31 (1) and (5), and sec. 46; and as to meal times, secs. 33 and 40; and as to Sunday employment, sec. 34, and secs. 42 and 54 (1) (*d*). As to "tenement" factories, see note to sec. 25, *supra*.

As to special exception, see sec. 36.

28. In print works and bleaching and dyeing works the period of employment for a woman, young person, and child, and the times allowed for meals, shall be the same as if the works were a textile factory, and the regulations of this Act with respect to the employment of women, young persons, and children 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 woman, young person, or child in the works for five hours without an interval of half an hour for a meal.

Hours of employment in print works and bleaching and dyeing works. (1878), s. 40.

Print works, and bleaching and dyeing works, are non-textile factories (sec. 149 (1), and Schedule 6, Part I.), but the period of employment is to be the same as if they were "textile" factories. See secs. 24 and 25.

29.—(1.) 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—

Special provisions as to employment in women's workshops. (1878), s. 61. (1891), s. 13 (2).

(*a.*) the period of employment for a woman shall, except on Saturday, be a specified period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours, taken between six o'clock in the morning and four o'clock in the afternoon; and

(*b.*) there shall be allowed to a woman for meals and absence from work during the period

of employment, a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.

(2.) 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 to be conducted on that 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 system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

This section relates to "women's workshops." The expression "woman" means a woman of the age of 18 years and upwards: sec. 156 (1).

The "specified period of twelve hours" need not, it would seem, be continuous or consecutive; any hours between 6 a.m. and 10 p.m. can be worked, provided they do not exceed twelve, and that the proper intervals are allowed for meals and absence from work.

As to "men's workshops," see sec. 157.

Special provision as to eight hours' employment of women and young persons. (1891), s. 15.

30. In a non-textile factory or workshop where a woman or young person 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 woman or young person 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.

As to periods of employment for women and young persons in non-textile factories, and in workshops, see sec. 26.

31.—(1.) A child must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop.

Restriction on employment inside and outside factory or workshop on same day. (1895), s. 16 (1)–(3),

(2.) A woman or young person must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the woman or young person is employed in the factory or workshop both before and after the dinner hour.

1901.

(3.) For the purposes of this section a woman, young person, or child to or for whom any work is given out, or who is allowed to take out any work to be done by him or her outside a factory or workshop, shall be deemed to be employed outside the factory or workshop on the day on which the work is so given or taken out.

(4.) If a woman or young person is employed by the occupier of a factory or workshop on the same day, both in the factory or workshop, and in a shop, then—

(a.) the whole time during which that woman or young person is employed shall not exceed the number of hours permitted by this Act for her or his employment in the factory or workshop on that day; and

(b.) if the woman or young person is employed in the shop, except during the period of employment fixed by the occupier, and specified in a notice affixed in the factory or workshop in pursuance of this Act, the occupier shall make the prescribed entry in the general

register with regard to her or his employment.

(5.) This Act shall apply as if any woman, young person, or child employed in contravention of this section were employed in a factory or workshop contrary to the provisions of this Act.

Sub-sec. (4) is new and is substituted for sub-sec. (4) of sec. 16 of the 1895 Act.

See as to special exception, sec. 46.

Sub-sec. (4).—It would seem that this provision will not prevent women and young persons who have worked in a factory, or workshop and a shop, for “the number of hours permitted by the Act,” from being afterwards employed by some one else at some place totally distinct from that factory or workshop or shop at which they had been employed for the statutory period on the same day. The words of the sub-sec. point to the “employment” here limited being by the same “occupier,” and “the period of employment” being in the factory, workshop, or shop of that “occupier.”

See the Shop Hours Act, 1892, sec. 3 (Appx., *post*, p. 306).

Sub-sec. (5).—The penalty for a breach of the sec. is a fine not exceeding £10: sec. 135.

By sec. 114 (2) the exercise in a private house or room by the family dwelling there, or any of them, of manual labour for the purpose of gain in or incidental to (i.) the making of any article, or part of any article, (ii.) the altering, repairing, ornamenting, or finishing of any article, (iii.) the adapting for sale of any article, shall not of itself constitute that house or room a workshop, where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living of the family (see also *ib.* (1)). It would therefore seem to be lawful for women or young persons who may have been employed full time, to work upon “articles” at their own private homes.

Notice fixing hours of employment, etc. (1878), ss. 19, 76.

32.—(1.) The occupier of every factory and workshop may fix within the limits allowed by this Act, and shall, subject to any special exceptions made by or in pursuance of this Act, specify in a notice which must be affixed in the factory or workshop—

- (a.) The period of employment;
- (b.) The times allowed for meals; and

(c.) Whether the children are employed on the system of morning and afternoon sets or of alternate days.

(2.) In a factory or workshop where such a notice is required to be affixed, the period of employment, the times allowed for meals, and the system of employment for all the children in the factory or workshop, shall be those for the time being specified in the notice.

(3.) A change in the said period or times or system shall not be made until the occupier has served on an inspector, and affixed in the factory or workshop, notice of his intention to make the change, and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

(4.) 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 the times allowed for meals in that factory or workshop shall be regulated by that clock.

Sub-sec. (4).—District councils have power to provide public clocks: P. H. Act, 1875, sec. 165. An inspector is not bound to name a public clock.

The "owner" (whether or not he is one of the occupiers) of a "tenement" factory, is liable instead of the occupier for the observance, and punishable for the non-observance, of the provisions of this sec.; provided that any occupier may affix in his own tenement the notice under this sec., and thereupon the notice is, with respect to the persons employed by him, to have effect in substitution for the corresponding notice affixed by the owner: sec. 87 (1).

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

(1.) All women, young persons, and children em-

Meal times to be simultaneous, and employment during meal times

forbidden.
(1878), s. 17.

ployed therein shall have the times allowed for meals at the same hour of the day; and

- (2.) A woman, young person, or child shall not during any part of the times allowed for meals in the 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 then being carried on.

See the exceptions in sec. 40. As to "tenement" factories, see note to last section. As to the penalty for a contravention of this section, see sec. 137, and see sec. 152 and *Prior v. Slaithwaite Spinning Co.*, in note to the latter section sub-sec. (2). It is only where "a manufacturing process or handicraft" is actually being carried on in a room that the latter part of this sub-section applies.

Prohibition of
Sunday em-
ployment.
(1878), s. 21).

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

As to "creameries," see sec. 42, and as to "Jewish" factories and workshops, see secs. 47 and 48, and as to blast furnaces or paper mills, see sec. 54 (1) (d).

Annual holi-
days and half
holidays.
(1878), ss. 22,
105.
(1891), ss. 16,
33 (4) 34.
(1895), s. 17.

35.—(1.) Subject to any special exceptions made by or in pursuance of this Act, the occupier of a factory or workshop shall allow in each year to every woman, young person, and child employed in the factory or workshop the following holidays:—

In England there shall be allowed as whole holidays—

Christmas Day, Good Friday, and every Bank holiday, unless, in lieu of any of those days, another whole holiday or two half holidays, fixed by the occupier, be allowed.

In Scotland there shall be allowed—

(a.) In burghs or police burghs, as whole holidays, the two days set apart by the Church of Scotland for the observance of the

Sacramental Fast in the parish, or, if those fast days have been abolished or discontinued, two days, not less than three months apart, to be fixed by the town council; elsewhere, two whole holidays, not less than three months apart, fixed by the occupier;

- (b.) Eight half holidays fixed by the occupier, but a whole holiday, fixed by the occupier, may be allowed in lieu of any two half holidays.

In Ireland there shall be allowed—

- (a.) Christmas Day;

- (b.) Any two of the following days, fixed by the occupier, namely, the seventeenth of March (when it does not fall on a Sunday), Good Friday, Easter Monday, and Easter Tuesday;

- (c.) Six half holidays, fixed by the occupier, but a whole holiday, fixed by the occupier, may be allowed in lieu of any two half holidays.

(2.) At least half of the said whole holidays or half holidays shall be allowed between the fifteenth day of March and the first day of October in every year.

(3.) A notice of every whole holiday or half holiday must be affixed in the factory or workshop during the first week in January, and a copy thereof must on the same day be forwarded to the inspector for the district, and unless the notice has been so affixed and sent cessation from work shall not be deemed to be a whole holiday or a half holiday:

Provided that—

- (a.) this subsection does not apply in the case of a whole holiday in a factory or workshop in England or Wales if the whole

holiday is Christmas Day or Good Friday or a Bank holiday ;

(b.) 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.

(4.) A half holiday shall comprise at least one half of the period of employment for women and young persons on some day other than Saturday, or a day substituted for Saturday.

(5.) A woman, young person, or child who—

(a.) on a whole holiday fixed by or in pursuance of this section for a factory or workshop is employed in the factory or workshop ; or

(b.) on a half holiday fixed in pursuance of this section for a factory or workshop is employed in the factory or workshop during the portion of the period of employment assigned for that half holiday ;

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

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

As to special exceptions as to "holidays" in classes of non-textile factories or workshops, see sec. 45.

Sub-sec. (3).—If the occupier does not intend to fix any other holidays than Christmas Day, Good Friday, and Bank holidays, he need not affix or send a notice to the inspector (a). If he does *not* fix any other days for holidays in lieu thereof, and affix and send notice in the first week in January, he cannot apparently subsequently alter this determination. He might find it necessary, later in the year, to keep his factory, etc., open on a Bank holiday, owing to press of work, etc., but proviso (b) of this sub-section would

not, it is submitted, apply to such a case, for if he had not given any "notice" he could not "change" it, and would be bound by the provisions of the section which require him to give "every" Bank holiday.

Scotland.—In burghs or police burghs, if the two fast days set apart by the Church of Scotland for the observance of the fast have been abolished or discontinued, two other days for holidays are to be fixed by the town council. Under this sub-section a "notice" of every whole holiday, etc., has to be affixed during the first week in January, and a copy thereof sent to the inspector on the same day. If the "two days" for holidays are not fixed by the town council before the end of December, it will be manifestly impossible for occupiers to comply with the provisions of this sub-section "during the first week in January."

Sub-sec. (5).—The penalty is a fine not exceeding £3, and if the offence is committed during the night £5, for each person so employed: sec. 137 (1).

(ii.) *Special Exceptions as to Hours and Holidays.*

36. 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 the grant can be made without injury to the health of the women, young persons, and children, affected thereby, he may, by Special Order, grant to that class of factories or workshops or parts thereof, a special exception that the period of employment for women and young persons 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 that 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.

Employment
between
9 a.m. and
9 p.m. in
certain cases.
(1878), s. 43.

This section applies to any "class" of non-textile factory or workshop.

The Secretary of State allowed the period of employment provided by the similar section of the 1878 Act in the following: Workshops in which the curing of fish is carried on (*L. G.*, 1882, December 22; *St. R. & O. Rev.*, vol. iii. p. 219). Factories in the metropolis in which "book binding" is carried on between September 1 and the last day of February following, "provided that it shall be a condition of the employment of any child, young person, or woman under this extended exception that there shall be a cubic space of at least 400 feet for every young person and woman so employed," *L. G.*, 1884, January 18, and *ib.* p. 220. In the "work-rooms" in connection with drapers' retail establishments within the boroughs of Manchester and Salford, *L. G.*, 1884, April 18, and *ib.* p. 221. Factories and workshops for the manufacture of straw-hats, and bonnets, *L. G.*, 1887, May 3, and *ib.* p. 221. As to these orders, see sec. 161 (2).

Employment
of male young
persons above
16 in lace
factories.
(1878), s. 44.

37.—(1.) 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, the period of employment for any male young person above the age of sixteen years may be between four o'clock in the morning and ten o'clock in the evening, if he is employed in accordance with the following conditions; namely:—

- (a.) Where he is employed on any day before the beginning or after the end of the ordinary period of employment, there must 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 he is employed on any day before the beginning of the ordinary period of employment, he must not be employed on the same day after the end of that period; and
- (c.) Where he is employed on any day after the end of the ordinary period of employment, he must not be employed next morning

before the beginning of the ordinary period of employment.

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

This section applies to male young persons above the age of sixteen years, only in the part of lace factories in which a machine is moved by "steam, water, or other mechanical power." As to "night work," see sec. 54.

This exception will permit of "male" young persons above sixteen working for nine hours between 4 a.m. and 10 p.m. It would seem that there is nothing to prevent such a young person from being kept about a factory under this exception for a longer time than nine hours, although he may not actually "work" longer.

Sub-sec. (2).—For the "periods of employment" in textile factories, see sec. 24, *ante*.

38.—(1.) In the part of a bakehouse in which the process of baking bread is carried on, the period of employment for any male young person above the age of sixteen years may be 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:—

Employment
of male young
persons above
16 in bake-
houses.
(1878), s. 45.

(a.) Where he is employed on any day before the beginning or after the end of the ordinary period of employment, there must 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 he is employed on any day before the beginning of the ordinary period of employ-

ment, he must not be employed on the same day after the end of that period; and

- (c.) Where he is employed on any day after the end of the ordinary period of employment, he must not be employed next morning before the beginning of the ordinary period of employment.

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

This section only applies to that part of a bakehouse where the process of baking bread is carried on. See generally as to "bakehouses," secs. 97-102.

Sub-sec. (2).—A "bakehouse" is a non-textile factory, or a workshop: sec. 149 and Schedule 6, Part II. (23). For the "period of employment" in non-textile factories, and in workshops, see sec. 26, *ante*.

As to "night-work," see sec. 54.

Five hours' spell in certain textile factories. (1878), s. 48, and 3 Sched., Part 7.

39.—(1.) In any of the textile factories to which this exception applies, a woman, young person, or child may, between the first day of November and the last day of March next following, be employed continuously for five hours without an interval for a meal; provided that,—

- (a.) the period of employment fixed by the occupier and specified in the notice begins at seven o'clock in the morning; and
(b.) the whole time between that hour and eight o'clock is allowed for meals.

(2.) This exception applies to textile factories solely used for—

- (a.) the making of elastic web ; or
- (b.) the making of ribbon ; or
- (c.) the making of trimming.

(3.) Where it is proved to the satisfaction of the 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 women, young persons, and children, affected thereby, he may, by Special Order, extend this exception accordingly. The limitation of this exception to the period between the first day of November and the following last day of March shall not, if the Secretary of State by Special Order so directs, apply to hosiery factories.

The last four lines of sub-sec. (3) are new, the effect of them being, that in the case of hosiery factories, the Secretary of State can now extend the dates between which the "five hours' spell" may be worked.

This is an exception as to the "periods of employment" in textile factories, during the winter months : see secs. 24 and 25.

The Secretary of State extended this exception under the similar section of the 1878 Act to the following : 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 silk, or either of such processes (*L. G.*, 1882, Dec. 22 ; *St. R. & O. Rev.*, vol. iii. p. 223).

40.—(1.) The provisions of this Act which require that all the women, young persons, and children employed in a factory or workshop must have the times allowed for meals at the same hour of the day shall not apply to the following factories, namely :—

- (i.) Blast furnaces, or

Different meal times for different sets, and employment during meal times (1878). s. 52, and 3 Sched., Part 2.

- (ii.) Iron mills, or
- (iii.) Paper mills, or
- (iv.) Glass works, or
- (v.) Letter-press printing works.

(2.) The provisions of this Act which require that a woman, young person, or child shall not during the times allowed for meals be employed or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on shall not apply to the following factories, namely:—

- (i.) Iron mills, or
- (ii.) Paper mills, or
- (iii.) Glass works (except any part in which the materials are mixed, and, in the case of glass works where flint glass is made, any part in which the work of grinding, cutting, or polishing is carried on), or
- (iv.) Letter-press printing works.

(3.) 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—

- (i.) A male young person may have the times allowed him for meals at different hours of the day from other young persons and women and children employed in the factory ;
- (ii.) A male young person may during the times allowed for meals to any other young person or to any woman or child be employed or be allowed to remain in a room in which a manufacturing process is carried on ; and
- (iii.) During the times allowed for meals to a male young person any other young person or any woman or child may be employed in the factory or be allowed to remain in a room in which a manufacturing process is carried on.

(4.) Where it is proved to the satisfaction of the 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 that class, to extend thereto both or either of the following exceptions, namely:—

- (a.) an exception permitting the women, young persons, and children employed in the factory or workshop to have the times allowed for meals at different hours of the day; or
- (b.) an exception permitting women, young persons, and children, during the times allowed for meals in the factory or workshop, to be employed in the factory or workshop or to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on,

and that the extension can be made without injury to the health of the women, young persons, and children, affected thereby, he may, by Special Order, extend both or either of those exceptions accordingly.

See sec. 33.

Sub-sec. (1).—This exception was, under the similar section of the 1878 Act, 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 (*L. G.*, 1882, Dec. 22; *St. R. & O. Rev.*, vol. iii. p. 224).

It was also further extended to "Non-textile factories wherein is carried on the making of bread or biscuits by means of travelling ovens." *L. G.*, 1887, March 1, and *ib.* p. 225. To "factories and workshops in which is carried on the "printing of photographs" subject to the condition that in every factory and workshop the occupier of which avails himself of this exception, there shall be affixed a notice having the names of the children, young persons, and women employed in the factory or workshop, and the times allowed to each of them for meals" (*L. G.*, 1896, May 8; *St. R. & O.*, 1896, p. 108). It was further extended to factories in which is carried on the spinning of "artificial silk," subject to the following conditions:—

- (1.) One set of meal hours shall be appointed for the children, young persons, and women whose ordinary employment in the factory is the spinning of artificial silk; another set for all other children, young persons, and women employed in the factory.
- (2.) All children, young persons, and women whose ordinary employment in the factory is the spinning of artificial silk, shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory, or be allowed to remain in a room in which any manufacturing process or handicraft is then being carried on.
- (3.) All other children, young persons, and women employed in the factory, shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory, or be allowed to remain in a room in which any manufacturing process or handicraft is then being carried on.
- (4.) In every room in which any child, young person, or woman is employed in the spinning of artificial silk, there shall be affixed a complete and accurate list of all children, young persons, and women, whose ordinary employment in the factory is the spinning of artificial silk, together with a statement of the meal hours appointed for them.
- (5.) In every room in which any child, young person, or woman is employed in the spinning of artificial silk, there shall be at least 1,000 cubic feet of air space to each person employed. *L. G.*, 1889, July 25; *St. R. & O.*, 1899, p. 604.

It was also further extended to: Textile factories in which the

material used is—Flax, jute, or hemp, subject to the following conditions :—

- (1.) One set of meal hours shall be appointed for the children, young persons, and women whose sole employment in the factory is the sweeping and removal of waste from the floors, hereinafter referred to as sweepers; another set for all other children, young persons, and women employed in the factory.
- (2.) All sweepers shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory.
- (3.) All other children, young persons, and women employed in the factory, shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory.
- (4.) At the entrance of the factory there shall be kept posted a complete and accurate list of all sweepers employed in the factory, together with a statement of the meal hours appointed for them.
- (5.) In every room in which both sweepers and other persons are employed there shall be at least 1,000 cubic feet of air space to each person employed. *L. G.*, 1899, Sept. 12; *St. R. & O.*, 1899, p. 606.

See Schedule 6, Part I. (9) (11), (14), (15), (17).

Sub.-sec. (2). See sec. 33 (2) and note. This exception was also extended to the same factories, etc., and subject to the same conditions, as those given under sub.-sec. (1), *supra*.

See Schedule 6, Part I. (11), (14), (15), (17).

Sub.-sec. (3).—See Schedule 6, Part I. (1), (2).

41.—(1.) The provisions of this Act as to period of employment, times for meals, and holidays, shall not apply to young persons and women engaged—

Special ex-
ceptions as to
fish and fruit
preserving.

- (a.) in processes in the preserving and curing of fish which must be carried out immediately on the arrival of the fishing boats in order to prevent the fish from being destroyed or spoiled; or

1901.

- (b.) in the process of cleaning and preparing fruit so far as is necessary to prevent the spoiling of the fruit immediately on its arrival at a factory or workshop during the months of

June, July, August, and September, but this exception shall be subject to such conditions as the Secretary of State may by Special Order prescribe.

(2.) Where an occupier avails himself of this exception, the notice required to be served and affixed by an occupier of a factory or workshop availing himself of any special exception, need not specify the hours for the beginning and end of the period of employment, or the times to be allowed for meals.

This section is new.

Special
exceptions as
as to cream-
eries.

1901.

42. In the case of creameries in which women and young persons are employed, the Secretary of State may, by Special Order, vary the beginning and end of the daily period of employment of those women and young persons, and the times allowed for their meals, and allow their employment for not more than three hours on Sundays and holidays: Provided that the order shall not permit any excess over either the daily or the weekly maximum number of hours of employment allowed by this Act.

This section is new.

Substitution
of another
day for
Saturday.
(1878). s. 46.

43. Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of 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 women, young persons, and children is required by this Act to end on Saturday, he may, by Special Order, grant to that class of factories or workshops a special exception, authorizing the occupier of every such factory and workshop to substitute by a notice

affixed in his factory or workshop some other day for Saturday, and in that case this Act shall apply in the factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day. In the case of newspaper printing offices, he may by such order authorize the substitution of some other day for Saturday in respect of some of the young persons therein employed.

This exception was allowed in the following non-textile factories and workshops, under the similar section of the 1878 Act, viz. :—

- (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 the weekly half-holiday.

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

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

L. G., 1882, Dec. 22; *St. R. & O. Rev.*, vol. iii. p. 222.

44. In the process of Turkey red dyeing the period of employment for women and young persons on Saturday may extend 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 must in no case be exceeded.

Saturday
employment
in Turkey red
dyeing.
s. 47 (1878).

See sec. 53 as to "overtime" in Turkey red dyeing.

45. Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile

Holidays on
different days
for different
sets.
(1878), s. 49.

factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may, by Special Order, grant to that class of factories or workshops a special exception authorizing the occupier of any such factory or workshop to allow all or any of the annual whole holidays or half holidays on different days to any of the women, young persons, and children employed in his factory or workshop, or to any sets of those women, young persons, and children, and not on the same days.

This special exception was authorized under the similar section of the 1878 Act in the following:—

- (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: *L. G.*, 1882, Dec. 22; *St. R. & O. Rev.*, vol. iii. p. 223.

It will be observed that this special execution can be made either in the case of individuals, or of "sets." See sec. 35, and *ib.* (4).

Employment
inside and
outside on the
same day.
(1895), s.
16 (6).

46. Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of factories or workshops, or parts thereof, either generally or when situate in any particular locality, require that that trade should be excepted from the operation of the provisions of this Act relating to employment inside and outside a factory or workshop on the same day, he may, by special order, grant to that class of

factories or workshops, or parts thereof, such special exception as may be necessary.

See sec. 31, *ante*.

47. Where the occupier of a factory or workshop is a person of the Jewish religion—

(1.) If he keeps his factory or workshop closed on Saturday until sunset, he may employ women and young persons 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, he may employ women and young persons 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.

This section applies to those factories and workshops of which the "occupier" is of the Jewish religion, but not necessarily all the persons employed by him.

As to notice, etc., see sec. 32, and as to Sunday employment generally, see sec. 34 and note, and see the section following.

Sub-sec. (2.)—As to overtime employment generally, see sec. 49.

Paragraph (3) of the corresponding section of the 1878 Act is not re-enacted.

48. Where the occupier of a factory or workshop is a person of the Jewish religion, a woman or young person of the Jewish religion may be employed on Sunday, subject to the following conditions:—

(1.) The factory or workshop must be closed on Saturday and must not be open for traffic on Sunday; and

(2.) The occupier must not avail himself of the exception authorizing the employment of

Hours and
holidays in
factory or
workshop of
Jewish
occupier.
(1878), s. 50.

Sunday em-
ployment of
Jews in fac-
tory or work-
shop of Jewish
occupier.
(1878), s. 51.

women and young persons on Saturday evening, or for an additional hour during any other day in the week.

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

This section applies to those factories and workshops where the "occupier," and the persons employed by him, are of the Jewish persuasion. As to Sunday employment generally, see sec. 34.

The work may be arranged thus: Friday all day; Saturday no work; Sunday half a day's work, or, if the occupier so specify in a notice affixed and sent to an inspector, thus: Friday, half a day's work; Saturday, no work; Sunday, the whole day.

The appellant, who was of the Jewish religion, was the occupier of a workshop. He made arrangements with his customers to make buttonholes in certain garments sent to him, and at prices agreed upon beforehand. The workshop was closed on Saturday, but was open on Sunday, in order that the garments might be sent to, and fetched from, his workshop, in pursuance of such prior arrangements, and for no other purpose:—*Held*, that the appellant did not keep his workshop "open for traffic on Sunday": *Goldstein v. Vaughan* (1897), 1 Q. B. 549; 66 L. J. Q. B. 380; 76 L. T. 262; 45 W. R. 339; 61 J. P. 277; 13 T. L. R. 285.

Overtime.

Overtime employment of women for press of work. (1878), s. 53. (1895), s. 14 (1).

49.—(1.) In the non-textile factories and workshops or parts thereof and warehouses to which this exception applies, the period of employment for women on any day except Saturday, or any day substituted for Saturday, may be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening, or between eight o'clock in the morn-

ing and ten o'clock in the evening, if they are employed in accordance with the following conditions, namely :—

- (a.) There must be allowed to every woman for meals during the period of employment not less than two hours, of which half an hour must be after five o'clock in the evening; and
- (b.) A woman must not be so employed in the whole for more than three days in any one week; and
- (c.) Overtime employment under this section must not take place in a factory or workshop on more than thirty days in the whole in any twelve months, and in reckoning that period of thirty days, every day on which any woman has been employed overtime is to be taken into account.

(2.) This exception applies to the non-textile factories and workshops and parts thereof and warehouses specified in the Second Schedule to this Act, except that it does not apply to a workshop or part thereof which is conducted on the system of not employing any young person or child therein.

(3.) Where it is proved to the satisfaction of the 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 women in manner authorized by this exception, and that such employment will not injure the health of the women affected thereby, he

may, by Special Order, extend this exception to those factories or workshops or parts thereof.

This sec. applies to "non-textile factories and workshops or parts thereof and warehouses" (as to the latter expression, see notes to sec. 104).

Sub-sec. (1) (b.)—Overtime can only be worked on 3 days in "any one week." "Week" means the period between midnight on Saturday night and midnight on the following Saturday night (sec. 156). *Ib.* (c.) The 30 days is not confined to any "one year," but to any "twelve months."

Sub-sec. (2.)—See Schedule 2, *post*, p. 254, for the factories and workshops to which this section applies, and to which the similar provisions of the 1878 Act were extended. This does not apply to women's workshops.

Sub-sec. (3.)—This only applies to "classes" of non-textile factories or workshops, or parts thereof.

Where overtime is being worked there must be a cubic space of 400 feet for every person so working: sec. 3 (1).

As to "notices," &c., required before an occupier can avail himself of the provisions of this section, see sec. 60.

Overtime cannot be worked in "textile" factories, or workshops, except in such factories when driven by water power (Watermills): sec. 52, and in any part of such a factory or workshop which is a "warehouse" not used for any manufacturing process or handicraft, or in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods. (Schedule 2 (4), *post*, p. 255.)

As to employment in Jewish factories and workshops in addition to the ordinary period of employment, see sec. 47, *ante*.

See also "Orders" on p. 232, *post*.

Overtime employment of women on perishable articles. (1878), s. 56. 1901.

50.—(1.) In the factories and workshops and parts thereof to which this exception applies, the period of employment for a woman may on any day except Saturday, or any day substituted for Saturday, be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening, if she is employed in accordance with the following conditions, namely:—

(a.) There must be allowed her for meals not less than two hours, of which half an hour must be after five o'clock in the evening; and

- (b.) She must not be so employed in the whole for more than three days in any one week; and
- (c.) Overtime employment under this section must not take place in a factory or workshop on more than fifty days in the whole in any twelve months; and in reckoning that period of fifty days, every day on which any woman has been employed overtime is to be taken into account.

(2.) This exception applies to every factory and workshop or part thereof in which is carried on—

- (a.) the process of making preserves from fruit; or
- (b.) the process of preserving or curing fish; or
- (c.) the process of making condensed milk.

(3.) Where it is proved to the satisfaction of the 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 authorized by this exception, and that such employment will not injure the health of the women employed, he may, by Special Order, extend this exception to those factories or workshops or parts thereof.

This section is a re-enactment of sec. 56 of the 1878 Act, *except* that the "overtime" employment of women has now been reduced from five to "three" days in any one week (sub-sec. (1) (b)), and from sixty to "fifty" days in the whole twelve months: *ib.* (c). In reckoning the latter period, every day in which any woman has been employed overtime is to be taken into account: *ib.*

Sub-sec. (3.)—The exception was extended under the similar sec. (56) of the 1878 Act, to:—Non-textile factories in which are carried on the occupations of preparing cream and making butter and cheese, but subject to a condition of such employment of any women, that there shall be a cubic space of at least 400 feet for every woman so employed, and the Order of Sept. 10, 1889, was revoked. *L. G.*, 1893, August 22; *St. R. & O.*, 1893, p. 222. The

provisions of this section now, however, will override that Order as the periods have been reduced, as pointed out above.

As to "notice," &c., see sec. 60.

Overtime employment on incomplete process.
(1878), s. 54,
and 3 Sched.,
Part 4.

51.—(1.) If in any factory or workshop or part thereof to which this exception applies, the process in which a woman, young person, or child is employed, is in an incomplete state at the end of the period of employment of the woman, young person, or child, the woman, young person, or child may on any day except Saturday, or any day substituted for Saturday, be employed for a further period not exceeding thirty minutes :

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

(2.) This exception applies to the factories and workshops following, namely :—

- (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.

(3.) Where it is proved to the satisfaction of the 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 that class of factories or workshops or parts thereof of this exception can be made without injury to the health of the women, young persons,

and children, affected thereby, he may by Special Order extend this exception accordingly.

It is only when the "process" is in an incomplete state at the "end of the period of employment" that it is legal to employ the women, young persons, and children for the extra half-hour. The exception was extended, under the similar section of the 1878 Act, to:—Non-textile factories and workshops or parts thereof in which is carried on the process of baking of bread or biscuits; and to the following non-textile factories and workshops in the county of Cornwall, viz.: Dressing floors, Tin streams, China-clay pits, and Quarries (*L. G.*, 1882, Dec. 22; *St. R. & O. Rev.*, vol. iii. p. 222).

As to "quarries" generally, see The Quarries Act, 1894, Appx., *post*, p. 339.

An occupier of any of the enumerated factories, etc., before he can even avail himself of this exception, must give the notices, etc., required by sec. 60, *post*, p. 94. The last paragraph of this section only applies to "classes" of non-textile factories and workshops.

52. Where it appears to the Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by Special Order, grant to those factories a special exception permitting the employment of women and young persons during a period of employment from six o'clock in the morning until seven o'clock in the evening, on such conditions as he thinks proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, or any day substituted for Saturday, and that as regards factories liable to be stopped by drought, the 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, the special exception 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.

Overtime employment in factories driven by water.
(1878), s. 57.

This exception does not apply to children, and it is an exception in favour of "textile" factories (Watermills). See sec. 49, *supra*.

The expression month means "calendar month" (Interpretation Act, 1889, sec. 3).

This exception was extended, under the similar section of the 1878 Act, to every factory falling within the following class of factories, viz.: Factories in which water power *alone* is used to move machinery, but subject to the following conditions:—

1. No person employed under this special exception shall be thereby deprived of the meal hours by the Act provided, or be so employed on Saturday.
2. Notice of the time lost and the cause thereof shall be reported to the Inspector within three days of such loss.
3. Notice of the recovery of the time lost shall be reported to the Inspector day by day as the same has been recovered.
4. This special exception shall not be available—
 - (a.) for the recovery of any time lost more than 12 months previously;
 - (b.) for the recovery of time lost from the stoppage of the factory by drought for more than 96 days in any period of 12 months;
 - (c.) for the recovery of time lost from the stoppage of the factory by floods for more than 48 days in any period of 12 months.
5. This special exception will not authorize the employment of children.

This Order came into effect on the 1st January, 1883, and is to continue in force until revoked (*L. G.*, 1882, Dec. 22; *St. R. & O. Rev.*, vol. iii. p. 233).

Overtime employment in Turkey red dyeing and open-air bleaching. (1878), s. 55. (1895), s. 14 (8).

53. A woman or young person may on any day except Saturday, or any day substituted for Saturday, be employed beyond the period of employment, 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.

As to special exceptions in processes of cleaning and preparing fruit, so far as is necessary to prevent the spoiling of the fruit immediately on its arrival at a factory or workshop, during the months of June, July, August, and September, and in processes

in the preserving and curing of fish, etc., see sec. 41. See also sec. 44 (Saturday employment in Turkey red dyeing).

54.—(1.) In the factories and workshops to which this exception applies, a male young person of fourteen years of age and upwards may be employed during the night, if he is employed in accordance with the following conditions, namely—

Night employment of male young persons of 14. (1878), s. 58, and 3 Sched., Part 6. (1895), ss. 14 (3), 38.

- (a.) The period of employment must not exceed twelve consecutive hours, and must begin and end at the hours specified in the notice in this Act mentioned; and
 - (b.) The provisions of this Part of this Act with respect to the allowance of times for meals shall be observed with the necessary modifications as to the hour at which the meal times are fixed; and
 - (c.) A young person employed during any part of the night must not be employed during any part of the twelve hours preceding or succeeding the period of employment; and
 - (d.) He must not be employed on more than six nights, or in the case of blast furnaces or paper mills seven nights, in any two weeks; provided that this condition shall not prevent the employment of male young persons in three shifts of not more than eight hours each, if there is an interval of two unemployed shifts between each two shifts of employment; and
 - (e.) In the case of blast furnaces, iron mills, letterpress printing works, or paper mills, he must not be employed during the night in any process other than a process incidental to the business of the factory as described in Part I. of the Sixth Schedule to this Act.
- (2.) The provisions of this Act with respect to the

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

(3.) This exception applies to the following factories, namely :—

- (a.) Blast furnaces,
- (b.) Iron mills,
- (c.) Letter-press printing works, and
- (d.) Paper mills.

(4.) Where it is proved to the satisfaction of the 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 and upwards at night, and that such employment will not injure the health of the male young persons employed, he may, by Special Order, extend this exception to those factories or workshops or parts thereof so far as regards young persons of the age of sixteen years and upwards.

This section deals with the "night" employment of male young persons of an age of fourteen years and upwards, in certain factories and workshops.

Sub-sec. (1).—"Night" means the period between nine o'clock in the evening and six o'clock in the succeeding morning: sec. 156.

(b.) The same regulations as to meals apply as if the young persons were engaged in day work. See secs. 33 and 40 as to meals. (c.) It will not be legal to employ such male young persons during any part of the previous or succeeding twelve hours, when he is to be, or has been, employed during any part of a night.

(d.) This allows "Sunday" employment in blast furnaces and paper mills.

(e.) Part I. of Schedule 6 contains the definitions of these non-textile factories. See *ib.* (9), (11), (17), (14).

Sub-sec. (2).—Provisions with respect to Saturday employment are contained in secs. 24-27, 29, 30, 35, 43, 44, 47, 49, 50, 52, 53, and the provisions as to holidays, in secs. 35, 45, 47.

Nothing in this section will prevent the employment in any quarry to which the Quarries Act, 1894, applies, of any young persons in three shifts for not more than eight hours each: *ib.*, sec. 3 (c), Appx., *post*, p. 340.

Sub-sec. (4.)—Under the similar provision of the 1878 Act, this exception was extended so far as regards male young persons of sixteen years and upwards, in the following factories and workshops:—

Oil-seed crushing mills (factories). Copper and yellow metal rolling mills. Iron and metal tube works in which furnaces are used. 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.

The process of galvanizing metal in non-textile factories.

China-clay works.

The process of iron-ore washing. *L. G.*, 1895, Nov. 16; *St. R. & O.*, 1895, p. 240.

55. In glass works a male young person of fourteen years of age and upwards may work according to the accustomed hours of the works, if he is employed in accordance with the following conditions, namely:—

Night employment of male young persons of 14 in glass works. (1878), s. 60. (1895), s. 14 (1), (6), (7).

- (a.) The total number of hours of the periods of employment must not exceed sixty in any one week; and
- (b.) The periods of employment must not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that the number of turns do not exceed nine; and
- (c.) He must not work in any turn without an interval of time not less than one full turn; and
- (d.) He must not be employed continuously for more than five hours without an interval of at least half an hour for a meal; and

(e) He must not be employed on Sunday.

“Glass works” are “any premises in which the manufacture of glass is carried on,” and are non-textile factories: sec. 149, and Schedule 6, Part I. (15).

Night employment of male young persons of 16 in printing newspapers. (1878), s. 59. (1895), s. 14 (5).

1901.

56. In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, a male young person above the age of sixteen years may be employed at night during not more than two nights in a week, as if he were no longer a young person :

Provided that he must not in pursuance of this exception be employed more than twelve hours in any consecutive period of twenty-four hours.

The words “in any consecutive period of twenty-four hours” in the proviso, are new. They are apparently added owing to an ambiguity in sub-sec. (5) of sec. 14 of the 1895 Act, which enacted that “a young person shall not, in pursuance of sec. 59 of the principal Act (1878), be employed more than twelve hours continuously”—sec. 59 (of which this section is a re-enactment) provided that he could be thus employed “as if he were no longer a young person.” If the process of printing newspapers is carried on, on more than two nights a week, this section will not apply.

Intermittent Employment.

Exemption for certain flax scutch mills. (1878), s. 62.

57.—(1.) The regulations of this Act with respect to the period of employment for women shall not apply to flax scutch mills which are conducted on the system of not employing either young persons or children therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year.

(2.) A flax scutch mill shall not be deemed to be conducted on the system of not employing either young persons or children therein, until the occupier has served on an inspector notice of his intention to conduct the mill on that system.

Flax scutch mills, though in their nature textile factories, are expressly exempted from the definition of textile factories, and are declared to be non-textile factories: sec. 149, and Schedule 6, Part I. (19). Where such mills do not employ children and young persons, and notice to this effect is given, and they are worked intermittently and for periods which do not exceed in the whole six months "in any year," no restriction is put upon the labour of women in those factories.

See sec. 26 as to the period of employment of women in non-textile factories.

Supplemental.

58.—(1.) Where it appears to the Secretary of State—

(a.) That the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of women, young persons, or children, 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; or

(b.) That the adoption of a special provision as to the total number of hours of employment in each week, the periods of employment, and the intervals between such periods, is required for the protection of the health of any women or young persons employed in pursuance of such an exception at night,

he may, by Special Order, direct that the adoption of the means or provision shall be a condition of such employment.

(2.) If it appears to the Secretary of State that the adoption of any such means or provision is no longer required, or is, having regard to all the circumstances, inexpedient, he may, by Special Order, rescind the order directing the adoption without prejudice to the subsequent making of another order.

Power to impose sanitary requirements as condition of special exceptions. (1878), s. 63. (1895), s. 14 (3).

Under the similar section of the 1878 Act, the Secretary of State, by order, directed "that it shall be a condition of the employment" in any factory or workshop in Schedule 3, Part III., of that Act (now Schedule 2 of this Act) of any young person or woman in pursuance of an exception under sec. 53 (now sec. 49 of this Act, "overtime"), that there shall be a cubic space of at least 400 feet for every young person so employed (*L. G.*, 1882, Dec. 22; *St. R. & O. Rev.*, vol. iii. p. 237). So far as factories are concerned, sec. 3 (1) of this Act (defining overcrowding) supersedes the provisions of this Order. In the case of "workshops," however, the effect of sec. 3 (1) is not to supersede the Order, but to give to district councils a co-ordinate power to deal with overcrowding under the law relating to public health; the Order, therefore, remains in full force so far as regards "workshops," and the condition which it imposes on the working of overtime in workshops is enforceable by the factory inspectors.

The exceptions as to "employment" are contained in secs. 36-44, 46.

Power to rescind orders as to special exceptions. (1878), s. 64.

59. Where an exception has been granted or extended under this Act by an order of the Secretary of State, and it appears to the Secretary of State that the exception is injurious to the health of the women, young persons, or children 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 exception was so granted or extended, he may, by Special Order, rescind the grant or extension, without prejudice to the subsequent making of another order.

Notices, registers, etc., relating to special exceptions. (1878), s. 66. (1891), s. 14 (2). (1895), s. 14 (1).

1901.

60.—(1.) An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception made by or in pursuance of this Act, shall serve on the inspector for the district, and 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.

(2.) Before the service of the notice on the inspector the special exception shall not be deemed to apply to the factory or workshop, and after the

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

(3.) The notice so served and affixed must, except as otherwise provided by this Act, specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals to every woman, young person, and child where they differ from the ordinary hours or times.

(4.) An occupier of a factory or workshop shall enter in the prescribed register and report to the inspector for the district the prescribed particulars respecting the employment of a woman, young person, or child in pursuance of a special exception; and, in the case of employment overtime, he shall also cause a notice containing the prescribed particulars respecting the employment to be kept affixed in the factory or workshop during the prescribed time, and he shall send the report required by this subsection to the inspector not later than eight o'clock in the evening on which any woman, young person, or child is employed overtime in pursuance of the exception.

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

(a.) If the condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall

be deemed not to be kept in conformity with this Act; and

(b.) In any other case a woman, young person, or child, employed in the factory or workshop, in alleged pursuance of the exception, shall be deemed to be employed contrary to the provisions of this Act.

(6.) Where an occupier of a factory or workshop has served on an inspector a report in pursuance of this section of his intention to employ any persons overtime by virtue of a special exception, the report shall, unless withdrawn, be *primâ facie* evidence in any proceedings under this Act that the occupier has in fact employed persons overtime in accordance with the report.

Sub-sec. (6) is new.

This section does not apply to domestic factories and workshops, except so far as may be prescribed from time to time by the Secretary of State: sec. 111 (2). The provisions of this section apply to the following secs., viz.:—36, 39 (3), 40 (4), 42, 43, 45, 46, 49 (3), 50 (3), 51 (3), 52, 54 (4), 58, 59, and also in the case of laundries: sec. 103 (2) (*d*), *post*, p. 154.

Sub-sec. (1).—The sending of the “notice” is a condition precedent to employing persons in pursuance of any special exception, and employment otherwise will be illegal.

See also secs. 127, 128, and 129 (1) (*d*).

The penalty for not keeping a factory or workshop in conformity with the Act is a fine not exceeding £10 (sec. 135), and the penalty for employing a child, young person, or woman contrary to the provisions of the Act, is a fine not exceeding £3, or if the offence was committed during the night £5, for each woman, young person, and child so employed (sec. 137).

Sub-sec. (4).—The expression (4) “prescribed” means prescribed for the time being by the Secretary of State: sec. 156. As to “registers,” see sec. 129.

Sub-sec. (5).—As to “conditions,” see sec. 59.

(iii.) *Fitness for Employment.*

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

Prohibition of employment of women after childbirth.

(1891), s. 17.

1901.

The corresponding section of the 1891 Act, did not prohibit a "girl" from being employed within four weeks after she had given birth to a child. The present extension of this provision to "girls" has been here inserted, it would seem, without any direct legislative amendment in the law, but inasmuch as sec. 17 of the 1891 Act is repealed as from the 1st of January, 1902 (sec. 161, and Schedule 7, Part I.), this prohibition will extend to "girls" on and after that date. But this prohibition does not, it is submitted, even now extend to "girls" employed in "laundries." By the section dealing with laundries (103), it is provided that in "every laundry carried on by way of trade and for purposes of gain, the following provisions shall apply :—(f) the provisions of this Act prohibiting the employment of *women* within four weeks after childbirth," the expression "girl" being there omitted. Unless it can be held that the word "woman" (*i.e.* "a woman of the age of eighteen years and upwards" (sec. 156) in sec. 103 (1) (f)) includes "girl" (*i.e.* a female young person under the age of eighteen) by implication, "girls" are not prohibited from being thus employed in "laundries." The marginal note to this section (which does not form part of the statute) makes no reference to "girls," and the expression "woman" cannot be said to include "girl," when it has the definite statutory definition given to it by the Act: see *supra*.

62. A child under the age of twelve years must not be employed in a factory or workshop unless lawfully so employed at the commencement of this Act.

Prohibition of employment of children under twelve.

1901.

This section is new. After the 1st of January, 1902, no child under the age of twelve years can be employed in a factory or workshop, unless "lawfully so employed" on that date. The age limit under the 1891 Act (sec. 18) was "eleven years." The expression "child" now means "a person who is under the age of fourteen years, and who has not, being of the age of thirteen years, obtained the certificate of proficiency or attendance at school

mentioned in Part III. of this Act" (*infra*, secs. 68-72) : sec. 156. Under the repealed Acts, the expression "child" meant "a person under the age of fourteen years."

See also notes to sec. 68.

Certificates of fitness for employment of young persons under 16 and children in factories. (1878), ss. 27, 30.

63.—(1.) In a factory a young person under the age of sixteen years or a child must 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 the young person or child for employment in that factory.

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

(3.) The occupier shall, when required, produce to an inspector at the factory in which a young person or child is employed the certificate of fitness of that young person or child for employment.

This section applies to factories only, but by sec. 66, *infra*, the Secretary of State has power to require certificates of fitness for the employment of young persons and children under the age of sixteen, in any class of "workshops."

The provisions of this section and of secs. 64-67 apply to "domestic" factories (sec. 115) as if they were workshops and not factories : sec. 111 (3).

"Prescribed" means, "prescribed for the time being by the Secretary of State:" sec. 156.

A child is to be deemed a "young person" when it is of the age of thirteen years, and has obtained an educational certificate (see sec. 71 (1)) : sec. 156.

As to the appointment of certifying surgeons, see sec. 122; see also sec. 123. As to the fees payable to certifying surgeons in respect of the examination of, and grant of certificates for employment, see sec. 124, and Schedule 5, Parts I. and II.

Regulations as to grant of certificate of fitness. (1878), ss. 27, 30, 73.

64. With respect to a certificate of fitness for employment for the purposes of this Act, the following provisions shall have effect :—

(1.) The certificate shall be granted by the certifying surgeon for the district.

- (2.) The certificate must not be granted except upon personal examination of the person named therein.
- (3.) A certifying surgeon shall not examine a young person or child for the purpose of the certificate or sign the certificate elsewhere than at the factory where the young person or child is or is about to be employed, unless the number of young persons and children employed in that factory is less than five, or unless for some special reason allowed in writing by an inspector.
- (4.) The certificate must be to the effect that the certifying surgeon is satisfied, by the production of a certificate of birth or other sufficient evidence, that the person named in the certificate 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.
- (5.) The certificate may be qualified by conditions as to the work on which a child or young person is fit to be employed, and if it is so qualified the occupier shall not employ the young person or child otherwise than in accordance with the conditions.
- (6.) A certifying surgeon shall have the same powers as an inspector for the purpose of examining any process in which a child or young person presented to him for the grant of a certificate is proposed to be employed.
- (7.) All factories 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, if the surgeon is of opinion that he can truly give the certificate for employment therein.

(8.) 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 young person or child (whether that copy is 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 that 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.

(9.) Where the certificate is to the effect that the certifying surgeon has been satisfied of the age of a young person or child by evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate if he has reasonable cause to believe that the real age of the young person or child 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.

(10.) Where a certifying surgeon refuses to grant a certificate for any person examined by him, he shall when required give in writing and sign the reasons for his refusal.

Sub-secs. (5) and (6) are new.

Sub-sec. (1).—Where there is no certifying surgeon for a

factory or workshop, the poor law medical officer for the district in which the factory or workshop is situate, is to act for the time being as the certifying surgeon for that factory or workshop: sec. 123.

In Scotland, the expression "poor law medical officer" means the medical officer appointed by the parish council: sec. 159 (4). In Ireland it means "the medical officer of a dispensary district": sec. 160 (6).

Sub-secs. (2) and (3).—The examination for the certificate must be made personally by the certifying surgeon. The examination may take place elsewhere than at the "factory," if the number of children and young persons employed in the factory, is less than five, or if an inspector for some special reason so allows it in writing.

Sub-sec. (4).—The certificate of birth should be produced to the certifying surgeon, or "other sufficient evidence" given that the person to be named in the certificate, is of the age therein specified. If the birth has not been registered, a statutory declaration as to the age of the child or young person, made by the parent before a magistrate would, it is thought, be "sufficient evidence" in the absence of a birth certificate; but a baptismal certificate could not be said to be "sufficient." Inasmuch as the production of a certificate of birth, or "other sufficient evidence," is a condition precedent to the granting of the certificate of fitness, an occupier of a factory who employs any such person under the statutory age, will be liable to the penalty for employing such person contrary to the provisions of the Act. See sec. 137.

Sub-sec. (5).—This gives to a certifying surgeon the right to prescribe the conditions (if any) upon which he considers the young person or child may be employed. If he thus qualifies his certificate, the occupier must abide by it.

Sub-sec. (6).—As to powers of inspectors, see sec. 119.

Sub-sec. (7).—This is optional.

Sub-sec. (8).—See secs. 25 and 26 of the Elementary Education Act, 1876. (Appx., *post*, pp. 324, 325.)

Sub-sec. (9).—See note to sub-sec. (4), *supra*.

Sub-sec. (10).—It does not seem clear as to who can require the certifying surgeon to give his reasons in writing, for refusing to give a certificate of fitness, etc.

As to certificates of birth in the case of children and young persons under sixteen, see sec. 134; and as to proof of age in summary proceedings, see sec. 147 (2).

A certificate of the fitness of any young person or child for employment in a "tenement" factory, is to be valid for his "similar" employment in any part of the same tenement factory: sec. 89.

The provisions of this section apply to a "domestic" factory as if it were a workshop and not a factory: sec. 111 (3).

Power to obtain certificates of fitness for employment in workshops (1878), s. 28.

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

If the occupiers of "workshops" desire it, they can, under this section, obtain from the certifying surgeon, the same certificate as is applicable to factories under the previous section. See sec. 134 as to certificates of birth, in case of young persons under sixteen, and children.

Power to require certificates of fitness for employment in certain workshops. (1878), s. 41.

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

(2.) 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 young persons under the age of sixteen years and the children employed in any class of workshops to which it has been extended under this section, he may, by Special Order, rescind the order of extension, without prejudice to the subsequent making of another order.

See sec. 63, *supra*.

67. Where an inspector is of opinion that a young person under the age of sixteen years or a child 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 that young person or child be discontinued from the period named therein, not being less than one nor more than seven days after the service of the notice, and the occupier shall not continue after the period named in the notice to employ that young person or child (notwithstanding that a certificate of fitness has been previously obtained for the young person or child), unless the certifying surgeon for the district has, after the service of the notice, personally examined the young person or child, and has certified that the young person or child is not so incapacitated as aforesaid.

Power of
inspector to
require surgi-
cal certificate
of capacity
for work.
(1878), s. 29.

A certificate of capacity for employment, given by a certifying surgeon upon personal examination after the service of the notice by the inspector, will override the notice.

PART III.

Sec. 68.

EDUCATION OF CHILDREN.

Attendance
at school of
children
employed in
factory or
workshop
(1878), s. 23.

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

- (a.) The child, when employed in a morning or afternoon set, must 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
- (b.) The child, when employed on the alternate day system, must on each work day preceding each day of employment be caused to attend for at least two attendances;
- (c.) An attendance for the purposes of this section shall be an attendance as defined for the time being by the Secretary of State with the consent of the Board of Education, and be between the hours of eight in the morning and six in the evening :

Provided as follows :—

- (i.) 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 :
- (ii.) The non-attendance of a 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, and when the school is closed during the ordinary holidays or for any other temporary cause :

- (iii.) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child, a recognized efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector, although not a recognized efficient school, shall for the purpose of this Act be deemed attendance at a recognized efficient school until such recognized efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Board of Education every case of the approval of a school by him under this section.

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

(3.) The Board of Education shall, by the publication of lists or of notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognized efficient schools.

This section relates to the "half-time" employment of children.

The provisions of this and the following four sections, also apply to children employed in laundries. See sec. 103 (1) (d).

Sub-sec. (1).—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 young person or a child: sec. 156. If a parent of a child neglects to cause such child to attend school, in accordance with the Act, he will be liable to a fine not exceeding £1 for each offence: sec. 138 (2). The local authority are to enforce the observance of the byelaws so far as regards "parents": Elementary Education Act, 1876, sec. 23 (Appx., *post*, p. 323).

For definition of "recognized efficient school," see sec. 72, *infra*.

(c). "Attendance" was defined to mean, as regards England and Scotland, "an attendance of a child at a morning or afternoon meeting of a school during not less than two hours of instruction in secular subjects:" *L. G. & E. G.*, 1878, Dec. 31; *St. R. & O. Rev.*, vol. iii. pp. 211, 212; and as regards Ireland, "an attendance for instruction on secular subjects for a period of two hours:" *D. G.*, 1879, March 4, and *ib.*, p. 212. See note to sub-sec. (2) of sec. 71, *infra*.

(i.) As to "holidays," see *ante*, sec. 35.

(ii.) A temporary cause would be, such as the breakdown of machinery, limewashing of factory, etc.

A "child" means "a person who is under the age of fourteen years, and who has not, being of the age of thirteen years, obtained a certificate of proficiency or attendance at school mentioned in Part III. of this Act" (sec. 156). See sec. 71, *infra*.

The employment of children under twelve years in a factory, workshop, or laundry, is prohibited on and after the 1st January, 1902 (see sec. 62, *ante*, p. 97).

The Act in itself does not prohibit the half-time employment of a child who has no educational qualification, but by the Elementary Education Act, 1880, sec. 4 (Appx., *post*, p. 326), every person who takes into his employment a child of the age of ten and under fourteen, resident in a school district, before such child has obtained a certificate of having reached the standard of education fixed by the byelaws in force in the district, for the total or partial exemption of children of the like age from the obligation to attend school, will be liable to a penalty of 40s. under sec. 6 of the Elementary Education Act of 1876. A child over the age of twelve and under thirteen, can be employed half time in a factory, workshop, or laundry, if he has passed the standard fixed by the local byelaws, and he is attending school. But a child of that age cannot be employed full time even if he has reached the full-time exemption standard, for every such child employed in a factory, etc., must attend school in accordance with the provisions of this section.

A child between the age of thirteen and fourteen, before he can

be employed in a factory, etc., must comply with the provisions of the Elementary Education Acts, and of this Act. If the local byelaws extend to a child over thirteen, he must then comply with the conditions of such byelaws, before he can be legally employed in a factory, etc. If those byelaws do not extend to such a child, then, before he can be employed full time, he must obtain a certificate of having passed Standard V. in reading, writing, and arithmetic (sec. 7 of the Elementary Education Act, 1900 (Appx., p. 327) and Order of Secretary of State, dated Dec. 13, 1900, in notes to sec. 71, *infra*), or he must obtain a certificate under the Education Acts of having made 350 attendances after he has attained five years of age in not more than two schools during each year for five years, whether consecutive or not (and see sec. 72 and notes, *infra*). A child between thirteen and fourteen may be employed half time in a factory, etc., irrespective of having reached any standard of proficiency or due attendance, if he has attended school in compliance with the provisions of the Act, and if the local byelaws do not extend to the case of a child of that age, but if such byelaws do so extend he must have passed the byelaw exemption standard before he can be so employed.

In cases where byelaws on the subject of school attendance are in force, they, as well as the provisions of the Act, must be complied with before children can be employed in a factory, etc.

See also Elementary Education (School Attendance) Act, 1893, and ditto (Amendment) Act, 1899.

See also sec. 71 and notes, *infra*, and Elementary Education Act, 1876, secs. 5-7, 11, 23, 26; Elementary Education Act, 1880, sec. 4; Elementary Education Act, 1900, secs. 6 and 7; Education (Scotland) Act, 1901, sec. 3 (Appx., *post*, p. 328). As to Ireland, see Irish Education Act, 1892 (55 & 56 Vict. c. 42), sec. 1.

69.—(1.) 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 the child began to work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognized efficient school attended by a child a certificate (according to the prescribed form and directions) respecting the attendance of the child at school in accordance with this Act.

Obtaining of school attendance certificate by occupier. (1878), s. 24.

(2.) If a child is employed without such certificate being obtained as is required by this section, the child

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

(3.) 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 workshop, and shall produce the same to an inspector when required during that period.

Sub-sec. (1).—"Prescribed" means prescribed for the time being by a Secretary of State: sec. 156.

Sub-sec. (2).—The fine for "employing" a child without obtaining the certificate required by this section is £3, or if such child was employed during the night £5, for each child: sec. 137.

It is the duty of factory inspectors to enforce the observance by employers of the provisions of the Elementary Education Act, 1876, relating to the byelaws respecting the employment of children: *ib.*, sec. 7 (Appx., p. 322).

As to Ireland, see Irish Education Act, 1892, sec. 2, and Schedule 2.

Payment by
occupier of
sum for
schooling.
(1878), s. 25.

70. The persons who manage a recognized efficient school attended by a child employed in a factory or workshop, or some person authorized by them may (if fees for children may be charged in that school) 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, that 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.

"In any school receiving the fee grant, where the average rate charged and received in respect of fees and books, and for other purposes, during the school year ended last before the 1st day of January, 1891, was not in excess of ten shillings a year for each child of the number of children in average attendance at the school, no charge of any kind shall be made for any child over

three and under fifteen years of age" (Elementary Education Act, 1891, sec. 3).

For definition of "recognized efficient school," see sec. 72, *infra*.

Ireland.—Sec. 18 of the Irish Education Act, 1892, is substituted for sec. 3 of the Elementary Education Act, 1891, and a school grant is to be substituted for a fee grant: sec. 160 (4).

71.—(1.) When a child of the age of thirteen years has obtained from a person authorized by the Board of Education a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school as is mentioned in this section, that child shall be deemed to be a young person for the purposes of this Act.

Employment as young person of child of 13 on obtaining educational certificate. (1878), s. 26.

(2.) 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 the Secretary of State, with the consent of the Board of Education, 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.

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

This section deals with the "full-time" employment of children. See notes to sec. 68, *supra*.

Sub-sec. (2).—The following Order made by the Secretary of State, under secs. 26 and 95 of the 1878 Act (now secs. 71 and 72 of this Act), and assented to by the Board of Education, now regulates the standards of proficiency and of previous due attendance:—

Order of the Secretary of State, dated December 19, 1900, and assented to by the Board of Education, December 31, 1900, prescribing standards of proficiency and of previous due attendance (England and Wales). (*St. R. & O.*, 1900, p. 924.)

And whereas on the 7th August, 1893, an Order was made by the Secretary of State fixing standards of proficiency and standards

of previous due attendance, for the purposes of the above recited enactments so far as they relate to England and Wales.

Now I, the Right Honourable Charles Thomas Ritchie, one of Her Majesty's Principal Secretaries of State, with the consent of the Board of Education, hereby for the purpose of the said enactments, and so far as the same relate to England and Wales, order that, from and after the 1st day of July, 1901, the aforesaid Order of the 7th August, 1893, shall be revoked, and instead thereof the following provisions shall take effect, that is to say:—

(a.) The standard of proficiency for the purpose of a certificate of proficiency to be given to any child shall be the Fifth Standard of reading, writing, and arithmetic, as fixed by the Code in force for the time being, or any higher standard which may be attained by the child.

Certificates of proficiency may be granted in the manner prescribed by secs. 4–8 of the Regulations of the Board of Education, dated 23rd April, 1900. (See Appx., *post*, p. 331.)

(b.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate of previous due attendance shall, in the case of any child, be 350 attendances after such child has attained five years of age in not more than two schools during each year for five years, whether consecutive or not.

Certificates of previous due attendance at school may be granted in the manner prescribed by secs. 9–11 of the Regulations of the Board of Education, dated 23rd April, 1900. (See Appx., *post*, p. 332.)

CHAS. T. RITCHIE,

One of Her Majesty's Principal Secretaries of State.

Home Office, Whitehall,

December 19, 1900.

The Board of Education hereby consent to the standards of proficiency and due attendance fixed by the Secretary of State in the above Order for the purposes of the Factory and Workshop Act, 1878.

H. M. LINDSELL,

One of the Assistant Secretaries of the Board of Education.

December 31, 1900.

Note.—In districts where the byelaws made by the School Authority under the Elementary Education Acts apply to children between thirteen and fourteen years of age, a child must also satisfy the conditions of total exemption prescribed by the byelaws before he can be legally employed full time in a factory or workshop.

Scotland.—The provisions of this section as to certificates of

proficiency or of due attendance are not to apply, but a child of the age of thirteen years, who has obtained exemption from the obligation to attend school in the manner prescribed by sec. 3 (Appx., *post*, p. 328) of the Education (Scotland) Act, 1901, shall be deemed to be a young person for the purposes of this Act: sec. 159 (7).

Ireland.—The following Order defines “an attendance” (sec. 68, *supra*) and prescribes the standard of proficiency and the standard of previous due attendance.

Order of Secretary of State defining, with the consent of the Lord Lieutenant and Privy Council in Ireland, being the Irish Education Department, an attendance at a recognized efficient school, and prescribing, with like consent, the standard of proficiency and the standard of previous due attendance at school. (Ireland.) (*D. G.*, 1879, March 4; *St. R. & O. Rev.*, vol. iii. p. 212.)

Now I, the Right Honourable Richard Assheton Cross, one of Her Majesty's Principal Secretaries of State, with the consent of the Lord Lieutenant and Privy Council in Ireland, hereby, for the purpose of the above enactments so far only as the same relate to Ireland, order as follows:—

- (1.) An attendance for the purposes of the 23rd section of the said Act (*now sec. 68*) shall mean and is hereby defined to be “an attendance” for instruction in secular subjects for a period of not less than two hours.
- (2.) The standard of proficiency for the purpose of the 26th section of the said Act (*now sec. 71*) 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.
- (3.) 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:—

The standard of previous due attendance shall be . . . During the year 1881 and following years, 200 attendances after a child has attained five years of age in not more than two schools during each year for five years, whether consecutive or not.

The following is the standard fixed by the Order of the Lord Lieutenant in Council, dated 11th August, 1876:—

“The standard of proficiency in reading, writing, and arithmetic, to be prescribed for the purposes of the aforesaid Act, shall, from and after the expiration of six months after this Order, to be published in the *Dublin Gazette*, be as follows:—

"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."

Sub-sec. (3).—A "certified day industrial school" is to be deemed to be a certified efficient school within the Elementary Education Act, 1876: *ib.*, sec. 16.

See also notes to sec. 68, *supra*.

Definitions of
"certified
efficient
school," and
"recognized
efficient
school."
(1875), s. 95.

72.—(1.) In this Act—

The expression "certified efficient school" means a public elementary school within the meaning of the Elementary Education Acts, 1870 to 1900, and any workhouse school in England certified to be efficient by the Local Government Board, and any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of His 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 are for the time being required by the Board of Education, and is certified by the Board to be an efficient school; and

The expression "recognized efficient school" means a certified efficient school, and any school which the Board of Education have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognized for the time being by an inspector under this Act as giving efficient elementary education.

(2.) An inspector shall immediately report to the Board of Education every school recognized by him as giving efficient elementary education.

Scotland.—See note to last section, and sec. 3 of the Education (Scotland) Act, 1901 (Appx., *post*, p. 328).

Ireland.—The expression “certified efficient school” means any national school, or any school recognized by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act: sec. 160 (1); and the expression “recognized efficient school” means a certified efficient school, and any school which is recognized for the time being by an inspector under this Act as giving efficient elementary education, etc., *ib.* (2).

PART IV.

DANGEROUS AND UNHEALTHY INDUSTRIES.

Sec. 73.

(i.) *Special Provisions.*

Notification
of certain
diseases con-
tracted in
factory or
workshop.
(1895), s. 29.

73.—(1.) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning, or anthrax, contracted in any factory or workshop, shall (unless the notice required by this subsection has been previously sent) send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence, to be paid as part of the expenses incurred by the Secretary of State in the execution of this Act.

(2.) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding forty shillings.

(3.) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning, or anthrax, occurring in a factory or workshop, shall forthwith be sent to the inspector and to the certifying surgeon for the district; and the provisions of

this Act with respect to accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

(4.) The Secretary of State may, by Special Order, apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this section and the provisions referred to therein shall apply accordingly.

Sub-sec. (3).—The provisions of the Act with respect to “accidents” are contained in secs. 19–22, *ante*.

74. If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on by which dust, or any gas, vapour, or other impurity, 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 that a fan or other mechanical means of a proper construction for preventing such inhalation be provided within a reasonable time; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

Provision as to ventilation by fan in certain factories and workshops.
(1878), s. 36.
(1895), s. 33.

In proceedings (under the similar provisions in the repealed Acts) against the occupiers of a factory (jute mill), for failing to provide, use, and maintain a fan, etc., for preventing inhalation of dust, within a reasonable time after an inspector had given notice requiring them to provide such fan, etc., it was held that it was not necessary to prove that any worker had sustained actual injury from inhaling the dust, but that it was sufficient if it was proved that dust was generated and inhaled by the workers to an extent that must be in the long run injurious: *Hoare v. Ritchie* (1901), 1 Q. B. 434; 70 L. J. K. B. 279; 84 L. T. 54; 49 W. R. 351; 65 J. P. 261; 17 T. L. R. 212.

In the case of “tenement” factories the “owner” (whether or not he is one of the occupiers), instead of the occupier, is liable for the non-observance, etc., of the provisions of this section, so far as

it requires the supply of pipes or other contrivances necessary for working the fan, or other means for that purpose : sec. 87 (1) (iv.).

The penalty for a breach of this section is a fine not exceeding £10 : sec. 135 (1).

Lavatories
and meals in
certain
dangerous
trades.
(1895), s. 30.
1901.

75.—(1.) In every factory or workshop where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences must be provided for the use of the persons employed in any department where such substances are used.

(2.) In any factory or workshop where lead, arsenic, or other poisonous substance is so used as to give rise to dust or fumes, a person shall not be allowed to take a meal, or to remain during the times allowed to him for meals, in any room in which any such substance is used, and suitable provision shall be made for enabling the persons employed in such rooms to take their meals elsewhere in the factory or workshop.

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

Sub-sec. (1).—The standard of “suitable washing conveniences” is not defined. They must, however, be such that they can be easily got at by the workers, and be of such a nature that they can be effectively used by them. A bucket under a tap of cold water, would not be “suitable.” The proper standard of “washing conveniences” is, it is submitted, somewhat as follows:—A supply of soap, nail-brushes, and towels, with one hand-basin for every five persons employed in such trades, with a constant supply of water laid on, with one tap at least for every two basins, and with proper provision for emptying them and directly draining off the refuse into a down waste-pipe.

Sub-sec. (2) is new.

Sub-sec. (3).—The penalty for a contravention of this section is a fine not exceeding £10 : sec. 135 (1).

Restrictions
as to employ-
ment in wet-
spinning.
(1878), s. 37.

76.—(1.) A woman, young person, or child must not be employed in any part of a factory in which

wet-spinning is carried on, unless sufficient means are 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.

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

See the new provision for drainage of floors: sec. 8, *ante*.

The penalty for contravention of this section is a fine not exceeding £10: sec. 135 (1).

77.—(1.) In the part of a factory or workshop in which there is carried on—

(a.) the process of silvering of mirrors by the mercurial process; or

(b.) the process of making white lead,

a young person or child must not be employed.

(2.) In the part of a factory in which the process of melting or annealing glass is carried on a female young person or child must not be employed.

(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 must not be employed.

(4.) In the 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 must not be employed.

(5.) Notice of a prohibition contained in this section must be affixed in the factory or workshop to which it applies.

Prohibition of employment of young persons and children in certain factories and workshops. (1878), s. 38, and Sched. 1.

This section is a re-enactment of sect. 38 and Schedule I. of the 1878 Act.

For definition of "young person" and "child" see sec. 156 (1).

Sub-secs. (1) (2) and (4) only apply to the "parts" of those factories and workshops.

Sub-sec. (3).—This prohibition applies to "a" factory or workshop. This includes, it is submitted, all parts, and hence girls under the age of sixteen years must not be employed in any part of such factory or workshop.

Bricks, after being baked, were taken to dripping-sheds, and after being placed in a preparing solution were dipped in glaze and scraped and knifed. They were then stacked, and ultimately baked with a view to setting the glaze. They were then polished and stacked until wanted for sale:—*Held*, that this constituted the "finishing of bricks," within the similar prohibition of the 1878 Act. *Squire v. Stanley* (1901), 84 L. T. 535; 65 J. P. 467; 17 T. L. R. 438.

Prohibition of taking meals in certain parts of factories and workshops. (1878), s. 39, and Sched. 2.

78.—(1.) A woman, young person, or child must not be allowed to take a meal or to remain during the times allowed for meals in the following factories or workshops, or parts of factories or workshops; that is to say,—

- (a.) in the case of glass works, in any part in which the materials are mixed; and
- (b.) in the case of glass works where flint glass is made, in any part of which the work of grinding, cutting, or polishing is carried on; and
- (c.) in the case of lucifer-match works, in any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and
- (d.) in the case of earthenware works, in any part known or used as dippers house, dippers drying room, or china scouring room.

(2.) If a woman, young person, or child is allowed to take a meal or to remain during the times allowed

for meals in a factory or workshop or part thereof in contravention of this section, the woman, young person, or child shall be deemed to be employed contrary to the provisions of this Act.

(3.) Notice of the prohibition in this section shall be affixed in every factory or workshop to which it applies.

(4.) Where it appears to the 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 this section the taking of meals therein is specially injurious to health, he may, if he thinks fit, by Special Order, extend the prohibition in this section to the class of factories or workshops or parts thereof.

(5.) If the prohibition in this section is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of women, young persons, and children in any class of factories or workshops or parts thereof to which it has been so extended, he may, by Special Order, rescind the order of extension, without prejudice to the subsequent making of another order.

See as to meals, and employment during meal times generally, sec. 33; and in pursuance of a special exception, sec. 40. As to taking meals "into" a factory, etc., see sec. 147 (1).

Sub-sec. (2).—The penalty is a fine not exceeding £3, or if the offence was committed during the night, £5 for each person so employed: sec. 137.

Sub-sec. (3).—See generally as to affixing notices, etc., sec. 128.

Sub-sec. (4).—This prohibition in this section was extended under the similar provisions of the 1878 Act, to the classes of factories and workshops, and parts thereof, as follows:—

The parts of textile factories in which the process of gassing is carried on.

The parts of print-works, bleach-works and dyeing-works in which the process of singeing is carried on.

The parts of factories or workshops in which any of the following processes are carried on:—

Sorting or dusting wool or hair.
 Sorting, dusting, or grinding rags.
 Fur-pulling.
 Grinding, glazing, or polishing on a wheel.
 Brass-cutting, type founding.
 Dipping metal in aquafortis or other acid solution.
 Metal-bronzing.
 Majolica painting on earthenware.
 Cleaning and repairing catgut.
 Cutting, turning, polishing, bone, ivory, pearl shell or snail shell.
 Manufacturing chemicals or artificial manures.
 Manufacturing white lead,
 Lithographic printing,
 Playing-card making,
 Fancy box making,
 Paper staining,
 Almanack making,
 Artificial flower making,
 Paper colouring and enamelling,
 Colour making,

} if and when dry powder or
dust is used.

L. G., 1898, March 25; *St. R. & O.*, 1898, p. 370.

(ii.) *Regulations for Dangerous Trades.*

[NOTE.—The following secs. 79–85, and 86 (1) and (6), are new. They will take the place of the Sections and Schedules of the 1891 Act, and the sections of the 1895 Act, *infra*, when they are repealed “from a date to be fixed by Order of the Secretary of State,” see sec. 161, and *ib.* sub-sec. (2) and Schedule 7, Part II., *post*, p. 269.]

Power to
make regula-
tions for
safety of per-
sons employed
in dangerous
trades.

1901.

79. Where the Secretary of State is satisfied that any manufacture, machinery, plant, process, or description of manual labour, used in factories or workshops, 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, he may certify that manufacture, machinery, plant, process, or description of manual labour, to be dangerous; and thereupon the Secretary of State may, subject to the provisions of this Act, make

such regulations as appear to him to be reasonably practicable, and to meet the necessity of the case.

80.—(1.) Before the Secretary of State makes any regulations under this Act, he shall publish, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Secretary of State.

Procedure
for making
regulations.
1901.

(2.) Every objection must be in writing and state—

- (a.) the draft regulations or portions of draft regulations objected to;
- (b.) the specific grounds of objection; and
- (c.) the omissions, additions, or modifications asked for.

(3.) The Secretary of State shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations, and shall then cause the amended draft to be dealt with in like manner as an original draft.

(4.) Where the Secretary of State does not amend or withdraw any draft regulations to which any objection has been made, then (unless the objection either is withdrawn or appears to him to be frivolous) he shall, before making the regulations, direct an inquiry to be held in the manner hereinafter provided.

81.—(1.) The Secretary of State may appoint a competent person to hold an inquiry with regard to any draft regulations, and to report to him thereon.

Inquiries.
1901.

(2.) The inquiry shall be held in public, and the chief inspector and any objector and any other person who, in the opinion of the person holding the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent.

(3.) The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.

(4.) Subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Secretary of State.

(5.) The fee to be paid to the person holding the inquiry shall be such as the Secretary of State may direct, and shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act.

Application
of regulations.
1901.

82.—(1.) The regulations made under the foregoing provisions of this Act may apply to all the factories and workshops in which the manufacture, machinery, plant, process, or description of manual labour, certified to be dangerous is used (whether existing at the time when the regulations are made or afterwards established) or to any specified class of such factories or workshops. They may provide for the exemption of any specified class of factories or workshops either absolutely or subject to conditions.

(2.) The regulations may apply to tenement factories and tenement workshops, and in such case may impose duties on occupiers who do not employ any person, and on owners.

(3.) 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 any regulation made under this Act.

83.—Regulations made under the foregoing provisions of this Act may, among other things,—

Provisions
which may
be made by
regulations.
1901.

- (a.) prohibit the employment of, or modify or limit the period of employment of, all persons or any class of persons in any manufacture, machinery, plant, process, or description of manual labour certified to be dangerous; and
- (b.) prohibit, limit, or control the use of any material or process; and
- (c.) modify or extend any special regulations for any class of factories or workshops contained in this Act.

84. Regulations made under the foregoing provisions of this Act shall be laid as soon as possible before both Houses of Parliament, and if either House within the next forty days after the regulations have been laid before that House, resolve that all or any of the regulations ought to be annulled, the regulations shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in the meantime thereunder, or to the making of any new regulations. If one or more of a set of regulations are annulled, the Secretary of State may, if he thinks fit, withdraw the whole set.

Regulations
to be laid
before Parlia-
ment.
1901.

85.—(1.) If any occupier, owner, or manager, who is bound to observe any regulation under this Act, acts in contravention of or fails to comply with the regulation, he shall be liable for each offence to a fine not exceeding ten pounds, and, in the case of a continuing offence, to a fine not exceeding two pounds for every day during which the offence continues after conviction therefor.

Breach of
regulations.
1901.

(2.) If any person other than an occupier, owner, or manager, who is bound to observe any regulation

under this Act, acts in contravention of, or fails to comply with, the regulation, he shall be liable for each offence to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable to a fine not exceeding ten pounds, unless he proves that he has taken all reasonable means by publishing, and to the best of his power enforcing, the regulations to prevent the contravention or non-compliance.

Publication of
regulations.
(1891), s. 11.
1901.

86.—(1.) Notice of any regulations having been made under the foregoing provisions of this Act, and of the place where copies of them can be purchased, shall be published in the London, Edinburgh, and Dublin Gazettes.

(2.) Printed copies of all regulations 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 regulations shall be posted up in the Welsh language also.

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

(4.) If the occupier of any factory or workshop fails to comply with any provision of this section as to posting up or giving copies, he shall be liable to a fine not exceeding ten pounds.

(5.) Every person who pulls down, injures, or defaces any regulations posted up in pursuance of this Act, or any notice posted up in pursuance of the regulations, shall be liable to a fine not exceeding five pounds.

(6.) Regulations for the time being in force under this Act shall be judicially noticed.

FACTORY AND WORKSHOP ACT, 1891.

[NOTE.—The following sections—8, 9, 10, and 12, and the first Schedule of the Act of 1891, and the Orders of the Secretary of State made under sec. 8 (1) of that Act; and secs. 12, 24 (3), and 28 of the Act of 1895—are *not* repealed, except “from a date to be fixed by Order of the Secretary of State”: sec. 161, and *ib.*, sub-sec. (2), and Schedule 7, Part II.

Sec. 8.
(1891.)

References in the Act to regulations made under it are to be construed as including references to special rules established or requirements made under any previous Act: sec. 156 (4).

All Orders, and all special rules and requirements made or having effect under any enactment repealed by this Act, are to continue to have effect as if they had been made under this Act; and nothing in the Act is to be construed as altering the mode of making such special rules or requirements whilst the power to make them continues in force: sec. 161 (2).]

Special Rules and Requirements.

Sec. 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 require-

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

ing 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 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.

The Secretary of State has certified, under sub-sec. (1) of sec. 8, *supra*, that the following processes are dangerous or injurious to health, viz. Processes in:—

The manufacture of white lead; in the manufacture of paints, colours, and in the extraction of arsenic.

Enamelling of iron plates (*L. G.*, 1892, May 13; *St. R. & O.*, 1892, p. 472).

The manufacture of lucifer matches, except such as are made with red or amorphous phosphorus (*L. G.*, 1892, June 7, and *ib.*, p. 473).

The manufacture of earthenware; the manufacture of explosives in which di-nitro-benzole is used; Chemical works, Quarries (*L. G.*, 1892, Dec. 27, and *ib.*, p. 474). As to quarries, see Appx., *post*, p. 339.

The processes in: The manufacture of red, orange, or yellow lead—Lead smelting—The tinning and enamelling of iron hollow ware—Electric accumulator works—Flax mills and linen factories (*L. G.*, 1894, Jan. 5, and *ib.*, 1894, p. 121).

The tinning and enamelling of metal hollow-ware and cooking utensils (*L. G.*, 1894, June 22, and *ib.*, p. 123).

Processes in which yellow chromate of lead is used or in which goods dyed with it undergo the process of bundling or noddling, winding, reeling, weaving, or any other treatment (*L. G.*, 1895, April 19; *St. R. & O.*, 1895, p. 239).

Processes in the mixing and casting of brass, gun metal, bell metal, white metal, delta metal, phosphor bronze, and manilla mixture (*L. G.*, 1896, Jan. 10, and *ib.*, 1896, p. 110).

The process of sorting wool, goat hair, or camel hair, and the processes incidental thereto (*L. G.*, 1896, Aug. 7, and *ib.*).

The process of bottling aerated water and the processes incidental thereto, including the examining and labelling of the bottles (*St. R. & O.*, 1896, p. 111).

The process of vulcanizing indiarubber by means of bisulphide of carbon, and the processes incidental thereto (*L. G.*, 1896, Dec. 4, and *ib.*, p. 112).

The process of sorting foreign hides and skins, and dry East Indian hides and skins, and the processes incidental thereto (*L. G.*, 1898, April 5, and *ib.*, 1898, p. 358).

The processes in the manufacture and decoration of earthenware and china (*L. G.*, 1898, May 10, and *ib.*).

The processes in the dusting of colours on adhesive surfaces for the purpose of making transfers for use in the manufacture or decoration of earthenware and china (*L. G.*, 1898, Aug. 12, and *ib.*, p. 359).

(1891.) The process of glazing bricks with the use of lead (*L. G.*, 1898, Dec. 20, and *ib.*, p. 360).

The processes of sorting, willeying, washing, combing, and carding wool, goat hair, and camel hair, and the processes incidental thereto (*L. G.*, 1899, Dec. 1, and *ib.*, 1899, p. 603).

See sec. 28 of the 1895 Act, *infra*.

For the complete list of the "Special Rules," etc., made under this section and sec. 28 of the 1895 Act, and which are now (*Nov.* 1901) in force, see Appx. *post*, p. 342.

Penalty for
contravention
of special
rules or
requirement.

Sec. 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.

(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.

Amendment
of special
rules.

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

(2.) The occupier of any factory or workshop in which special rules are established may from time to time propose in writing to the chief inspector, with the approval of the Secretary of State, any amend-

ment 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.

Sec. 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.

FIRST SCHEDULE.

(See sec. 8, *supra*.)

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.

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 appoint-

ment 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.

7. If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

8. In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

9. If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.

10. The arbitrators, before they enter on the matter referred to them, shall appoint by writing

under their hands an umpire to decide on points on which they may differ.

11. If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

12. If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

13. The decision of every umpire on the matters referred to him shall be final.

14. If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

15. Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

16. The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.

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.

For the "Special Rules" now (Nov., 1901) in force, see Appx., *post*, p. 342.

FACTORY AND WORKSHOP ACT, 1895. Secs. 12, 24
(3), 28.

(1895.)

(See note, *ante*, p. 125.)

Sec. 12. Where any matter in difference is referred to arbitration under section eight of the Act of 1891, the arbitrators or umpire may, on the application of any of the workmen employed in the class of employment to which the arbitration relates, and on such security, if any, as may appear to the arbitrators or umpire sufficient to provide for the costs of and consequential on the application, appoint any person to represent the workmen, or any class of them, on the arbitration, and any person so appointed shall be entitled to attend and take part in the proceedings of the arbitration either in person or by his counsel, solicitor, or agent to such extent and in such manner as the arbitrators or umpire may direct, and shall be subject to the same liability with respect to such costs as aforesaid as if he were a party to the arbitration.

Representa-
tion of work-
men on
arbitration
as to special
rules.

Sec. 24.—(3.) Sections eight to eleven of the Act of 1891, shall, if and as far as in the case of a tenement factory the Secretary of State by order so directs, apply as if the owner of the factory were substituted for the occupier.

Special Restrictions as to Employment.

Sec. 28.—(1.) Section eight of the Act of 1891 shall extend to authorize the making of special rules

Power to
prohibit or
restrict em-

Sec. 28. 134 THE LAW RELATING TO FACTORIES AND WORKSHOPS.
(1895.)

ployment in
dangerous
trade.

or requirements prohibiting the employment of, or modifying or limiting the period of employment for, all or any classes of persons in any process or particular description of manual labour which is certified by the Secretary of State in pursuance of that section to be dangerous or injurious to health, or dangerous to life or limb. Provided that any special rules or requirements under this section which relate to the employment or period of employment of adult workers shall be laid for forty days before both Houses of Parliament before coming into operation.

(2.) Sections eight to twelve of the Act of 1891 are hereby declared to extend to workshops conducted on the system of not employing any child, young person, or woman therein.

Sec. 11 of the 1891 Act is repealed by the Factory Act, 1901 :
sec. 161 and Schedule 7, Part I.

PART V.

SPECIAL MODIFICATIONS AND EXTENSIONS.

(i.) *Tenement Factories.*

87.—(1.) The owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be liable for the observance, and punishable for non-observance, of the following provisions of this Act, namely, the provisions with respect to—

Duties of
owner of tene-
ment factory.
(1895), s. 24
(1), (4), & (5).
1901.

- (i.) the cleanliness, freedom from effluvia, overcrowding and ventilation of factories, contained in section one of this Act, including, so far as they relate to any engine-house, passage, or staircase, or to any room which is let to more than one tenant, the provisions with respect to limewashing and washing of the interior of a factory;
- (ii.) the fencing of machinery, and penal compensation for neglect to fence machinery in a factory, except so far as relates to such parts of the machinery as are supplied by the occupier;
- (iii.) the notices to be affixed in a factory with respect to the period of employment, times for meals, and system of employment of children;
- (iv.) the prevention of the inhalation of dust, gas, vapour, or other impurity, so far as that provision requires the supply of pipes or

other contrivances necessary for working the fan or other means for that purpose; and
(v.) the affixing of an abstract and notices in a factory.

Provided that any occupier may affix in his own tenement the notice with respect to the period of employment, times for meals, and system of employment of children, and thereupon that notice shall, with respect to persons employed by that occupier, have effect in substitution for the corresponding notice affixed by the owner.

(2.) The provisions of this Act with respect to the power to make orders in the case of dangerous premises shall apply in the case of a tenement factory as if the owner were substituted for the occupier.

(3.) In the case of any tenement factory or class of tenement factories used wholly or partly for the weaving of cotton cloth, the owner shall, if the Secretary of State by order so directs, be substituted for the occupier for the purpose of the requirements of section seven and section ninety-four of this Act or of any order of the Secretary of State with respect to ventilation.

(4.) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of this Act, any summons, notice, or proceeding, which for the purpose of any of those provisions is by this Act required or authorized to be served on or taken in relation to the occupier, is hereby required or authorized (as the case may be) to be served on or taken in relation to the owner.

The proviso to sub-sec. (1) and sub-sec. (3) are new.

This section applies to all the processes, etc., carried on in a tenement factory.

The effect of this section is to shift the responsibility for a breach of the above-recited provisions of the Act from the "occupier" of a

"tenement" factory on to the "owner" (for definition of "owner," see note to sec. 2, *ante*, p. 9), except and so far as relates to such "parts" of the machinery as are supplied by the former (sub-sec. (1) (ii.)).

A "tenement factory" is "a factory where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts constitute in law separate factories," and for the purpose of the provisions of this Act with respect to tenement factories all buildings situate within the same close or curtilage shall be treated as one building: sec. 149 (1).

Sub-sec. (1).—As to (ii.), see secs. 10, 136; (iii.), sec. 32; (iv.), sec. 74; (v.), sec. 128. Proviso.—This is new, and is substituted for sub-sec. (2) of sec. 24 of the 1895 Act, which imposed upon individual occupiers of tenement factories, and not on the owner, the obligation to affix the notice required by sec. 19 of the 1878 Act (see now sec. 32 of this Act, *ante*). The effect of this proviso is, that it is now optional whether they will specify the periods of employment, etc., affixing the notice required by sec. 32, *ante*, or be bound by the notice, etc., affixed by the "owner."

Sub-sec. (2).—This apparently refers to sec. 17, *ante*.

Sub-sec. (3).—Sec. 7 relates to "ventilation," and sec. 94 to "regulations for the protection of health." See notes to sec. 7, *ante*.

Sub-sec. (4).—As to legal proceedings generally, see secs. 135-147.

As to fire escapes, see sec. 14 (7).

See also sec. 82 (2), *ante*, p. 122.

88.—(1.) Where grinding is carried on in a tenement factory, the owner of the factory shall be responsible for the observance of the regulations set forth in the Third Schedule to this Act.

Regulations
as to grinding
of cutlery in
tenement
factory.
(1895), s. 25

(2.) In every such tenement factory it shall be the duty of the owner and of the occupier of the factory respectively to see that such part of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

(3.) In every tenement factory where grinding of cutlery is carried on, the owner of the factory shall provide that there shall at all times be instantaneous

communication between each of the rooms in which the work is carried on and both the engine-room and the boiler-house.

(4.) A tenement factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act, but for the purposes of any proceeding in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.

(5.) This section shall not apply to a textile factory.

Sub-sec. (1).—See note to Schedule III. (7), *post*.

Sub-sec. (3).—The provision as to “instantaneous communication,” etc., is apparently meant to apply to the rooms in which the work of grinding of cutlery is carried on, and not to all the rooms in the factory to which power is supplied by the owner.

Sub-sec. (4).—The penalty is a fine not exceeding £10: sec. 135. See also sec. 142.

Sub-sec. (5).—For definition of a “textile” factory, see sec. 149 (1). See sec. 96, *infra*.

Certificate of fitness in tenement factory. (1895), s. 26.

89. A certificate of the fitness of any young person or child for employment in a tenement factory shall be valid for his similar employment in any part of the same tenement factory.

As to certificates of fitness generally, see secs. 63–66.

The certificate will only be available for “similar” employment, *i.e.* on a like manufacturing process or handicraft.

Cotton Cloth and other Humid Factories.

Temperature and humidity. C.C.F. Act (1889), s. 4.

90. In every room, shed, or workshop, or part thereof, in which the weaving of cotton cloth is carried on (in this Act referred to as a “cotton cloth factory”), the following provisions shall have effect:—

(1.) The amount of moisture in the atmosphere must 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 the Fourth Schedule to this Act opposite to such figure in column II. as represents the temperature existing in the cotton cloth factory at that time :

Provided that the temperature shall not at any time be raised by any artificial means whatsoever (except by gas used for lighting purposes only) above seventy degrees, except in so far as may be necessary in the process of giving humidity to the atmosphere.

- (2) The fact that one of the wet-bulb thermometers in the factory gives a higher reading than the figure shown in column III. of the said table opposite to such figure in column II. as represents the temperature existing in the factory, shall be evidence that the amount of moisture in the atmosphere exceeds the limit prescribed by this section.

This and the following six sections, contain the provisions of the repealed Cotton Cloth Factories Acts, 1889 and 1897, and the Orders of the Secretary of State made under those Acts. As the latter are now incorporated in those sections, they will be superseded by the Act.

As to the penalties for a contravention of, or non-compliance with, any of the following provisions with regard to cotton cloth factories, see sec. 95, *infra*.

Sub-sec. (1).—The table in Schedule 4 is the same as that which was in force under the Order of the Secretary of State, dated 27 April, 1893, made under sec. 6 of the Cotton Cloth Factories Act, 1889 (now repealed by this Act).

91. The Secretary of State may by order repeal or vary the table in the Fourth Schedule to this Act, and substitute any new or amended table therefor :

Power to alter
table of
humidity.
C.C.F. Act
(1889), s. 6.

Provided as follows :—

- (a.) The varied or substituted table shall be laid in a complete form before both Houses of Parliament if Parliament is sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if the table is disapproved by either House of Parliament within forty days after having been so laid before Parliament, the table shall be void and of no effect :
- (b.) The table shall not come into operation until it has been laid before Parliament for forty days; but after the expiration of those 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 that 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 in the Fourth Schedule to this Act.

Employment
of thermo-
meters.
C.C.F. Act
(1889), s. 7.

92.—(1.) In every cotton cloth factory, for the purpose of recording the humidity of the atmosphere and the temperature there must be provided, maintained, and kept in correct working order, two sets of standardized wet and dry bulb thermometers.

(2.) The following regulations shall be observed with reference to the employment of such thermometers :—

- (a.) 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 is directed or sanctioned by an inspector, so as to be plainly visible to the workers ;

- (b.) The occupier or manager or person for the time being in charge of the factory shall read the thermometers thrice in the day, namely, between seven and eight o'clock in the forenoon, between ten and eleven o'clock in the forenoon, and between three and four o'clock in the afternoon, on every day on which any workers are employed in the factory, and shall record the readings of each thermometer at each of those times on a form provided for the purpose for each set of thermometers in accordance with the Form of Record and the regulations contained in the Fourth Schedule to this Act ;
- (c.) The form in which the readings of each thermometer are to be recorded must be kept hung up near the thermometers, and after being duly filled up, must be forwarded at the end of each month to the inspector of the district, and a copy must be kept at the factory for reference ;
- (d.) There must be kept hanging up in a frame, and properly glazed, in a conspicuous position and near to each set of thermometers, a copy of the table set out in the Fourth Schedule to this Act ;
- (e.) Each form shall be *primâ facie* evidence of the humidity of the atmosphere and temperature in the factory in which the form was hung up.

Sub-sec. (2.) (b)-(e) do not so apply to cotton spinning mills :
sec. 96 (d), *infra*.

(b) See sec. 96 (b), *infra*.

The "Form of Record" in Schedule 4 is new. No "regulations" (other than the "Table" and the "Form of Record") are given in Schedule 4.

Notices and inspections where humidity is artificially produced. C.C.F. Act (1889), s. 8.

93.—(1.) The occupier of every cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only) shall, at or before the time at which such artificial production of humidity is commenced, give notice thereof in writing to the chief inspector of factories.

(2.) Every factory in respect of which any such notice has been given shall be visited by an inspector once at least in every three months. The inspector shall examine into the temperature, humidity of the atmosphere, ventilation, and quantity of fresh air in the factory, and shall report to the chief inspector of factories in the prescribed form.

(3.) If at any time the occupier of any factory in respect of which any such notice has been given ceases to produce humidity by artificial means, he may give notice in writing of such cessation and from the date of that notice, and so long as humidity is not artificially produced in the factory, the provisions of this section shall not apply to that factory.

Sub-sec. (2.)—"Prescribed" means prescribed for the time being by the Secretary of State: sec. 156.

The "Form of the Inspector's Report," which was given in Schedule C of the repealed Cotton Cloth Factories Act of 1889, has not been re-enacted.

Regulations for the protection of health. C.C.F. Act (1897), s. 1. Order, Feb. 2, 1898.

94. In every cotton cloth factory the following regulations for the protection of health shall have effect, viz.:—

(1.) The water used for the purpose of producing humidity shall either be taken from a public supply of drinking water or other source of

pure water, or shall be effectively purified to the satisfaction of the inspector before being introduced in the form of steam into the factory, and all ducts for the introduction of humidified air shall be kept clean.

- (2.) The pipes used for the introduction of steam into a cotton cloth factory in which the temperature is seventy degrees Fahrenheit or over shall, so far as they are within the shed, be as small both in diameter and length as is reasonably practicable, and shall be effectively covered with non-conducting material to the satisfaction of the inspector, so as to minimize the amount of heat thrown off by them into the shed.
- (3.) In the case of a cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only), the arrangements for ventilation shall be such that during working hours in no part of the cotton cloth factory shall the proportion of carbonic acid (carbon dioxide) in the air be greater than nine volumes of carbonic acid to every ten thousand volumes of air.
- (4.) Unless some other method certified by the inspector to be equally satisfactory is adopted, the outside of the roof of every cotton cloth factory shall be whitewashed every year before the thirty-first day of May, and such whitewash shall be effectively maintained until the thirty-first day of August.
- (5.) In every cotton cloth factory erected after the second day of February one thousand eight hundred and ninety-eight a sufficient and

suitable cloak room, or cloak rooms, shall be provided for the use of all the persons employed therein, and shall be ventilated and kept at a suitable temperature.

This section is a re-enactment of the Order of the Secretary of State, dated February 2, 1898 (*St. R. & O.*, 1898, p. 354).

This section does not apply to humid factories: sec. 96 (c), *infra*.

Penalties for
non-compliance.
C.C.F. Act
(1889), s. 13.

95. If in the case of any cotton cloth factory there is a contravention of or non-compliance with any of the foregoing provisions with regard to cotton cloth factories, the inspector shall give notice in writing to the occupier of the factory of the acts or omissions constituting the contravention or non-compliance, and if those acts or omissions, or any of them, are continued or not remedied, or are repeated within twelve months after the notice has been given, the occupier of the factory shall be liable, for the first offence to a fine not less than five pounds and not exceeding ten pounds, and for every subsequent offence to a fine not less than ten pounds and not exceeding twenty pounds.

The power given to courts of summary jurisdiction by sec. 4 of the S. J. Act, 1879, to reduce the prescribed amount of a fine, if it be imposed in respect of a first offence, does not enable them to reduce the prescribed amount of the fine imposed by this section: *Osborn v. Wood* (1897), 1 Q. B. 197; 66 L. J. Q. B. 178; 45 W. R. 319; 76 L. T. 60; 61 J. P. 118.

Application
of foregoing
provisions to
other humid
factories.
(1895), s. 31
(1).

96. The foregoing provisions of this Act with respect to cotton cloth factories shall apply to every textile factory in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and in which regulations under Part IV. of this Act with respect to humidity are not for the time being in force, but subject to the following qualifications, namely:—

- (a.) The Secretary of State may by special order modify the provisions of the Fourth Schedule to this Act with respect to the maximum limits of humidity ;
- (b.) The reading of the thermometer between seven and eight o'clock in the forenoon shall not be required ; and
- (c.) Section ninety-four respecting regulations for the protection of health in cotton-cloth factories shall not apply ; and
- (d.) The regulations in section ninety-two distinguished as (b), (c), (d), and (e) which are required to be observed with reference to the employment of thermometers shall not apply to cotton-spinning mills.

This section is a re-enactment in effect of sec. 31 (1) of the Factory Act, 1895.

The reference to regulations "with respect to humidity" apparently refer to "regulations for dangerous trades" (secs. 79-86). See also sec. 76.

(iii.) *Bakehouses.*

97.—(1.) It shall not be lawful to let or suffer to be occupied or to occupy any room or place as a bakehouse, unless the following regulations are complied with :—

Sanitary regulations for bake-houses.
(1883), s. 15.
(1895), s. 27
(2).

- (a.) A watercloset, earthcloset, privy, or ashpit must not be within or communicate directly with the bakehouse ;
- (b.) Every cistern for supplying water to the bakehouse must be separate and distinct from any cistern for supplying water to a watercloset ;
- (c.) A drain or pipe for carrying off fæcal or sewage matter must not have an opening within the bakehouse.

(2.) If any person lets or suffers to be occupied or occupies any room or place as a bakehouse in contravention of this section he shall be liable 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.

"Bakehouses" mean any places in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived: sec. 149, and Schedule 6, Part II. (23). A bakehouse is similarly defined by sec. 141 of the P. H. (London) Act, 1891.

A bakehouse is a "workshop," unless it becomes a factory owing to the use of steam, water, or other mechanical power therein. See sec. 149 (1), and Schedule 6, Part II. (23).

A bakehouse where "men" only are employed comes within the operation of the Act: see sec. 157.

As to the employment of male young persons above sixteen in bakehouses, see sec. 38, *ante*, p. 71.

All bakehouses which are "factories" will be under the jurisdiction of factory inspectors, and certain "underground" and "retail" bakehouses under the jurisdiction of district councils: see secs. 101 and 102, *infra*.

As to underground bakehouses, see sec. 101, *infra*.

Penalty for
bakehouse
being unfit
on sanitary
grounds.
(1883), s. 16.

98.—(1.) Where a court of summary jurisdiction is satisfied on the prosecution of an inspector or a district council that any room or place used as a bakehouse 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 to a fine not exceeding, for the first offence, forty shillings, and for any subsequent offence five pounds.

(2.) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, on 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 the non-compliance continues.

This section applies to "wholesale" bakehouses. The provisions of this part of the Act, with respect to "retail" bakehouses, are to be enforced by the district council of the district in which such bakehouse is situate: sec. 102, *infra*. Where a "wholesale" bakehouse is unfit on sanitary grounds, this section gives power to either an inspector "or" a district council to enforce the sanitary provisions of this part of the Act with respect to them.

The obligation to adopt means for removing the grounds of complaint with respect to the sanitary defects, etc., in a bakehouse (wholesale or retail) is placed entirely upon the "occupier."

See also P. H. (London) Act, 1891, sec. 26 (Appx., *post*, p. 320).

99.—(1.) All the inside walls of the rooms of a bakehouse, and all the ceilings or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a bakehouse, must either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed; and

Limewash-
ing, painting,
and washing
of bakehouses.
(1878), s. 34.

(a.) where the bakehouse is painted with oil or varnished, there must be three coats of paint or varnish, and the paint or varnish must be renewed once at least in every seven years, and must be washed with hot water and soap once at least in every six months; and

(b.) where the bakehouse is limewashed, the limewashing must be renewed once at least in every six months.

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

Sub-sec. (2).—The penalty for a breach of this section is a fine on the occupier not exceeding £10 : sec. 135.

See also P. H. (London) Act, 1891, sec. 26 (*Appx., post*, p. 320).

Provision as to sleeping-places near bakehouses. (1878), s. 35.

100.—(1.) A place on the same level with a bakehouse, and forming part of the same building, may not be used as a sleeping-place, unless it is constructed as follows ; that is to say

(a.) is effectually separated from the bakehouse by a partition extending from the floor to the ceiling ; and

(b.) has 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.

(2.) If any person lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section he shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for any subsequent offence five pounds.

Prohibition of underground bakehouses. (1895), s. 27 (3).

1901.

101.—(1.) An underground bakehouse shall not be used as a bakehouse unless it was so used at the passing of this Act.

(2.) Subject to the foregoing provision, after the first day of January one thousand nine hundred and four an underground bakehouse shall not be used unless certified by the district council to be suitable for that purpose.

(3.) For the purpose of this section an underground bakehouse shall mean a bakehouse, any baking-room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room. The expression "baking-room" means any room used for baking, or for any process incidental thereto.

(4.) An underground bakehouse shall not be certified as suitable unless the district council is satisfied that it is suitable as regards construction, light, ventilation, and in all other respects.

(5.) This section shall have effect as if it were included among the provisions relating to bakehouses which are referred to in section twenty-six of the Public Health (London) Act, 1891. ^{54 & 55 Vict. c. 76.}

(6.) If any place is used in contravention of this section, it shall be deemed to be a workshop not kept in conformity with this Act.

(7.) In the event of the refusal of a certificate by the district council, the occupier of the bakehouse may, within twenty-one days from the refusal, by complaint apply to a court of summary jurisdiction, and if it appears to the satisfaction of the court that the bakehouse is suitable for use as regards construction, light, ventilation, and in all other respects, the court shall thereupon grant a certificate of suitability of the bakehouse, which shall have effect as if granted by the district council.

(8.) Where any place has been let as a bakehouse, and the certificate required by this section cannot be obtained unless structural alterations are made, and the occupier alleges that the whole or part of the expenses of the alterations ought to be borne by the owner, he may by complaint apply to a court of summary jurisdiction, and that court may make such order concerning the expenses or their apportionment as appears to the court to be just and equitable, under the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may, at the request of the occupier, determine the lease.

Sub-secs. (2)-(5) and (7) and (8) are new.

Sub-sec. (2).—After the 1st January, 1904, no underground

bakehouse, whether or not used as such on the 17th August, 1901, can be so used until it is certified by the district council as being fit for the purpose.

Sub-sec. (3).—There is here a specific definition of the meaning of an “underground” bakehouse. The corresponding words in the repealed Acts were a “place underground,” but these words were not defined.

Sub-sec. (5).—The provisions of this section are, as respects every bakehouse which is a “workshop,” to be enforced by the district council of the district in which the bakehouse is situate: P. H. (London) Act, 1891, sec. 26 (1) (Appx., *post*, p. 320); and the provisions of secs. 10 and 115 of that Act with respect to the admission of district councils and their officers into any premises for any purpose in relation to nuisances will apply in like manner as if they were therein re-enacted and in terms made applicable to that section, and every person refusing or failing to allow district councils or their officers to enter any such bakehouse in pursuance of those provisions, will be subject to a fine (*ib.* 27).

Sub-sec. (6).—The penalty for using any “place” in contravention of this section is a fine not exceeding £10, etc.: sec. 135.

Sub-sec. (7).—The council are in the first instance the arbiters as to whether an underground bakehouse is “suitable as regards construction, light, ventilation, and in all other respects.” If the “occupier” of the underground bakehouse fails to “satisfy” the council by complying with their requirements, the latter can, in their discretion, refuse the occupier a certificate, whereupon he may appeal to a court of summary jurisdiction within twenty-one days of the “refusal.” The court is then to be the “umpire,” as it were, between the occupier and the council as to the reasonableness of the requirements of the latter, and if the court are satisfied that the latter are unreasonable, or that the occupier has done everything that can reasonably be required to make the bakehouse suitable, etc., it must, notwithstanding the refusal of the council, grant the like certificate, which will have the same effect as if granted by the council.

Sub-sec. (8).—This sub-section provides for cases where councils may make requirements necessitating structural alterations in places used as underground bakehouses, as a condition precedent to granting a certificate. It also gives a court jurisdiction to make such orders as it considers to be “just and equitable” under all the circumstances of the case, but they *must* in so doing take into consideration the terms of the contract (if any) between the owner and occupier; or in the alternative they can cancel the occupier’s lease, but only at the “request” of the latter. It would seem, from

the limited use of the word "lease," that a court would not have power to determine any contract of letting between the owner and occupier which amounted in its terms to anything less than a "lease."

Cf., and see notes to, secs. 7 (4) and 14 (4), *ante*.

Sub-sec. (1).—Unless an underground place was used as a bakehouse on the 17th August, 1901, such a bakehouse cannot now be legally established. The word "used" is important in considering the effect of this sub-section. Temporary closing will not necessarily constitute disuse. A place underground had been used as a bakehouse for about fifteen years down to October, 1895, when the premises of which it had formed part became vacant. The landlord then had the premises, including the bakehouse, put into repair, and while the work of repair was in progress a notice was exhibited upon the premises to the effect that they were to be let as baker's premises. The repairs were completed by Christmas, 1895, but the premises remained unoccupied until February, 1896, when they were let to a baker, who entered into possession, and used the bakehouse for the purpose of his business. By the similar provision of sec. 27 (3) of the 1895 Act, it was provided that "a place underground shall not be used as a bakehouse unless it is so used at the commencement of this Act," viz. January 1st, 1896:—*Held*, that the place in question was "used" as a bakehouse within the meaning of that exception, and was therefore not a place underground the use of which as a bakehouse was prohibited by that Act: *Schwerzerhof v. Wilkins* (1898), 1 Q. B. 640; 67 L. J. Q. B. 476; 78 L. T. 229; 62 J. P. 247.

102. As respects every retail bakehouse, the provisions of this Part of this Act shall be enforced by the district council of the district in which the retail bakehouse is situate, and not by an inspector; and for the purposes of this section the medical officer of health of the district council shall have and may exercise all the powers of entry, inspection, taking legal proceedings and otherwise of an inspector.

Enforcement
of law as to
retail bake-
houses by
sanitary
authorities.
(1883), ss. 17
(1), 18 (defin.).
(1891), s. 36
(*ib.*).

In this section the expression "retail bakehouse" means any bakehouse or place, not being a factory, the bread, biscuits, or confectionery baked in which are sold, not wholesale, but by retail, in some shop or place occupied with the bakehouse.

The words "this Part of this Act" apparently refer to Part V. (iii.) (secs. 97-102), which contains the provisions relating to bakehouses. District councils are to enforce the provisions of those sections with regard to retail bakehouses, and not factory inspectors.

The medical officer of a district council has the following powers with regard to such bakehouses—to enter, inspect, and examine at all reasonable times by day and night, a "retail" bakehouse and every part thereof when he has reasonable cause to believe that any person is employed therein, and by day, to enter any place which he has reasonable cause to believe is a "retail" bakehouse (whether or not at the time of entry persons are engaged therein), and to take a constable with him into any bakehouse in which he has reasonable cause to apprehend obstruction, and make such examination and inquiry as may be necessary to ascertain whether the provisions relating to public health are complied with, and to exercise such other powers as may be necessary to carry the provisions of those sections into effect. See sec. 119 (1), *post*, p. 196.

For the general definition of a "bakehouse," see sec. 149, Schedule 6, Part II. (23).

The word "with" in the last line of the section does not, it is submitted, mean that the shop or place of sale by "retail" must necessarily be in juxtaposition to the "bakehouse" itself. It can, we think, be construed to mean a business connection, *i.e.* where, although the bread is made elsewhere in a "bakehouse," it is sold in a shop or place, otherwise unconnected with it, provided both are in the "occupation" of the same person. There are many cases where bread is made in a "bakehouse" to which no shop etc., is attached, and sold retail by the makers in a shop or place belonging to them elsewhere, and in such instances we contend that this construction might not unreasonably be placed upon the word "with."

(iv.) *Laundries.*

Application
of Act to
laundries.
(1895), s. 22.

103.—(1.) In every laundry carried on by way of trade, or for purposes of gain, the following provisions shall apply:—

- (a.) The period of employment, exclusive of meal hours and absence from work, shall not exceed, for women fourteen hours, for young persons twelve hours, and for children ten hours in any consecutive twenty-four hours;

nor a total for women and young persons of sixty hours, and for children of thirty hours, in any one week, in addition to such overtime as may be allowed in the case of women ;

- (b.) A woman, young person, or child must not be employed continuously for more than five hours without an interval of at least half an hour for a meal ;
- (c.) Women, young persons, and children employed in the laundry shall have allowed to them the same holidays as are allowed to women, young persons, and children employed in a factory or workshop under this Act ;
- (d.) So far as regards provisions with respect to health and safety, accidents, education of children, notice of occupation of a factory or workshop, the affixing of abstracts and notices and the matters to be specified in those notices (so far as they apply to laundries), powers of inspectors, fines, and legal proceedings for any failure to comply with the provisions of this section, this Act shall have effect as if every laundry in which steam, water, or other mechanical power is used in aid of the laundry process were a factory, and every other laundry were a workshop, and as if every occupier of a laundry were the occupier of a factory or of a workshop ;
- (e.) The notice to be affixed in the laundry shall specify the period of employment and the times for meals, but the period and times so specified may be varied before the beginning of employment on any day ;
- (f.) The provisions of this Act prohibiting the

employment of women within four weeks after childbirth, and of children under the age of twelve years, shall apply to the laundry in like manner as to a factory or workshop.

(2.) Women employed in laundries may work overtime, subject to the following conditions, namely:—

(a.) A woman must not work more than fourteen hours in any day; and

(b.) The overtime worked must not exceed two hours in any day; and

(c.) Overtime must not be worked on more than three days in any week or more than thirty days in any year; and

(d.) The requirements of section sixty of this Act with respect to notices must be observed.

(3.) In the case of every laundry worked by steam, water, or other mechanical power—

(a.) a fan or other means of a proper construction must be provided, maintained, and used for regulating the temperature in every ironing-room, and for carrying away the steam in every washhouse in the laundry; and

(b.) all stoves for heating irons must be sufficiently separated from any ironing-room, and gas-irons emitting any noxious fumes must not be used; and

(c.) the floors must be kept in good condition and drained in such manner as will allow the water to flow off freely.

A laundry in which these provisions are contravened shall be deemed to be a factory not kept in conformity with this Act.

(4.) Nothing in this section shall apply to any laundry in which the only persons employed are—

(a.) inmates of any prison, reformatory, or

industrial school, or other institution for the time being subject to inspection under any Act other than this Act; or

(b.) inmates of an institution conducted in good faith for religious or charitable purposes; or

(c.) members of the same family dwelling there, or in which not more than two persons dwelling elsewhere are employed.

The provisions of this section are a re-enactment without amendment of those contained in sec. 22 of the 1895 Act.

A "laundry" is not defined by the Act, but this section only applies to those which are (i.) carried on by way of trade (ii.) or for the purpose of gain (sub-sec. (1)). In the first case such a laundry would apparently be one which is carried on as a separate business by the occupier, in the popular meaning of the word "laundry," and in the second case, a laundry carried on for the purpose of profit either *per se* or in connection with some other business. The provisions of this section would appear to be intended to apply only to public laundries, *i.e.* where any one can have laundry work done. In a Scotch case it was held that a laundry attached to a hotel, in which the following was the work done:—viz. the washing of (a) the hotel linen, (b) of the hotel servants' clothes, without charge, and as part of the servants' remuneration, and (c) of the clothing of the visitors, who paid per article of clothing in the ordinary way—was not a laundry within the meaning of sec. 22 (1) of the 1895 Act (of which this section is a re-enactment). *Caledonian Railway Co. v. Paterson* (1898) (J.), 1 F. 24.

The "employment" in this section means, it is submitted, employment in actual laundry work, *i.e.* the process of washing, starching, ironing, etc., and it will not be legal to employ women, young persons, or children beyond the statutory number of hours, in any other work in connection with the business of the laundry as distinguished from the laundry "process," such as cleaning out the workrooms, packing, etc., or delivering, etc. Laundries in which steam, water, or other mechanical power is used in the laundry process are factories, and all other laundries are workshops (see sub-sec. (1) (d), and sec. 149). It would seem therefore that every part of the laundry process in which manual labour is exercised comes within the Act, and in the absence of a specific definition of "employment" in relation to laundries, it would make "employment" in a laundry, so far as the "manual

labour" done in a laundry is concerned, illegal beyond the total number of hours limited by this section. See sec. 152 for the general definition of "employment and working for hire." See also sec. 137 (fine for "employing" persons contrary to the Act).

Sub-sec. (1).—(a.) This lays down the limits of the periods of employment (exclusive of meal hours and absence from work) for women, young persons, and children in any consecutive 24 hours, and the total number of hours of employment in any one week. As to the "overtime" employment of women, see sub-sec. 2, *infra*.

(c.) As to "holidays," see sec. 35, and sec. 45.

(d.) As regards "health and safety," see secs. 1-18; "accidents," secs. 19-22; "education of children," secs. 68-72, and notes to sec. 68; "notice of occupation of factory or workshop," sec. 127; "affixing of abstracts and notices," sec. 128, and (e) *infra*; "powers of inspectors," sec. 119; "fines," secs. 135-138, 140; "legal proceedings," secs. 135-148. It will be seen that certificates of fitness for employment (secs. 61-67) and general registers (sec. 129), are not required for children and young persons employed in laundries.

(e.) The notice must be in the proper form and must definitely state the "periods of employment," etc., *i.e.* the actual hours to be worked; and where such periods are varied on any day, the proper notice must be affixed before the beginning of work on that day.

(f.) See sec. 61 and note, and sec. 62.

It would seem that the Sunday employment in a laundry of women, young persons and children, will be illegal. In sec. 34, *ante*, such persons must not, "save as in this Act specially excepted," be employed on a Sunday in a factory or workshop (see the exceptions in secs. 42, 47, 48, and 54 (1) (d)). So far as regards certain provisions of the Act (*supra*, sub-sec. (1) (d)), a "laundry" carried on by way of trade, or for purposes of gain, is either a "factory" or "a workshop." The provisions with respect to "fines" (secs. 135-138) apply to such laundries (amongst other provisions). Sec. 137 imposes the fine for employing persons in a factory or workshop (other than a domestic factory or workshop) contrary to the provisions of the Act. Now, if a laundry is a factory or workshop "in respect to the fines" for employment contrary to the provisions of the Act, employment on a Sunday would, it is submitted, be employment contrary to sec. 34, as "laundries" are not "specially excepted." If a laundry had a definition to itself, it might be contended otherwise, but inasmuch as it is to be either a "factory" or a "workshop" in every case where the incorporated provisions apply, it must for the purposes of "employment" come within sec. 137, not being

"specially excepted." It must be observed, too, that this section lays down a special code as to hours, meals, overtime employment, etc., for "laundries," and that so far as a "factory" laundry is concerned, the fine for not keeping a "factory" in conformity with the Act (sec. 135) is expressly made applicable to such "laundries": sub-sec. 3, *supra*.

Sub-sec. (2).—The "overtime" employment of women in laundries means the time which may be worked in addition to the "period of employment" specified in the notice, etc.

(d.) Sec. 60 (1) requires an occupier, not less than seven days before he avails himself of any special exception, to serve on an inspector and affix in his factory or workshop, notice of his intention so to avail himself, and whilst he avails himself of the exception to keep such notice so affixed; and see *ib.* (2). An occupier of a laundry must therefore, before he avails himself of the provisions of this sub-section, comply with the provisions of sec. 60, *ante*.

Sub-sec. (3).—This sub-section does not apply to a "workshop" laundry. The penalty under this sub-section is a fine not exceeding £10: sec. 135.

Sub-sec. (4) (c).—If more than two persons "dwelling elsewhere" are employed in a laundry, such laundry will become a factory or workshop, and be subject to the provisions of the Act.

The provisions of the Truck Acts, 1831–1896, apply to laundries, and it is the duty of factory inspectors to enforce the provisions of those Acts in laundries: Truck Act, 1896, sec. 10 (Appx., *post*, p. 305).

As to the "washing," "cleaning," etc., of wearing apparel where there is an infectious disease, see sec. 110, *post*.

A place where the process of "dry cleaning" is carried on is a non-textile factory or a workshop: sec. 149, and Schedule 6, Part II. (28).

(v.) *Docks.*

104.—(1.) The provisions of this Act with respect to—

- (i.) Power to make orders as to dangerous machines (section seventeen);
- (ii.) Accidents;
- (iii.) Regulations for dangerous trades;
- (iv.) Powers of inspectors (section one hundred and nineteen); and

Application of certain provisions to docks. (1895), s. 23 (1).

1901.

(v.) Fines in case of death or injury (section one hundred and thirty-six) :

shall have effect as if every dock, wharf, quay, and warehouse, and all machinery or plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal were included in the word "factory," and the purpose for which the machinery or plant is used were a manufacturing process; and as if the person who by himself, his agents, or workmen, uses any such machinery or plant for the before-mentioned purpose were the occupier of the premises; and for the purpose of the enforcement of those provisions the person having the actual use or occupation of a dock, wharf, quay, or warehouse, or of any premises within the same or forming part thereof, and the person so using any such machinery or plant shall be deemed to be the occupier of a factory.

57 & 58 Vict.
c. 60.

(2.) For the purposes of this section the expression "plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship, and the expressions "ship" and "harbour" have the same meaning as in the Merchant Shipping Act, 1894.

This section has been materially altered. The analogous sec. (23) of the 1895 Act (*infra*) also included the provisions now contained in sec. 105.

The words in sub-sec. (1), "or coaling any ship in any dock, harbour, or canal," are new, and also the word "plant" in the subsequent lines of the sub-section. Sub-sec. (2) is also new.

Sub-sec. (1).—As to (ii.), see secs. 19–22; (iii.), see secs. 79–86, and the unrepealed sections of the 1891 and 1895 Acts, *ante*, p. 133.

For convenience of reference and comparison the corresponding section of the 1895 Act is here set out :—

Docks, etc.

Extension to
docks, &c., of

"23.—(1.) The following provisions, namely :—

"(i.) Section eighty-two of the principal Act (*Now sec. 136 of this Act*);

- “(ii.) The provisions of the Factory Acts with respect to accidents (i.e. *sec. 32 of the 1878 Act*; *sec. 22 (3) of the 1891 Act*; *secs. 18-21 of the 1895 Act*; *Now secs. 19-22 of this Act*); certain provisions of Factory Acts.
- “(iii.) Section sixty-eight of the principal Act with respect to the powers of inspectors (*Now sec. 119 of this Act*);
- “(iv.) Sections eight to twelve of the Act of 1891 with respect to special rules for dangerous employments (see *ante*, p. 125); and
- “(v.) The provisions of this Act with respect to the power to make orders as to dangerous machines (i.e. *sec. 4. Now sec. 17 of this Act*)
- “shall have effect as if—

“(a.) every dock, wharf, quay, and warehouse, and, so far as relates to the process of loading or unloading therefrom or thereto, all machinery and plant used in that process; and

“(b.) any premises on which machinery worked by steam, water, or other mechanical power, is temporarily used for the purpose of the construction of a building or any structural work in connexion with a building,

“were included in the word ‘factory,’ and the purpose for which the machinery is used were a manufacturing process, and as if the person who by himself, his agents, or workmen temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises; and for the purpose of the enforcement of those sections the person having the actual use or occupation of a dock, wharf, quay, or warehouse, or of any premises within the same or forming part thereof, and the person so using any such machinery, shall be deemed to be the occupier of a factory.

“(2.) The provisions of this Act with respect to notice of accidents and the formal investigation of accidents shall have effect as if—

“(a.) any building which exceeds thirty feet in height, and which is being constructed or repaired by means of a scaffolding; and

“(b.) any building which exceeds thirty feet in height, and in which more than twenty persons, not being domestic servants, are employed for wages;

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

It will thus be seen that the scope of this section has been very materially enlarged, and will now include all the machinery

and plant used in the process of loading or unloading, or coaling *any* "ship" in *any* dock, harbour, or canal. Taken in conjunction with the definitions of "ship" and "harbour" (*infra*, note to sub-sec. (2)), it will apply to almost every kind of "ship," whether cargo or passenger boat and to every "process" connected with the loading, unloading, or coaling of a ship in or at docks, wharves, quays, etc., harbours, estuaries, and rivers, piers, jetties, and "other works."

"Dock."

The word "dock" has been defined "an artificial basin excavated, built round with masonry and fitted with flood-gates into which ships are received for the purpose of loading or unloading, or for repair": *Murray*; and as "a place artificially formed on the side of a harbour or the bank of a river for the reception of ships, the entrance to which is generally closed by gates": *Imperial Dictionary*.

The word "dock" embraces the land bounding the water-space as well as the water itself: *Hennessy v. McCabe* (1900), 1 Q. B. 491; 69 L. J. Q. B. 173; 81 L. T. 575; 16 T. L. R. 77, per Collins, L.J.

The process of loading or unloading, etc., is not confined to the loading, etc., from or to a dock, wharf, quay, or warehouse. It will include all such processes whether from a dock, etc., into a ship, or from a ship into a lighter, barge, etc., and whether the machinery is in a dock, or on ship, wharf, quay, lighter, or barge, etc.

Where a "ship" (see definition, *infra*) is being loaded or unloaded, etc., by its own crew, it is apprehended that the W. C. Act will apply to the seamen employed in this "process." "Seamen" is defined by sec. 742 of the Merchant Shipping Act, 1894, to "include every person (except masters, pilots, and apprentices duly indentured and registered) employed or engaged in any capacity on board any ship."

See note on W. C. Act, 1897, *infra*.

An "order" can be made by a Court of Summary Jurisdiction prohibiting the use of "any part of the ways, works, machinery, or plant used in a factory," if they are dangerous to life or limb, etc., or until they are repaired or altered if capable of such repair or alteration: sec. 17, and this power is expressly made applicable to this section; but there is, it is submitted, no power to enforce the "fencing" of dangerous docks, wharves, quays, etc., or the machinery or plant there used (see sec. 10, *ante*, and note).

"Wharf."

The word "wharf" is defined in the *Century Dictionary* as "a platform of timber, stones, or other material built on a support at the margin of a harbour or a navigable stream, in order that vessels may be moored alongside as for loading or unloading, or while at rest. A wharf may be parallel with and contiguous to the margin, when it is more especially called a quay; or it may

project away from it with openings underneath for the flow of water, when it is distinctively called a pier. In England wharves are of two kinds; (a) legal wharves, certain wharves in all sea-ports appointed by commission from the Court of Exchequer or legalized by Act of Parliament; and (b) sufferance wharves, places where certain goods may be landed and shipped by special sufferance granted by the Crown for that purpose." In *Webster* it is defined as "a structure or platform of timber, masonry, iron, earth, or other material, built on the shore of a harbour, river, canal, or the like, and usually extending from the shore to deep water, so that vessels may lie close alongside to receive and discharge cargo, passengers, etc.; a quay; a pier." And in the *Imperial Dictionary*, as "a sort of quay constructed of wood or stone on the margin of a roadstead, harbour, or river, alongside of which ships or lighters are brought for sake of being conveniently loaded or unloaded." By sec. 492 of the Merchant Shipping Act, 1894, the expression includes "all wharves, quays, docks, and premises in or upon which any goods, when landed from ships may be lawfully placed."

See note on W. C. Act, *infra*.

"Quay" is defined as "a landing-place usually constructed of stone, but sometimes of wood, iron, etc., along a line of coast or a river bank or round a harbour or dock, at which vessels are loaded or unloaded; a wharf": *Imperial Dictionary*. And as "a mole, bank, or wharf, formed towards the sea, or at the side of a harbour, river, or other navigable water, for convenience in loading or unloading vessels": *Webster*.

See *Merrill v. Wilson* in note on W. C. Act, *ubi infra*, where a quay, alongside which a ship was being discharged of her cargo by her owners, was held to be a "factory" within this section.

There is no definition of the expression "warehouse" in the "Warehouse Act, except in relation to the definition of a "non-textile factory" house." in sec. 149 (a). The expression as used in the Merchant Shipping Act, 1894 (57 & 58 Vict. c. 60), sec. 492, includes "all warehouses, buildings, and premises in which goods, when landed from ships, may be lawfully placed." The meaning of the word "warehouse," as used in the sense of this section, has never been judicially determined, but it has received interpretation where used in the sense of sec. 27 of the Reform Act, 1832. A place described by a revising barrister as "a shed standing against a wooden paling, but not fastened thereto—six posts put into the ground, support a tarpauling which forms the roof, one of the sides is boarded up with boards nailed to the posts; the shed is used to put barrows, posts, etc., into, and wharfage is paid for the use of it"—was held to be a warehouse or building within that

section. *Watson v. Cotton* (1847), 17 L. J. C. P. 68; 5 C. B. 51. "The Act uses the word 'warehouse,' and though it is not stated how many sides this shed has, it cannot have less than three sides, and they may be all closed, but if they were all open it might be none the less a warehouse on that account. . . . Whether it be a warehouse does not at all depend upon the nature of the materials placed within it, but on its capacity to hold and protect the materials which are placed within it for convenient custody": per Wilde, C.J. (*ib.*).

In *R. Edmundson* (1859), 28 L. J. M. C. 213; 2 E. & E. 77, a warehouse was construed as *ejusdem generis* with "dwelling house, outhouse, yard, garden, or other place."

A warehouse has been defined as "a house in which wares or goods are kept; as (a) a store for goods for safe keeping; (b) a building for storing imported goods on which customs dues have not been paid; (c) a store for the sale of goods wholesale; also, often, a large retail establishment": *Imperial Dictionary*.

In considering the meaning of the expression in the sense of this section, and for the purpose of this Act, recourse must be had to this Act itself. Thus we find the expression "warehouse" is used elsewhere in the Act. In sec. 49 (2), *ante*, dealing with the exception as to overtime employment of women, it is enacted that the exception applies to the "non-textile factories and workshops and parts thereof and 'warehouses' specified in the Second Schedule," paragraph (4) of which applies that exception to "any part of a factory (whether textile or non-textile) or workshop which is a 'warehouse' not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods." And again, the word is used in sec. 149 (a) in relation to the definition of "non-textile factory."

It would seem, therefore, that the expression is not, *quâ* the Factory Act, limited to such "warehouses" as are *ejusdem generis* with "every dock, wharf, quay," such as customs or bonded warehouses, or those used for the temporary storage of goods, grain, etc., landed from ships. If this is the true construction to be placed upon the word as used in this section, a "warehouse" will not only include one used in the above limited sense, but will embrace all other classes of warehouses situate anywhere, such as covered goods and parcels warehouses (or sheds) belonging to railway companies, premises used for breaking up old iron, etc. (see *Wilmott v. Paton*, in note on W. C. Act, 1897, *infra*), buildings used for the storage of ice, and "cold storage" warehouses generally, depositories, buildings or places used in connection with retail shops, etc., shop "storerooms" and wholesale dry goods warehouses, export packers'

premises—in fact, any places which are used in the popular or business sense of the word for the storage of stocks of goods pending their sale or disposal, either wholesale or retail.

If machinery and plant is used in a “warehouse,” “within” a dock, wharf or quay, the meaning of the expression would be limited in its application to the particular warehouse in question.

A ship, or barge, or lighter transshipping cargo, might in some instances be said to be a “warehouse.”

See note on W. C. Act, 1897, *infra*.

See also sec. 149 and notes, *post*.

The word “machinery” in this section includes any machinery, “Machinery.” whether moved or worked by steam, water, or other mechanical power or not. Thus it will include a hand-winch.

A “machine” has also been defined to include every mechanical device or combination of mechanical powers and devices to perform some function and produce a certain effect or result,” *Corning v. Burden* (1853), 15 How, N.S. 267 (American), and as “any contrivance or thing which serves to increase or regulate the effect of a given force or to produce motion; or any object by the intervention of which a moving power is made to act upon any body and overcome the force by which the latter resists the effort to change its state of rest or of motion,” and “machinery” as “any complex system of means and appliances designed to carry on any particular work, or to keep anything in action, or to effect a specific purpose or end”: *Imperial Dictionary*.

See also note on W. C. Act, *infra*.

The word “plant” is defined in the *Century Dictionary* as “Plant.” “the fixtures, machinery, tools, apparatus, appliances, etc., necessary to carry on any trade or mechanical business, or any mechanical operation or process,” and in *Webster* as “the whole machinery and apparatus employed in carrying on a trade or mechanical business.”

As to “gangways” and “ladders” used in the “process” of loading, unloading, or coaling a ship, see now sub-sec. (2), *supra*.

The engines, carriages, trucks, and other effects constituting the rolling stock used by a railway company for the purposes of the traffic on their railway, and the machinery, tools, fittings and materials and effects used in their yards, sheds, etc., and in their “shops,” are obviously the “plant” of a railway company.

See also note to sec. 17, *ante*.

Sub-sec. (2).—The expression “ship” “includes every description of vessel used in navigation not propelled by oars”: M. S. Act, 1894, sec. 742. A hopper or dredging barge, 70 feet long by 19 feet beam, though without any means of propulsion, is a “ship”: *The Mac* (1882), 7 P. D. 126, per Coleridge, C.J., and a

fishing cobble is a ship: *Ex parte Ferguson* (1871), L. R., 6 Q. B. 280. Whether an unfinished vessel still in the yard is a "ship," see *Ex parte Hodgkin* (1875), L. R. 20 Eq. 746. A launch employed in pleasure trips round an artificial lake half a mile long by 180 yards wide, is not a vessel "used in navigation": *Mayor, etc., of Southport v. Morriss* (1893), 1 Q. B. 359. A ship may cease to be a ship while intact, e.g. *European Co. v. P. & O. Co.* (1866), 2 Asp. M. C. O. S. 351, a ship which had for four years been used as a stationary coal-hulk was held to have ceased to be a ship.

"Harbour." The expression "harbour" includes "harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers": M. S. Act, sec. 742. "A harbour in its ordinary sense, is a place to shelter ships from the violence of the sea, and where ships are brought for commercial purposes to load and unload ships. The quays are a necessary part of a harbour" (per *Esher, M.R., R. v. Hannam* (1886), 2 T. L. R. 234).

Note on W. C. Act, 1897. This work does not profess to be a treatise on the W. C. Act, 1897. For the purpose, however, of considering the effect of this section, which has to be read in conjunction with sec. 7 of that Act, it may be useful here to consider the effect of some of the recent decisions under that Act.

"Dock." By the combined effect of the W. C. Act, sec. 7 (1) and (2), Appendix, *post*, p. 390, and this section, every "dock" (dry or wet) is a "factory," and the persons who are in the actual use or occupation of a "dock" (or *semble* of a berth in a dock), are "occupiers" thereof: *Raine v. Jobson* (1901), A. C. 404.

"Ship." A "ship" in a dock is itself a dock, and therefore a "factory," *ib. (disapproving Flowers v. Chambers* (1899), 2 Q. B. 142).

"Wharf." The word "wharf" must be construed in its ordinary and popular signification of a place contiguous to water, over which goods pass in the process of loading and unloading," per Smith and Collins, L.JJ., *Haddock v. Humphrey* (1900), 1 Q. B. 609; 69 L. J. Q. B. 327; 82 L. T. 72; 16 T. L. R. 143. In that case there were yards beyond the ordinary wharf space running inland for 150 yards from the water's edge which were leased by the dock board at Bootle to different timber merchants for the purpose of storing timber. These yards were divided from the wharf proper by a roadway and a fence with gates at intervals. It was held that the yard in question was not a "wharf," and per Collins, L.J., "no doubt if this timber yard were roofed over it would be a 'warehouse.'"

A floating structure 500 feet long by 45 feet wide, with a draught of 6 feet 6 inches, and 6 feet above the level of the water,

and with hydraulic cranes upon it, with grabs attached, moored in the Thames, 500 feet from the south and 350 yards from the north shore, by chains fastened to piles driven into the bed of the river, and without any communication from the shore except by boat and used for unloading coal from ships into lighters, was held to be a "wharf" within this section: *Ellis v. Cory & Son, Limited* (1901), 18 T. L. R. 28. "Admittedly it was a structure of such a nature that, if it was capable of being reached from the shore by a gangway or other contrivance, it would be a 'wharf' . . . this structure was used for the purpose of a 'wharf' . . . the wharf was brought to the ship, instead of the ship to the wharf . . . the work done on it was the same as that done on a wharf on land. . . . In his opinion it would be unduly narrowing the meaning of the word to hold it was not within the Act," per Collins, M.R. (*ib.*).

A "quay" alongside of which the owners of a ship moored her, "Quay." for the purpose of discharging her cargo (they acting as their own stevedores); held to be a "factory" within this section, and that the shipowners had the "actual use" of a part of the "quay," and were therefore "undertakers" within the W. C. Act: *Merrill v. Wilson* (1901), 1 K. B. 35; 70 L. J. Q. B. 97; 83 L. T. 490; 17 T. L. R. 49 (approved in *Raine v. Jobson* (1901), A. C. 404); and followed in *Hainsborough v. Ralli Brothers* (1901), 18 T. L. R. 21.

Premises were used for the purpose of breaking up old iron, "Ware-many thousands of tons of which were stored there. The iron house." was broken by means of a heavy weight which was raised by a mechanical appliance moved by hand-power:—*Held*, that there was evidence upon which the County Court judge could find that the premises were a "warehouse": *Wilmott v. Paton* (1901), 18 T. L. R. 48. "It was contended that no place could be a 'warehouse' within the meaning of the (Factory) Act, unless it was contiguous to water, because the word 'warehouse' ought to be construed as *ejusdem generis* with the words preceding it in the section—'dock, wharf, quay.' In his opinion there was nothing to debar them from holding that a place which was not contiguous to water might be a warehouse": per Collins, M.R. (*ib.*).

A "machine" in a dock, or on a wharf, quay, or ship, may "Machine." be itself a "factory" when used in the "process" of loading, or unloading, or coaling a ship, in any dock, harbour, or canal. See *Stuart v. Nixon and Bruce* (1901), A. C. 79. Machinery in a "factory" as defined by this Act, or upon premises included in the term "factory" by the above section, is itself a "factory," for the purpose of the W. C. Act, sec. 7 (*ib.*); and see *McNicholas v. Dawson* (1899), 1 Q. B. 773. In that case the machine in question was a steam-engine in a temporary shed (and thus in a "factory")

and connected with a mortar-pan outside, used for mixing mortar to be used on another building near at hand.

“Loading,
etc.”

The loading or unloading must be treated as a whole transaction, as men in business in ordinary life would regard it: *Stuart v. Nixon and Bruce* (1901), A. C. 79; and the “process” of lading is not complete until the hatches have been fixed: *ib.*

“Occupiers.”

Persons using machinery in the “process” of loading or unloading from or to a dock, wharf, quay, warehouse or ship, are “occupiers” of a “factory” within this section, and therefore “undertakers” within the W. C. Act. See *Carrington v. Banister* (1901), 1 Q. B. 20; 70 L. J. Q. B. 31; 83 L. T. 457.

“Lighter.”

A lighter and the machinery (moved by steam power) thereon, the property of and worked by stevedores, was employed in raising goods from the hold to the deck of a vessel moored between the lighter and a quay, the goods being thereafter transferred to the quay, not by the stevedores, but by dock workmen without the use of machinery:—*Held* (Lord Young dissenting), that sec. 23 of the Factory and Workshop Act, 1895 (now sec. 104, *supra*), did not apply either to the lighter or to the machinery thereon, and that therefore they did not constitute a “factory” in the sense of the W. C. Act; and further, that the “process which” was being performed by the lighter and its machinery was not one of unloading to a “quay” in the sense of the Act of 1895: *Laing v. Young and Leslie* (1901), 3 F. 31; 38 S. L. R. 29 (Scotch).

(vi.) Buildings.

Application
of certain
provisions to
buildings.
(1895), s. 23
(1), (b), (2).

105.—(1.) The provisions of this Act with respect to—

- (i.) Power to make orders as to dangerous machines (section seventeen);
- (ii.) Accidents;
- (iii.) Regulations for dangerous trades;
- (iv.) Powers of inspectors (section one hundred and nineteen); and
- (v.) Fines in case of death or injury (section one hundred and thirty-six);

shall have effect as if any premises on which machinery worked by steam, water, or other mechanical power is temporarily used for the purpose of the construction of a building or any structural work in

connection with a building were included in the word "factory," and the purpose for which the machinery is used were a manufacturing process, and as if the person who, by himself, his agents, or workmen, temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises; and for the purpose of the enforcement of those provisions the person so using any such machinery shall be deemed to be the occupier of a factory.

(2.) The provisions of this Act with respect to notice of accidents, and the formal investigation of accidents, shall have effect as if—

(a.) any building which exceeds thirty feet in height, and which is being constructed or repaired by means of a scaffolding; and

(b.) any building which exceeds thirty feet in height, and in which more than twenty persons, not being domestic servants, are employed for wages,

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

This section was sub-sec. (1) (b) and sub-sec. (2) of sec. 23 of the 1895 Act. These provisions have been here re-enacted without amendment.

The word "building" is not defined in the Act, nor has it received judicial interpretation. "I may venture to suggest that, by a building is usually understood a structure of considerable size, intended to be permanent, or at least to endure for a considerable time": per Byles, J.; *Stevens v. Gourley* (1859), 7 C. B. (N. S.) 99. "Whether or not anything is a building is a question of fact, and the Court has no jurisdiction to review a decision on the point": per Hawkins, J.; *Corporation of Leicester v. Branen* (1892), 41 W. R. 78. It would seem from the general scope of this section that the word "building" as here used, is not

intended to be limited to permanent structures, and it is thought that temporary premises erected for any purpose would come within the meaning of the word "building."

Sub-sec. (1).—As to (ii.) see secs. 19–22; (iii.) see secs. 79–86, and the unrepealed secs. of the 1891 and 1895 Acts (*ante*, p. 125). See sec. 10 and note as to "fencing," etc.

This sub-section only applies to "premises" "on" which the machinery used is "worked" by "steam, water, or other mechanical power," and only where such machinery is being "temporarily" so used, and where so used, it becomes a "factory" within the Act, and such user converts the operations, etc., into a "manufacturing process," and the person who by himself, his agents, or workmen, uses the machinery, into an "occupier" of the "premises" and of the "machinery." The "height" of the building being "constructed," or structurally altered, etc., would appear to be immaterial.

Sub-sec. (2).—The provisions of this Act with respect to "notice" of accidents, is contained in sec. 19, *ante*, and with respect to the "formal investigation" of accidents, in sec. 22.

Any building exceeding 30 feet in height, which is (a) being "erected" or "repaired" by means of "a scaffolding," and (b) in which more than twenty persons (not being domestic servants) are employed for wages, are here made "factories," and as if in the case of (a) the "employer" of the persons engaged in the construction or repair; and in the case of (b) the "occupier," were the occupier of a "factory" within the Act.

See notes to secs. 19–22, *ante*.

The "building," to come within this sub-section must, at the time when the provisions with respect to "notice of accidents" and the "formal investigation of accidents" are applied, have exceeded 30 feet. There is no restriction as to the use of machinery worked by power or otherwise, and this sub-section applies to the scaffolding used in "construction" or "repair," whether so used internally or externally. It will be seen, however, that so far as this sub-section applies to (a), "that a scaffolding must be in use in the operation of construction or repair."

There is no standard of measurement under the Act which can be used as a guide to determine when a building "exceeds" 30 feet in height. There are many ways by which a building may be measured—from the bottom of the footings, from the top of the footings, from the basement floor, from the ground-level, from the street-level—to the highest point to which the structure has attained at the time of the accident. It will be a question of fact, in each particular case. In measuring the highest point to which a building has attained at the time when the accident happened,

it would, it is thought, be justifiable to take the measurement to the top of the highest brick of the structure if unfinished, and if the operation of "construction," etc., is completed, to the highest point above the main walls, *i.e.* the top of the roof, tower, or chimney-stack, etc.

There are no reported decisions upon the similar provision of Note on W. C. the 1895 Act. In sec. 7 (1) of the W. C. Act, 1897 (Appendix, *post*, Act. p. 390), however, somewhat similar words occur, *i.e.* "any building which exceeds 30 feet in height, and is either being constructed or repaired by means of a scaffolding." For the purpose of interpreting the words in this section, and adopting the principle of the notes in the preceding section, the effect of some of the decisions under the W. C. Act upon those words, as used in the sense of that Act are here given.

As to the word "construction." That word is not confined to "Construction." the construction of the building as a whole, it includes a case where the building has been constructed and believed to be complete, but having been afterwards thought to be faulty and unstable, is being strengthened by the addition of stays or supports: *Hoddinott v. Newton, Chambers & Co. Ltd.* (1901), A. C. 49.

As to the word "repair." Whitewashing and stopping and "Repair." dubbing a ceiling in a house exceeding 30 feet in height was held to be included in the word "repair": *Dredge v. Conway, Jones & Co.* (1901), 2 K. B. 42; 17 T. L. R. 355.

As to the word "scaffolding." The question what constitutes "Scaffolding-a scaffolding, is a question of fact: *Ferguson v. Green* (1901), ing." 1 Q. B. 25. The question whether a temporary staging is a "scaffolding" is a mixed question of fact and law; when the facts are ascertained, the question becomes one of law, on which the court is bound to express an opinion. "Scaffolding" includes a removable platform formed by boards resting on ledgers lashed to iron columns and supported in the middle by trestles: *Hoddinott v. Newton, Chambers & Co. Ltd., ubi supra*, and an internal staging arranged with planks resting on the step of a ladder and upon one of the roof principals, in the centre of a room: *Reddy v. Broderick* (1901), 2 Irish R. 328.

A building which was being constructed, measured, at the time "Height of of an accident to a workman, over 30 feet in height from the top building." of the "footings" above the concrete foundation, but if measured from the basement floor the height would be under 30 feet. There was evidence that not more than the level of the building at the top of the footings had been covered in. The County Court Judge found that the building exceeded 30 feet in height:—*Held*, that there was evidence to support the finding, as the proper place

to measure from was the level where the "footings" were covered in: *McGrath v. Neill & Sons* (1901), 18 T. L. R. 36. In that case the building was a brick building, and the height from the bottom of the footings above the concrete foundations to the top of the building was 33 feet 2½ inches; from the top of the footings to the top of the building, 31 feet 2½ inches, from the basement floor to the top of the building 29 feet 10 inches; and from the level of the street to the top of the building 23 feet 5¾ inches. There was some evidence that at the time of the accident the footings were covered in. The County Court Judge held that the proper measurement was from the bottom of the footings, and as this measurement gave a height of 33 feet 2½ inches, he awarded compensation to the applicant. "Did this building at the time of the accident exceed 30 feet in height? It seemed to him that that must be a question of fact in each case provided there was evidence to support the finding. He could quite conceive a building which, when measured from its base before the footings were filled in to a particular point, might, in some conditions of fact be considered as exceeding 30 feet in height, and in other conditions of fact might not. It was obvious that a building might be a building of importance though a greater part were below the level of the ground or street. Therefore the fact that part of a building was below the level of the ground did not prevent it being over 30 feet in height": per Collins, M.R., *ib.*

The defendants (builders) were "demolishing" (see sec. 7 (1), W. C. Act) a house. At the time of the accident the house was only 11 feet in height; the party wall, however, which exceeded 30 feet in height, remained standing:—*Held*, that as this wall remained standing, there was evidence upon which the County Court judge could find that the building, at the time of the accident, "exceeded 30 feet in height": *Knight v. Cubitt & Co.* (1901), 18 T. L. R. 26.

(vii.) Railways.

Application
of certain
provisions to
railway
sidings.
63 & 64 Vict.
c. 27.

1901.

106.—(1.) Where any line or siding not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900, is used in connexion with a factory or workshop, or with any place to which any of the provisions of this Act are applied, the provisions of this Act with respect to—

- (i.) Power to make orders as to dangerous machines (section seventeen) ;
- (ii.) Accidents ;
- (iii.) Regulations for dangerous trades ;
- (iv.) Powers of inspectors (section one hundred and nineteen) ; and
- (v.) Fines in case of death or injury (section one hundred and thirty-six),

shall have effect as if the line or siding were part of the factory or workshop.

(2.) If any such line or siding is used in connexion with more than one factory or workshop belonging to different occupiers, the foregoing provisions shall have effect as if the line or siding were a separate factory.

This section is new.

The expression "railway" in the Railway Employment (Pre-vention of Accidents) Act, 1900, means "any railway used for the purpose of public traffic whether passenger, goods, or other traffic, and includes any works of the railway company connected with the railway, *ib.*, sec. 16.

Railway lines and sidings in docks or upon a wharf, or quay, and adjacent to warehouses, will come within the provisions of this section.

Sub-sec. (1).—As to (ii.), see secs. 19–22 ; (iii.) see secs. 79–86, and the unrepealed sections of the 1891 and 1895 Acts, note to sec. 86, *ante*, p. 125.

See note to sec. 104, *supra*, and see sec. 10, *ante* as to "fencing," etc.

PART VI.

Sec. 107.

HOME WORK.

Lists of out-
workers to be
kept in
certain trades.
1901.

107. In the case of persons employed in such classes of work as may from time to time be specified by Special Order of the Secretary of State—

(1.) The occupier of every factory and workshop and every contractor employed by any such occupier in the business of the factory or workshop shall—

(a.) keep in the prescribed form and manner, and with the prescribed particulars, lists showing the names and addresses of all persons directly employed by him, either as workmen or as contractors, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed ; and

(b.) send to an inspector such copies of or extracts from those lists as the inspector may from time to time require ; and

(c.) send on or before the first day of February and the first day of August in each year copies of those lists to the district council of the district in which the factory or workshop is situate.

(2.) Every district council shall cause the lists received in pursuance of this section to be

examined, and shall furnish the name and place of employment of every outworker included in any such list whose place of employment is outside its district to the council of the district in which his place of employment is.

- (3.) The lists kept by the occupier or contractor shall be open to inspection by any inspector under this Act, and by any officer duly authorized by the district council, and the copies sent to the council and the particulars furnished by one council to another shall be open to inspection by any inspector under this Act.
- (4.) This section shall apply to any place from which any work is given out, and to the occupier of that place, and to every contractor employed by any such occupier in connexion with the said work, as if that place were a workshop.
- (5.) In the event of a contravention of this section by the occupier of a factory, workshop, or place, or by a contractor, the occupier or contractor shall be liable to a fine not exceeding forty shillings, and in the case of a second or subsequent offence, not exceeding five pounds.

This section is new, and takes the place of sec. 27 (1) of the Act of 1891 and sec. 42 (1) of the Act of 1895. Under those sections occupiers of factories and workshops, and contractors employed by them, if so required by an order of the Secretary of State, and subject to any exceptions mentioned in the order, had to keep lists of outworkers and send them to the factory inspector of the district, and they were to be open to the inspection of the councils. Under the provisions of this section, such lists must now be kept in all cases, and be sent to the inspector and also to the council, and the addresses of the outworkers as well as their names have to be given, and councils have to furnish the name and place of employment of

every outworker included in the list whose place of employment is outside their district, to the council in which his place of employment is; and the copies sent to a council, and the particulars sent by one council to another, are to be open to any factory inspector.

By Order, March 23, 1898, the provisions of the repealed section were applied to *every* factory and workshop where persons were employed in the manufacture of—wearing apparel, electro-plate, files, cabinet and furniture making and upholstery work, fur-pulling; and forms and particulars were prescribed. It would seem that this Order is superseded by this section.

Inspectors of factories have power to enforce the provisions of the Truck Acts in places where work is given out by the occupier of a factory or workshop, or by any contractor or sub-contractor, and the powers conferred on them by sec. 119 will extend to such places. See Truck Act, 1896, sec. 10, Appx., *post*, p. 305. In an Irish case it will be held that the power to make an examination and inquiry, etc., conferred on inspectors by sec. 68 (4) of the 1878 Act (which is re-enacted by sec. 119 (1) (d) of this Act), and by sec. 10 of the Truck Act, 1896, did not confine or restrict the place where the inquiries or examination could be made to the place where the work was actually given out to outworkers or to the factory or workshop itself: *Squire v. Sweeney*, *Irish Weekly Law Reports*, Jan. 30, 1900.

Employment
of person in
unwholesome
premises.
(1895), s. 5 (1).
1901.

108.—(1.) If the district council within whose district is situate a place in which work is carried on for the purpose of or in connexion with the business of a factory or workshop give notice in writing to the occupier of the factory or workshop, or to any contractor employed by any such occupier, that that place is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor after the expiration of one month from receipt of the notice gives out work to be done in that place, and the place is found by the court having cognizance of the case to be so injurious or dangerous, he shall be liable to a fine not exceeding ten pounds.

(2.) This section shall apply in the case of the occupier of any place from which any work is given out as if that place were a workshop.

(3.) This section shall not apply except in the case of persons employed in such classes of work as the Secretary of State may specify by Special Order.

Sub-sec. (1).—The words “if the district council within whose district is situate a place” are new, and are inserted to bring it into conformity with the previous section, and an inspector cannot now give this notice.

Sub-sec. (3).—The provision in sec. 5 (3) of the Act of 1895 with regard to “areas,” etc., with respect to which an order could be made, is not re-enacted. This section only applies in the case of persons employed in such classes of work as the Secretary of State may specify, irrespective of any particular area.

109. If the occupier of a factory or workshop or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired, in any dwelling-house or building occupied therewith, whilst any inmate of the dwelling-house is suffering from scarlet fever or small-pox, then, unless he proves that he was not aware of the existence of the illness in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be liable to a fine not exceeding ten pounds.

Making of wearing apparel where there is scarlet fever or small-pox. (1895), s. 6.

110.—(1.) If any inmate of a house is suffering from an infectious disease to which this section applies, the district council of the district in which the house is situate may make an order forbidding any work to which this section applies to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or workshop, or any other place from which work is given out, or on the contractor employed by any such occupier.

Prohibition of home work in places where there is infectious disease. 1901.

(2.) The order may be made notwithstanding that the person suffering from an infectious disease may

have been removed from the house, and the order shall be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the medical officer of health, or that other reasonable precautions shall be adopted.

(3.) In any case of urgency the powers conferred on the district council by this section may be exercised by any two or more members of the council acting on the advice of the medical officer of health.

(4.) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be liable to a fine not exceeding ten pounds.

(5.) The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases, and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel and any work incidental thereto, and such other classes of work as may be specified by Special Order of the Secretary of State.

This section is new. It gives to councils a new power of making discretionary "orders" forbidding work from being given out to places where there are infectious diseases. The "order" when made "must" be for either a specified time, or subject to the condition that the particular house or part thereof liable to be infected shall be disinfected in such a way as the medical officer of health may think necessary, or it may require "other reasonable precautions" to be taken. In urgent cases, any two or more members of the council may at any time, and acting on the "advice" of their medical officer, make an order under this section.

Sub-sec. (5).—The following is a definition of "infectious diseases," and these which are required to be notified under the Infectious Disease (Notification) Act, 1889 (52 & 53 Vict. c. 72):

"Small-pox, cholera, diphtheria, membranous croup, erysipelas, the disease known as scarlatina or scarlet fever, and the fevers known by any of the following names: typhus, typhoid, enteric, relapsing, continued, or puerperal," and includes as regards any particular district any infectious disease to which that Act has been applied by the district council of the district in manner provided by that Act (*ib.*, sec. 6).

This section applies to "laundries:" sec. 103.

111. The application of this Act to domestic factories and domestic workshops shall be subject to the following provisions:—

Application
of Act to
domestic
factories and
workshops.
(1878), ss. 16,
61, 66.

(1.) The regulations with respect to the hours of employment of women, young persons, and children, shall not apply to any such factory or workshop, and in lieu thereof the following regulations shall be observed therein:—

(a.) A young person or child shall not be employed in the factory or workshop except during the period of employment herein-after mentioned; and

(b.) 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

(c.) 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

(d.) The period of employment for a child on every day either shall begin at

six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening or on Saturday at four o'clock in the afternoon; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set; and

(*e.*) A child shall not be employed before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days; and a child shall not be employed on Saturday in any week before the hour of one in the afternoon if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour; and

(*f.*) A child shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.

(2.) The requirement as to making certain entries and reports when a woman, young person, or child, is employed in pursuance of an exception, shall not apply except so far as may be prescribed from time to time by the Secretary of State.

(3.) The provisions of this Act with respect to certificates of fitness for employment shall

apply to a domestic factory as if it were a workshop and not a factory.

(4.) The following provisions shall not apply to a domestic factory or to a domestic workshop, namely:—

- (a.) the provisions as to meal hours being simultaneous, and as to prohibition of employment during meal times ;
- (b.) the provisions as to affixing notices and abstracts, and as to specifying certain matters in notices so affixed ;
- (c.) the provisions as to holidays ;
- (d.) the provisions as to notices of accidents ;
- (e.) the provisions as to means of ventilation, the drainage of floors ; and thermometers ;
- (f.) the provisions as to the keeping of a general register.

(5.) The provisions of section one of this Act (relating to the sanitary condition of a factory) shall not apply to a domestic factory.

“ Domestic ” factories and workshops are defined, *infra*, sec. 115.

Sub-sec. (2).—See sec. 60 (4).

Sub-sec. (3).—See secs. 63–67.

Sub-sec. (4).—(e) and (f) are new. As to the provisions (a) see sec. 33 ; (b) sec. 128 ; (c) sec. 35 ; (d) sec. 19 ; (e) secs. 7, 8 ; (f) sec. 129. See also following section.

The penalty for employing persons contrary to this section is a fine not exceeding £1. See sec. 137.

112. If any manufacture, process, or description of manual labour, which in pursuance of this Act has been certified by the Secretary of State to be dangerous, is carried on in a domestic factory or workshop, all the provisions of this Act shall apply,

Dangerous
processes in
domestic
factories and
workshops.
1901.

as if the place were a factory or workshop other than a domestic factory or workshop.

This section is new.

Abstracts for
domestic
factories and
workshops.

1901.

113. The Secretary of State shall give notice of the provisions of this Act relating to domestic factories and workshops by the publication of the prescribed abstract or otherwise as he thinks fit.

This section is new. As to "abstracts," etc., see sec. 128, *post*.

Non-applica-
tion of Act to
certain
domestic
workshops.
(1878), ss. 97,
98, and
Sched. 5.

114.—(1.) The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour by way of trade or for purposes of gain in or incidental to any of the following handicrafts, namely—

- (i.) straw plaiting, or
- (ii.) pillow-lace making, or
- (iii.) glove making,

shall not of itself constitute the house or room a workshop within the meaning of this Act.

When it is proved to the satisfaction of the 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 the provisions of this subsection to that handicraft, he may by special order extend the same accordingly. Part II. of this Act shall apply, so far as circumstances admit, as if the order were an order extending an exception.

(2.) 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 any of the following purposes, namely,—

- (i.) the making of any article or of part of any article ; or

- (ii.) the altering, repairing, ornamenting, or finishing of any article; or
 - (iii.) the adapting for sale of any article,
- shall not of itself constitute that house or room a workshop, where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to the family.

Part II. of the Act comprises secs. 23-67.

115. The expressions "domestic factory" and "domestic workshop" mean 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, as the case may be, within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there.

Definitions of
"domestic
factory" and
"domestic
workshop."
(1878), s. 16.
(1891), s. 37
(2).
1901.

This section defines both a domestic "factory" and domestic "workshop." A domestic "factory" was not clearly defined by the repealed Acts.

For the general definition of factories and workshops, see sec. 149.

PART VII.

Sec. 116.

PARTICULARS OF WORK AND WAGES.

Particulars of
work or wages
to be given to
piece workers.
(1895), s. 40.
1901.

116.—(1.) In every textile factory the occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :—

(a.) In the case of weavers in the worsted and woollen, other than the hosiery, trades, the particulars of the rate of wages applicable to the work done by each weaver, shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible :

(b.) In the case of weavers in the cotton trade, the particulars of the rate of wages applicable to the work to be done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and the basis and conditions by which the prices are regulated and fixed shall also be exhibited in each room on a placard not containing any

other matter, and posted in a position where it is easily legible :

- (c.) In the case of every other worker, the particulars of the rate of wages applicable to the work to be done by each worker shall be furnished to him in writing at the time when the work is given out to him ; provided that if the same particulars are applicable to the work to be done by each of the workers in one room, it shall be sufficient to exhibit them in that room on a placard not containing any other matter, and posted in a position where it is easily legible :
- (d.) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be furnished to him in writing at the time when the work is given out to him :
- (e.) The particulars either as to rate of wages or as to work shall not be expressed by means of symbols :
- (f.) Where an automatic indicator is used for ascertaining work, the indicator shall have marked on its case the number of teeth in each wheel and the diameter of the driving roller, except that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked in substitution for the diameter of the driving roller :
- (g.) Where such particulars of the work to be done by each worker as affect the amount of wages payable to him are ascertained by an automatic indicator, and a placard containing

the particulars as to the rate of wages is exhibited in each room, in pursuance of an agreement between employers and workmen, and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with this section.

(2.) If the occupier fails to comply with the requirements of this section, or fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any workman fraudulently alters an automatic indicator, the occupier or workman, as the case may be, shall be liable for each offence to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction within two years from the last conviction for that offence not less than one pound. Provided that an indicator shall not be deemed false if it complies with the requirements of this section.

(3.) If anyone engaged as a worker in a factory, having received any such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person so engaged in a factory to disclose any such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for disclosing any such particulars, he shall be liable to a fine not exceeding ten pounds.

(5.) The Secretary of State, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of non-textile factories, or to any class of workshops, may, if he thinks fit, by Special Order, apply the provisions of this

section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case. He may also by any such order apply those provisions, subject to such modifications as may, in his opinion, be necessary for adapting them to the circumstances of the case, to any class of persons of whom lists may be required to be kept under the provisions of this Act relating to outworkers, and to the employers of those persons.

Sub-sec. (1) (b), and the latter part of sub-sec. (5) are new.

By sec. 161 (2) "All orders and all special rules and requirements made or having effect under any enactment hereby repealed shall continue to have effect as if they had been made under this Act; and nothing in this Act shall be construed as altering the mode of making such special rules or requirements whilst the power to make them continues in force."

The following orders made under sec. 40 of the 1895 Act, which this section re-enacts, with the amendment as above, and are therefore still in force.

PARTICULARS OF PIECE-WORK WAGES.

FACTORY AND WORKSHOP ACT, 1895, SEC. 40.

ORDER OF THE SECRETARY OF STATE, DATED APRIL 22, 1897,
APPLYING THE PROVISIONS OF SECTION 40 OF THE FACTORY
AND WORKSHOP ACT, 1895, WITH MODIFICATIONS, TO FACTORIES
AND WORKSHOPS IN WHICH HANDKERCHIEFS, APRONS, PINA-
FORES, AND BLOUSES ARE MADE. (*L. G.* 1897, April 27; *St.*
R. & O., 1897, p. 126.)

Now, I, the Right Honourable Sir Matthew White Ridley, Baronet, one of Her Majesty's Principal Secretaries of State, by this Order made in pursuance of the above-recited sections, apply the provisions of the said section 40 of the Factory and Workshop Act of 1895, subject to the modifications herein-after contained to the classes of factories and workshops in which is carried on the making of—

Handkerchiefs, Aprons, Pinafores, Blouses.

The said section shall be modified so as to read as follows:—

(1.) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, as follows:

(a) The particulars of the rate of wages applicable to the work to be done by each worker, shall either be furnished to him in writing at the time when the work is given out to him, or shall be exhibited in the room in which he is employed on a placard not containing any other matter than the particulars of the rates of wages of persons employed in that room, and posted in a position where it is easily legible by all persons affected thereby.

(b.) Such particulars shall not be expressed by means of symbols:

(2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

This Order came into force on the 1st day of June, 1897.

ORDER OF THE SECRETARY OF STATE, DATED AUGUST 10, 1894,
APPLYING THE PROVISIONS OF SECTION 40 OF THE FACTORY
AND WORKSHOP ACT, 1895, TO FACTORIES AND WORKSHOPS
IN WHICH IRON AND STEEL CABLES, CHAINS, ANCHORS, AND
GRAPNELS ARE MADE. (*L. G.* 1897, August 17; *St. R. & O.*,
1897, p. 128.)

Now, I, the Right Honourable Sir Matthew White Ridley, Baronet, one of Her Majesty's Principal Secretaries of State, by this Order, made in pursuance of the above-recited sections, apply the provisions of the said section 40 of the Factory and Workshop Act, 1895, subject to the modifications herein-after contained, to the classes of factories and workshops in which is carried on the making of—

Iron and Steel Cables and Chains; Iron and Steel Anchors and Grapnels.

The said section shall be modified so as to read as follows:—

(1.) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

(a.) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either

(i.) by handing him a written or printed statement of such particulars when the work is given out to him; or

(ii.) by supplying him with such particulars in print or in writing at the time of his employment, and on every subsequent occasion when the rates are fixed or altered; or

(iii.) by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible.

(b.) Such particulars of the work to be done or which has been done by each worker as affect the amount of wages payable to him shall be furnished to him in writing, either at the time when the work is given out to him or when it is brought in by him. If he is required to return such written particulars to the occupier or to any other person, a copy thereof shall be furnished to him, which he may retain for his own use.

(c.) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

- (2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
- (3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.
- (4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

This order came into force on the 1st day of October, 1897.

ORDER OF THE SECRETARY OF STATE, DATED AUGUST 20, 1897, APPLYING THE PROVISIONS OF SECTION 40 OF THE FACTORY AND WORKSHOP ACT, 1895, WITH MODIFICATIONS, TO FACTORIES AND WORKSHOPS IN WHICH LOCKS, LATCHES, AND KEYS ARE MADE. (*L. G.*, 1897, August 27; *St. R. & O.*, 1897, p. 130.)

Now, I, the Right Honourable Sir Matthew White Ridley, Baronet, one of Her Majesty's Principal Secretaries of State, by this Order, made in pursuance of the above-recited sections, apply the provisions of the said section 40 of the Factory and Workshop Act, 1895, subject to the modifications herein-after contained, to: The classes of factories and workshops in which is carried on the making of—

Locks, Latches, Keys.

The said section shall be modified so as to read as follows:—

- (1.) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work caused to be published particulars of the rate of wages applicable to the work to be done, as follows:—

- (a.) The particulars of the rate of wages applicable to the work to be done by each worker, shall either be furnished to him in writing at the time when

the work is given out to him, or shall be exhibited in the room in which he is employed on a placard not containing any other matter than the particulars of the rates of wages of persons employed in that room, and posted in a position where it is easily legible by all persons affected thereby.

(b.) Such particulars shall not be expressed by means of symbols.

- (2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
- (3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.
- (4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

This Order came into force on the 1st day of October, 1897.

ORDER OF THE SECRETARY OF STATE, DATED NOVEMBER 30, 1897, APPLYING THE PROVISIONS OF SECTION 40 OF THE FACTORY AND WORKSHOP ACT, 1895, TO FACTORIES AND WORKSHOPS IN WHICH FELT HATS ARE MADE. (*L. G.*, 1897, Dec. 3; *St. R. & O.*, 1897, p. 131.)

Now I, the Right Honourable Sir Matthew White Ridley, Baronet, one of Her Majesty's Principal Secretaries of State, by this Order made in pursuance of the above-recited sections, apply the provisions of the said section 40 of the Factory and Workshop Act, 1895, subject to the modifications herein-after contained, to: The classes of factories and workshops in which is carried on the making of "Felt Hats."

The said section shall be modified so as to read as follows:—

- (1.) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of

wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

(a.) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either

(i.) by handing him a written or printed statement of such particulars when the work is given out to him; or

(ii.) by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible.

(b.) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.

(2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

This Order came into force on the 1st day of January, 1898.

ORDER OF THE SECRETARY OF STATE, DATED AUGUST 6, 1898, APPLYING THE PROVISIONS OF SECTION 40 OF THE FACTORY AND WORKSHOP ACT, 1895, TO FACTORIES AND WORKSHOPS IN WHICH WHOLESALE TAILORING IS CARRIED ON. (*L. G.*, 1898, August 9; *St. R. & O.*, 1898, p. 367.)

Now, I, the Right Honourable Sir Matthew White Ridley, Baronet, one of Her Majesty's Principal Secretaries of State, by this Order made in pursuance of the above-recited sections, apply the provisions of the said section 40 of the Factory and Workshop Act, 1895, subject to the modifications hereinafter contained, to the classes of factories and workshops in which "Wholesale Tailoring" is carried on.

The said section shall be modified so as to read as follows:—

(1.) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

(a.) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either

(i.) by handing him a written or printed statement of such particulars when the work is given out to him; or

(ii.) by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible.

(b.) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.

(c.) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.

(3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or

divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

The foregoing provisions shall not apply to any work carried on in the factories and workshops mentioned in this Order other than wholesale tailoring.

This Order came into force on the 1st day of October, 1898.

ORDER OF THE SECRETARY OF STATE, DATED SEPTEMBER 2, 1898, APPLYING THE PROVISIONS OF SECTION 40 OF THE FACTORY AND WORKSHOP ACT, 1895, TO TEXTILE WORKSHOPS. (*L. G.*, 1898, September 9; *St. R. & O.*, 1898, p. 369.)

.

Now, I, the Right Honourable Sir Matthew White Ridley, Baronet, one of Her Majesty's Principal Secretaries of State, by this Order made in pursuance of the above-recited sections, apply the provisions of the said section 40 of the Factory and Workshop Act, 1895, without modification, to: The class of workshops in which is carried on the preparing, manufacturing, or finishing, or any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china grass, cocoanut fibre, or other like material, either separately or mixed together or mixed with any other material or any fabric made thereof: Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be included.

This Order came into force on the 1st day of October, 1898.

ORDER OF THE SECRETARY OF STATE, DATED JULY 12, 1900, APPLYING THE PROVISIONS OF SECTION 40 OF THE FACTORY AND WORKSHOP ACT, 1895, TO FACTORIES AND WORKSHOPS IN WHICH PENS ARE MADE. (*L. G.*, 1900, July 17.)

.

Now, I, the Right Honourable Sir Matthew White Ridley, Baronet, one of Her Majesty's Principal Secretaries of State, by this Order made in pursuance of the above-recited sections, apply the provisions of the said section 40 of the Factory and Workshop Act, 1895, subject to the modifications herein-after contained, to the classes of factories and workshops in which is carried on the making of "Pens."

The said section shall be modified so as to read as follows:—

- (1.) The occupier shall for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—
 - (a.) He shall furnish every worker with particulars of the rate of wages applicable to the work to be done either
 - (i.) by handing him a written or printed statement of such particulars when the work is given out to him; or
 - (ii.) by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rate of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible.
 - (b.) Such particulars of the work to be done as affect the amount of wages payable to each worker shall be furnished to him in writing at the time when the work is given out to him.
 - (c.) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.
- (2.) If the occupier fails to comply with the requirements of this section, he shall be liable for each offence to a fine of not more than ten pounds, and, in the case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound.
- (3.) If anyone engaged as a worker in any of the aforesaid factories or workshops, having received such particulars whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.
- (4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

This Order came into force on the 1st day of August, 1900.

Inspection of
weights and
measures used
in ascertain-
ing wages.
(1878), s. 80.

117. Every Act for the time being in force relating to weights and measures shall extend to weights, measures, scales, balances, steelyards, 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 the factory or workshop were a place where goods are kept for sale, and every such Act shall apply accordingly, and every inspector of, or other person authorized to inspect or examine, weights and measures, shall inspect, stamp, mark, search for, and examine the said weights and measures, scales, balances, steelyards, 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, steelyards, and weighing machines, used in the sale of goods.

The Acts now in force relating to weights and measures are 41 & 42 Vict. c. 49 (1878), 52 & 53 Vict. c. 21 (1889), 55 & 56 Vict. c. 18 (Purchase) (1892), 56 & 57 Vict. c. 19 (1893), 60 & 61 Vict. c. 46 (1897) (Metric System). This section extends the operations of these Acts to weights, measures, scales, balances, steelyards, 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 the factory or workshop were a place where goods are kept for sale. An inspector of weights and measures of a district council has power under this section to examine, etc., all the weights, etc., to which this section extends.

PART VIII.

ADMINISTRATION.

(i.) *Inspection.*

Sec. 118.

118.—(1.) The Secretary of State, 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 thinks necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may appoint a chief 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.

Appointment
and duties of
inspectors and
clerks and
servants.
(1878), s. 67.
(1891), s. 23.

(2.) 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.

(3.) Notice of the appointment of every inspector shall be published in the *London Gazette*.

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

(5.) A person who is the occupier of a factory or workshop, or is directly or indirectly interested

therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory or workshop, shall not act as an inspector.

(6.) An inspector shall not be liable to serve in any parochial or municipal office.

(7.) Such annual report of the proceedings of the inspectors as the Secretary of State directs shall be laid before both Houses of Parliament.

(8.) 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 directs, by declaration published in the *London Gazette* or otherwise as he thinks expedient for making the same known to all persons interested.

Powers of
inspectors.
(1878), s. 68.
(1891), s. 28.
(1895), s. 45.

119.—(1.) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things; namely,—

- (a.) 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
- (b.) To take with him in either case a constable into a factory or workshop in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty; and
- (c.) 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

(d.) 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

(e.) 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

(f.) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; and

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

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

(3.) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the 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 conceals or prevents, or attempts to conceal or prevent a woman, young person, or child, from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act:

Provided that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

(4.) 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, other than a domestic factory or a domestic 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 domestic factory or a domestic workshop, the occupier shall be liable to a fine not exceeding one pound, or where the offence is committed at night five pounds; and in the case of a second or subsequent conviction under this section in relation to a factory within two years from the last conviction for the same offence, a fine not less than one pound shall be imposed for each offence.

Besides the powers enumerated in this section, an "inspector of factories" has the following special powers amongst others under this Act and otherwise: To take the medical officer of health, inspector of nuisances, or other officer of the district council with him into a factory or workshop for the purpose of sec. 5, *ante*. To enforce the provisions of the Truck Acts, 1831-1896, within their districts, and for that purpose they have the same powers, etc., as they have under this Act, see Truck Act, 1887, sec. 13 (2), and Truck Act, 1896, sec. 10, Appx., *post*, p. 305. To see whether

the restrictions and conditions of any license under sec. 3 (2) of the Prevention of Cruelty to Children Act, 1894 (57 & 58 Vict. c. 41), Appx., *post*, p. 337, are duly complied with, and for this purpose he has 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, as he has to enter, inspect, and examine a factory or workshop under this section.

Inspectors appointed under the Shop Hours Act, 1892 (55 & 56 Vict. c. 62), Appx., *post*, p. 306, have the same "powers" as if they were appointed under the repealed Factory Act of 1878. The powers given to an "inspector" under this section will thus be exercisable by inspectors appointed under the first-mentioned Act: sec. 8.

As to "Laundries," see sec. 103 (1) (*d*), "Docks," sec. 104 (1) (*iv.*), "Buildings," sec. 105 (1) (*iv.*), "Railways," sec. 106 (1) (*iv.*).

See also sec. 8 of the Act of 1891 (not repealed) as to the powers of the Chief Inspector of factories to require the adoption of special measures, etc., in the case of dangerous and unhealthy incidents of employment (*ante*, p. 125).

As to the right of an inspector to prosecute, conduct, or defend proceedings before magistrates, see next section.

See also sec. 7 of the Elementary Education Act, 1876 (39 & 40 Vict. c. 79), Appx., *post*, p. 322.

No persons are bound to answer any questions or give any evidence under this section which would tend to criminate them: sub-sec. (3).

As to what constitutes "obstructing" an inspector in the exercise of his duties under the Act, see sub-sec. (3). The penalty on any person obstructing an inspector in the execution of his duties "under the Act," is a fine not exceeding £5. Where such obstruction is in a "factory or workshop," the occupier thereof is liable to a fine not exceeding £5, or, where the offence is committed at night, £20. But where such obstruction is in a "domestic" factory or workshop, the occupier is only liable to a fine not exceeding £1, or, where the offence is committed at night, £5.

The fine imposed on a conviction for any offence in relation to a "factory" is, in case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence, not less than £1 for each offence: sub-sec. (4).

As to "domestic" factories and workshops generally, see secs. 111-115, *ante*.

120. An inspector, if so authorized in writing under the hand of the Secretary of State, may, Right of
inspector to
conduct pro-

ceedings
before
magistrates.
(1895), s. 51.

although he is not a counsel, or solicitor, or law agent, prosecute, conduct, or defend, before a court of summary jurisdiction or justice, any information, complaint, or other proceeding arising under this Act, or in the discharge of his duty as inspector.

Certificate of
appointment
of inspector.
(1878), s. 70.

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

(ii.) *Certifying Surgeons.*

Appointment
and duties of
certifying
surgeons.
(1878), s. 72.
(1891), s. 19.
(1895), s. 46
(1).

122.—(1.) Subject to such regulations as may be made by the Secretary of State, an inspector may appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may revoke any such appointment.

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

(3.) 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.

(4.) The Secretary of State may 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.

(5.) Every certifying surgeon shall, if so directed by the Secretary of State, make any special inquiry and re-examine any young person or child.

(6.) Every certifying surgeon 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.

As to the duties, powers, etc., of certifying surgeons generally, see secs. 64 & 65, *ante*. See sec. 129 (3) as to inspection of the "general register."

Sub-sec. (3).—Whether the words "indirectly interested" will include the case of a surgeon who is a "shareholder" in a limited company occupying a factory or workshop, or for whom any "process" or "business" is being carried on therein, or for whom any "patent" article is being made therein—*query*.

123. Where there is no certifying surgeon for a factory or workshop, the poor law medical officer for the district in which the factory or workshop is situate shall act for the time being as the certifying surgeon for that factory or workshop.

When poor law medical officer is to act as certifying surgeon. (1878), s. 71.

This section is new. See also sec. 63 (1), *ante*. See sec. 159 (4) for the definition of "poor law medical officer" in Scotland. Ireland, ditto, sec. 160 (6).

124.—(1.) The fees to be paid to a certifying surgeon in respect of the examination of, and grant of certificates of fitness for employment for, young persons and children, shall be regulated as follows:—

Fees of certifying surgeons. (1878), ss. 32, 74. (1895), s. 46 (2), (3).

(a.) The occupier of the factory may agree with the certifying surgeon as to the amount of the fees;

(b.) In the absence of agreement the fees shall be in accordance with the scale set forth in Part I. of the Fifth Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State;

(c.) The occupier shall pay the fees on the completion of the examination, or if any certificates are granted, at the time at which the surgeon signs the certificates,

or at any other time directed by an inspector ;

(2.) The fees to be paid to a certifying surgeon in cases where, in pursuance of a direction of the Secretary of State or of regulations made under this Act, he is required to examine the persons employed in a factory or workshop, shall be in accordance with the scale set forth in Part II. of the Fifth Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State. Such fees shall, where the examination is in pursuance of a direction of the Secretary of State, be paid by the Secretary of State, and where the examination is in pursuance of regulations be paid by the occupier of the factory or workshop.

(3.) The fee to be paid to a certifying surgeon for the investigation of an accident in pursuance of this Act shall be such sum, not more than ten nor less than three shillings, as the Secretary of State may prescribe, and shall be paid by the Secretary of State as expenses incurred in the execution of this Act.

The provision which was contained in sec. 74 (4) of the Act of 1878, entitling the occupier to deduct the fee from the wages of the person for whom the certificate was granted, has not been re-enacted.

(iii.) *Local Authorities.*

Powers of
local authorities and
their officers.
(1891), s. 3 (2).

125. For the purpose of their duties with respect to workshops and workplaces under this Act, and under the law relating to public health, the district council 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 this Act.

The powers conferred on inspectors of factories are set out in sec. 119.

See the secs. of the P. H. Act which are set out in Appx., *post*.

(iv.) *Special Orders.*

126. The following provisions shall apply to such orders made by the Secretary of State in pursuance of this Act as are in this Act referred to as Special Orders :—

Provisions as to special orders of Secretary of State.
(1878), s. 65.
(1895), s. 47.

- (1.) The order shall be under the hand of the Secretary of State and shall be published in such manner as the Secretary of State thinks best adapted for the information of all persons concerned, and shall come into operation at the date of its publication, or at any later date mentioned in the order :
- (2.) The order may be temporary or permanent, conditional or unconditional, and whether granting or extending an exception or prohibition, or directing the adoption of any special means or provision, 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 order has been so laid before that House, resolves that the order ought to be annulled, it shall after the date of that resolution be of no effect, without prejudice to the validity of anything done in the meantime under the order or to the making of a 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 making of the order.

A "special order" made by the Secretary of State under the Act, if not annulled by either House of Parliament, will have effect

as if it formed part of the Act. It will have effect from the date of its "publication" (or at any later date so specified in the order).

Primâ facie evidence of the orders may be given in all courts of justice, and in all legal proceedings, by either (i.) the production of a copy of the *Gazette* purporting to contain such order, or the production of a copy of such order purporting to be printed by the Government printer. This also applies to all "regulations," etc., made under the Act. See the Documentary Evidence Act, 1868, sec. 2.

All the "orders," etc., made by the Secretary of State under the repealed Acts are to continue to have effect as if they had been made under this Act: sec. 161 (2). The substance (and in some cases the whole) of each order of the Secretary of State which was in force on the 1st of October, 1901, is given in this work, under the various sections, schedules, etc., to which they specifically apply, by reason of the re-enactment of the provisions of the repealed Acts under which they were originally made.

(v.) *Notices, Registers, and Returns.*

Notice of
occupation of
factory or
workshop.
(1878), s. 75.
(1891), s. 26.
(1895), s. 44
(1).

127.—(1.) Every person shall, within one month after he begins to occupy a factory or workshop, serve on the inspector for the district 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 person or firm under which the business of the factory or workshop is to be carried on.

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

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

This provision as to notice of occupation applies to every factory and workshop as defined by the Act. It is apprehended that the

word "occupy" means the actual commencement of the business of the factory or workshop, and that in the case of a factory, notice would not be required before the machinery was laid down and had actually commenced working, and in the case of a workshop until the employees had actually commenced to work.

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

Affixing of
abstract and
notices.
(1878), s. 78.

- (a.) The prescribed abstract of this Act; and
- (b.) A notice of the name and address of the prescribed inspector; and
- (c.) A notice of the name and address of the certifying surgeon for the district; and
- (d.) 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
- (e.) Every notice and document required by this Act to be affixed in the factory or workshop.

(2.) 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.

Sub-sec. (1) (e).—See sec. 3 (4), *ante*.

The abstract and notices *must* be affixed at the main and all other entrances, of a factory or workshop, which are used by the employees, and in other parts if required by an inspector. In a "tenement" factory the "owner" instead of the occupier is responsible for affixing this notice, etc. (sec. 87 (1) (v.)), but in domestic factories and workshops the provisions of this section do not apply (sec. 111 (4) (b)).

Sub-sec. (1) (d).—See sec. 32 (4), *ante*, as to public or other clocks open to public view.

129.—(1.) In every factory and workshop there shall be kept a register, called the general register,

General
registers.
1901.

showing in the prescribed form the prescribed particulars as to—

- (a.) the children and young persons employed in the factory or workshop ; and
- (b.) the lime-washing of the factory or workshop ; and
- (c.) every accident occurring in the factory or workshop of which notice is required to be sent to an inspector ; and
- (d.) every special exception of which the occupier of the factory or workshop avails himself ; and
- (e.) such other matters as may be prescribed.

(2.) Where any entry is required by this Act to be made in the general register, the entry made by the occupier of a factory or workshop or on his behalf shall, as against him, be admissible as *primâ facie* evidence of the facts therein stated, and the failure to make any entry so required with respect to the observance of any provision of this Act shall be admissible as *primâ facie* evidence that that provision has not been observed.

(3.) The register shall at all reasonable times be open to inspection by the certifying surgeon of the district.

(4.) The occupier of a factory or workshop shall send to an inspector such extracts from the general register as the inspector from time to time requires for the execution of his duties under this Act.

(5.) If in any factory or workshop any requirement of this section is not complied with, the occupier shall be liable to a fine not exceeding five pounds.

This section is new, and replaces sec. 77 of the 1878 Act, and sec. 43 of the 1895 Act.

Entries in, and omissions from, the general register will only be *primâ facie* evidence of such entries or omissions.

A register of "workshops" must be kept by a district council (131, *infra*).

130.—(1.) The occupier of every factory or workshop shall, on or before such days as the Secretary of State may direct, at intervals of not less than one nor more than three years, send to the Chief Inspector of Factories a correct return specifying, with respect to such day or days, or such period as the Secretary of State may direct, the number of persons employed in the factory or workshop, with such particulars as to the age, sex, and occupation, of the persons employed as the Secretary of State may direct, and in default of complying with this section shall be liable to a fine not exceeding ten pounds.

Periodical
return of
persons em-
ployed.
(1895), s. 34.
1901.

(2.) The occupier of any place to which any of the provisions of this Act apply shall, if so required by the Secretary of State, make to the Chief Inspector of Factories a like return as is required to be made by this section, and shall be liable to a like fine for default in compliance with the requirement.

Sub-sec. (2) is new.

Sub-sec. (1).—Under the corresponding section of the 1895 Act, the return had to be sent in on or before the 1st of March in every year, and to the inspector for the district, and particulars as to the "occupation" of the persons employed were not required. This does not apply to men's workshops: 157 (5).

131. Every district council shall keep a register of all workshops situate within their district.

Registers of
workshops.
1901.

This section is new.

132. The medical officer of health of every district council shall, in his annual report to them, report specifically on the administration of this Act in workshops and workplaces, and he shall send a copy of his annual report, or so much of it as deals with this subject, to the Secretary of State.

Report of
medical officer
of health on
administra-
tion of Act.
1901.

This section is new.

Miscellaneous Provisions.

Notice by
medical officer
of health of
employment
of woman,
young person,
or child in
workshops.
(1891), s. 3(3).

1901.

133. Where any woman, young person, or child is employed in a workshop in which no abstract of this Act is affixed as by this Act required, and the medical officer of the district council becomes aware thereof, he shall forthwith give written notice thereof to the inspector for the district.

The words "in which no abstract of this Act is affixed as by this Act required" are new.

Certificate of
birth in case
of young
persons under
16 and
children.
(1891), s. 20.

134. Where the age of any young person under the age of sixteen years or child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the employment in labour or elementary education of the young person or child, any person shall on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that young person or child; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

The Local Government Board prescribed the form of requisition for a copy of certificate of birth in England and Wales. *L. G.*, 1891, Oct. 23.

Scotland.—By Order dated 1892, February 9, the fee was fixed for Scotland and Ireland at 6*d.* The Board of Supervision in Scotland (now the Local Government Board for Scotland) prescribed the form of requisition for a copy of a certificate of birth in Scotland. *St. R. & O.*, 1892, p. 471. The "certificate of birth," as applied to Scotland, was declared to mean an extract under the

hand of the registrar under the Act 17 & 18 Vict. c. 80 (Registration of Births, etc. (Scotland), Act, 1854), and any Act amending the same, of the entry in the register kept under those Acts.

Ireland.—By Order dated 1895, 19th June, the “requisition” for a certificate of birth in Ireland was prescribed. The expression “certificate of birth” was declared to mean a certified copy under the hand of the registrar or superintendent registrar under the Registration of Births and Deaths (Ireland) Act, of an entry of birth in the register under that Act. *St. R. & O.*, 1899, p. 1586.

Scotland.—The expression “Births and Deaths Registration Acts, 1836–1874,” means the Acts relating to the registration of births, deaths, and marriages in Scotland : sec. 159 (16).

PART IX.

Sec. 135.

LEGAL PROCEEDINGS.

Fine for not
keeping
factory or
workshop in
conformity
with Act.
(1878), s. 81.
(1891), s. 28.

135.—(1.) 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, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence.

(2.) The court of summary jurisdiction, in addition to or instead of inflicting a 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, on 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 on which the non-compliance continues.

The fine imposed by this section is applicable to the following sections: 1, 6-12, 14, 16, 60, 74, 75, 76, 88, 99, 101, 103.

By secs. 119, 136, 137, the fine in the case of a second conviction, etc., is not to be "less than" £1 for each offence. These are the only cases in which a minimum fine is imposed by the Act.

It will be noticed that in addition to, or instead of, inflicting the fine, a court of summary jurisdiction may order certain means to be adopted by the occupier for the purpose of bringing his factory or workshop "into conformity with the Act."

136. If any person is killed, or dies, or suffers any bodily injury or injury to health, in consequence of the occupier of a factory or workshop having neglected to observe any provision of this Act or any regulation made in pursuance of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding one hundred pounds, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence, and the whole or any part of the fine may be applied for the benefit of the injured person or his family, or otherwise as the Secretary of State determines:

Fines in case
of death or
injury.
(1878), s. 82.
(1891), s. 28.
(1895), s. 13.

Provided as follows:—

- (a.) In the case of injury to health the occupier shall not be liable under this section unless the injury was caused directly by the neglect:
- (b.) The occupier shall not be liable to fine under this section if an information against him for not observing the provision or regulation to the breach of which the death or injury was attributable, has been heard and dismissed previous to the time when the death or injury was inflicted.

There is no provision in this section for the application of any part of the fine for the benefit of the family of a person "killed"—only for the "injured" person or his family. It does not seem clear what the result would be under paragraph (b), if an information were heard and dismissed between the time of the injury and the death of the person injured.

In the application of this section to "tenement" factories, the "owner," instead of the "occupier," is liable for the observance, and punishable for the non-observance, of its provisions with respect to the fencing of the machinery, except so far as they relate to such parts of the machinery as are supplied by the occupier: sec. 87 (1) (ii.).

In case of injury to health the occupier will not be liable, unless the injury was caused directly by his neglect.

See sec. 142 as to the liability of the owner or "hirer" of a "machine or implement moved by steam, water, or other mechanical power," instead of the occupier of a factory.

An action will lie in respect of personal injury occasioned to a workman employed in a factory through a breach by his employer, the occupier of a factory, of the duty to maintain fencing for dangerous machinery imposed upon him by sec. 10: *Groves v. Wimborne* (Lord) (1898), 2 Q. B. 402; 67 L. J. Q. B. 862; 79 L. T. 284; 14 T. L. R. 493; and when a person has been injured by the occupier's neglect to fence, the fact that the injury was proximately caused by such contributory negligence on the part of the injured person as would have debarred him from maintaining a civil action is no answer to a complaint under this section. *Blenkinsop v. Ogden* (1898), 1 Q. B. 783; 67 L. J. Q. B. 537; 78 L. T. 554; 14 T. L. R. 360.

See also sec. 10 and notes, *ante*, p. 21.

Fine for
employing
persons
contrary to
Act.
(1878), s. 83.
(1891), s. 28.

137.—(1.) Where any person is employed in a factory or workshop, other than a domestic factory or a domestic 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 person so employed, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence; and where any person is so employed in a domestic factory or a domestic workshop the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night, two pounds for each person so employed, and, in the case of a second or subsequent conviction within two years from the last conviction in relation to a factory for the same offence, not less than one pound for each offence.

(2.) If a woman, young person, or child 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 or 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, the woman, young person, or child shall be deemed to be employed contrary to the provisions of this Act.

The offences to which the penalty in sub-sec. (1) applies are those enumerated in secs. 13, 69, 78, 111. Sub-sec. (2) applies to the following secs.—12, 23–27, 31, 34, 36–38, 43, 44, 46–50, 52, 54–56, 63, 64, 68, 69, 71, 77.

It will be observed that the fine imposed by this section, in the case of “domestic” factories and workshops, is less than in the case of ordinary factories and workshops. In the latter it is “not exceeding” £3 and £5, and in the former not exceeding £1 and £2, for each person so employed. As to restraint on cumulative fines, see sec. 143, *post*.

The fine for a second offence, etc., is “not less” than £1 for each offence.

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

Fine for
offence by
parent.
(1878), s. 84.

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

“Parent” is defined to mean 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 young person or child: sec. 156.

In order to make the “parent” liable under this section, it must be shown that he consented, connived at, or was wilfully neglectful in allowing such young person or child to be employed in the factory or workshop.

Sub-sec. (2).—As to attendance at school, see sec. 68 and notes.

Forgery of
certificates,
false entries,
and false
declarations.
(1878), ss. 70,
85.

139. If any person—

- (a.) forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided); or
- (b.) gives or signs any such certificate knowing the same to be false in any material particular; or
- (c.) knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid; or
- (d.) knowingly utters or makes use of as applying to any person a certificate which does not so apply; or
- (e.) personates any person named in a certificate; or
- (f.) falsely pretends to be an inspector; or
- (g.) wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid; or
- (h.) wilfully makes a false entry in any register, notice, certificate, or document, required by this Act to be kept or served or sent; or
- (i.) wilfully makes or signs a false declaration under this Act; or
- (j.) knowingly makes use of any such false entry or declaration,

he 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.

It is only where no other punishment is provided that the provisions of this section apply. The cases enumerated above are the only ones in which the alternative of "imprisonment" can be imposed.

140. 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, that agent, servant, workman, or other person, shall be liable to the like fine as if he were the occupier.

Fine on person actually committing offence for which occupier is liable. (1878), s. 86.

"Imprisonment" is not optional under this section. The effect therefore is, that though an "occupier" (see sec. 139 (*h*), *supra*) may commit an offence for which he is liable to a fine or imprisonment, the same offence if committed by an agent, servant, workman, or other person, will not render them liable to "imprisonment," but only to a "fine."

141.—(1.) 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—

Power of occupier to exempt himself from fine on conviction of the actual offender. (1878), s. 87. (1895), s. 50.

(a.) that he has used due diligence to enforce the execution of this Act; and

(b.) that the said other person had committed the offence in question without his knowledge, consent, or connivance,

that other person shall be summarily convicted of the offence, and the occupier shall be exempt from any fine. The person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings.

(2.) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—

(a.) that the occupier of the factory or workshop has used all due diligence to enforce the execution of this Act; and

(b.) by what person the offence has been committed; and

(c.) that it has been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders, the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier of the factory or workshop.

Where the occupier of a factory or workshop is "charged" with an offence under the Act, he can lay an information against any person whom he alleges is the actual offender, and so bring him before the court at the hearing. The commission of the offence having been proved, it then rests on the occupier to prove to the satisfaction of the court, that he has used "due diligence" to enforce the execution of the Act, and that the "other person" had committed the offence in question without his knowledge, consent, or connivance. If the court is satisfied as to this, they can convict the "other person" instead of the occupier, and the latter will thereupon be exempt from any fine. On the other hand, if an inspector is satisfied at the time of discovering the offence, that the occupier had used "all due diligence" to enforce the execution of the Act, and is also satisfied as to the person who actually committed the offence, and that it had been committed without "the knowledge, consent, or connivance" of the occupier, *and* in contravention of his orders, he must proceed against the person whom he believes to be the actual offender in the first instance, without proceeding against the occupier. Any person who "feels aggrieved" by a conviction or order of a court of summary jurisdiction under the Act, may appeal therefrom to Quarter Sessions: sec. 145, *infra*. This appeal is in the nature of a re-hearing. If therefore under this section the "other person" should so appeal, and the court of Quarter Sessions should decide that the offence had been committed, but are not satisfied that the occupier had used "due diligence" to enforce the execution of the Act, they would have to allow the appeal of the "other person," and hence the *occupier* would escape, being by the decision of the lower court "exempt" from any fine, etc.

Cf. sec. 6 of the Shop Hours Act, 1892, Appx., *post*, p. 307.

Where in pursuance of this section the actual offender is brought before the court and convicted, he will be liable, in the

discretion of the court, to pay any costs incidental to the proceedings: sub-sec. (1) (b).

142. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, is some person other than the occupier of the factory, the owner or hirer shall, so far as respects any offence against this Act committed in relation to a person who is employed in or about or in connexion with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

Owner of machine liable in certain cases instead of occupier. (1878), s. 99.

143. 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—

Limit to cumulative fines. (1878), s. 88.

- (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 persons, contrary to the provisions of this Act.

144.—(1.) All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, on summary conviction, before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Prosecution of offences and recovery and application of fines. (1878), s. 89. 1901.

(2.) 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.

(3.) All fines imposed in pursuance of this Act shall, save as otherwise expressly provided for by this Act, be paid into the Exchequer.

(4.) 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 the factory or workshop, and the father, son, or brother of the occupier of the factory or workshop, shall not be qualified to act as a member of the court.

(5.) A person engaged in, or being an officer of any association of persons engaged in, the same trade or occupation as a person charged with any offence under this Act, shall not act, as a justice of the peace in hearing and determining the charge.

Sub-sec. (5) is new. The words "engaged in . . . the same trade or occupation" should be carefully noted.

Appeal to
quarter
sessions.
(1878), s. 90.

145. 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 to quarter sessions.

The procedure on appeal will be under the Summary Jurisdiction Acts. Under the repealed section of the 1878 Act, the appeal had to be "to the next practicable court of general or quarter sessions."

Limitation
of time and
general pro-
visions as to
summary
proceedings.
(1878), s. 91.
(1891), s. 29.
(1895), s. 44
(2).

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

- (1.) The information shall be laid within three months after the date at which the offence comes to the knowledge of the inspector for the district within which the offence is charged to have been committed, 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 be not laid after the expiration of six months from the commission of the offence:

- (2.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more :
- (3.) 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 :
- (4.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorized by this Act to appeal, shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

Sub-sec. (1).—As to “inquests” in case of death by accident, in a factory or workshop, see sec. 21, *ante*.

147.—(1.) If a person is found in a factory or workshop, except at meal times, or while all the machinery of the factory or workshop 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, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory or workshop :

Evidence in
summary
proceedings.
(1878), s. 92.
(1891), s. 30.

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 domestic factory or workshop.

(2.) Where a young person or child 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 young person or child is not of that age.

(3.) 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.

(4.) 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 the conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, on the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

Sub-sec. (1).—As to “domestic” factories and workshops generally, see secs. 111–115.

Sub-sec. (3).—As to the examination by a certifying surgeon of a person employed in a factory or workshop, see sec. 64.

See also the Shop Hours Act, 1892, sec. 7, Appx., *post*, p. 308.

Service of
notices and
documents,
&c.

(1878), s. 79.
(1895), s. 48.

148. Any notice, order, requisition, summons, and document, required or authorized to be served or sent for the purposes of this Act—

(a.) may be served and sent by post, or 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 he is the owner of a factory or workshop) by delivering the same or a

true copy thereof to his agent, or (where he 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 the factory or workshop; and

- (b.) Where it is required to be served on or sent to the occupier of a factory or workshop, shall be deemed to be properly addressed if addressed to the occupier of the 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.

The expression "owner" has, by sec. 156, the meaning given to it by sec. 4 of the Public Health Act, 1875, viz., "the person for the time being receiving the rackrent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack-rent."

PART X.

SUPPLEMENTARY.

Sec. 149.

(i.) *Application and Definitions.*

Factories and
workshops to
which Act
applies.
(1878), s. 93.
(1891), s. 31.
1901.

149.—(1.) Subject to the provisions of this section, the following expressions have in this Act the meanings hereby assigned to them; that is to say:—

The expression “textile factory” 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” means—

- (a.) any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Sixth Schedule to this Act; and
- (b.) any premises or places named in Part Two of the said schedule wherein or within the

close or curtilage or precincts of which steam, water, or other mechanical power, is used in aid of the manufacturing process carried on there; and

(c.) 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 any of the following purposes, namely—

(i.) the making of any article or of part of any article; or

(ii.) the altering, repairing, ornamenting, or finishing of any article; or

(iii.) 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” means textile factory and non-textile factory, or either of those descriptions of factories:

The expression “tenement factory” means a factory where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts constitute in law separate factories, and for the purpose of the provisions of this Act with respect to tenement factories all buildings situate within the same close or curtilage shall be treated as one building:

The expression “workshop” means—

(a.) any premises or places named in Part Two of the Sixth Schedule to this Act, which are not a factory; and

(b.) any premises, room, or place, not being a factory, 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 any of the following purposes, namely—

- (i.) the making of any article or of part of any article ; or
- (ii.) the altering, repairing, ornamenting, or finishing of any article ; or
- (iii.) the adapting for sale of any article, and to or over which premises, room, or place the employer of the persons working therein has the right of access or control :

The expression “workshop” includes a tenement workshop :

The expression “tenement workshop” means any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a workshop if the persons working therein were in the employment of the owner or occupier.

(2.) A part of a factory or workshop may, with the approval in writing of the chief inspector, be taken for the purposes of this Act to be a separate factory or workshop.

(3.) 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.

(4.) Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, that place shall not be deemed

to form part of the 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.

(5.) A place or premises shall not be excluded from the definition of a factory or workshop by reason only that the place or premises is or are in the open air.

(6.) The exercise by any young person or child in any recognized efficient school, during a portion of the school hours, of any manual labour for the purpose of instructing the young person or child 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.

This section was formerly sec. 93 of the 1878 Act, as amended by the 1891 Act. It contains all the definitions, etc., which were in the repealed Acts with the amendments shown below. A tenement "factory" is now specifically defined, though the words used above were incidentally used in sec. 24 (1) and (6) of the 1895 Act.

The words "the expression 'workshop' includes a tenement workshop" are new. The definition of a tenement "workshop" is now given for the first time.

The words "with the approval in writing of the chief inspector" in sub-sec. (2) are added to the similar provision which was contained in sec. 93 of the 1878 Act.

The definition of "Textile" factories is the same as under the repealed Act.

The definitions of "Non-Textile factories" in Schedule 6, Part I., are the same as those which were contained in Schedule 4, Part I., of the 1878 Act, *except* that "(20) Electrical Stations" has been added.

The definitions of "Non-Textile factories and workshops" in Schedule 6, Part II., are also the same as in the repealed Act, *except* that "(28) Dry cleaning, carpet beating, and bottle washing works" has been added.

Sub-sec. (1).—"Textile factory." The word "finishing" here used, means the process of finishing which is incidental to dyeing, and not to dealing with fabrics which are neither bleached or dyed:

see *Howarth v. Coles* (1867), 12 C. B., N.S. 139; 31 L. J. M. C. 262; and see *Rogers v. Manchester Packing Co.*, *ubi infra*.

The weaving or plaiting by steam or other mechanical power, of cotton thread into a covering for strips of steel to be used for making crinoline skirts, was held to be a "process" incidental to the manufacture of a cotton fabric. *Whymper v. Harney* (1865), 18 C. B., N.S. 243; 34 L. J. M. C. 113; 11 L. T., N.S. 711.

(a.) "Warehouse." See note to sec. 104, *ante*, p. 161.

The factories and workshops named in Schedule 6 are in the Act referred to by the names therein assigned to them: sec. 156 (3).

The Secretary of State may by Special Order direct, with respect to any "class" of factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or any of the purposes of the Act, be treated as if they were different factories or workshops: sec. 151, *post*.

Nothing in the Act shall extend 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: sec. 158.

See also notes to Schedule C., Parts I. and II.

Sub-secs. (2) to (6). Note the exceptions in these sub-sections.

"Textile"
factories.

"TEXTILE" factories are—

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, 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 fibre made thereof.

But the following factories, though in their nature "textile," are expressly *excluded* from the definition of "textile factories," viz.:—

(1) Print works, (2) Bleaching and dyeing works, (24) Lace warehouses, (14) Paper mills, (19) Flax scutch mills, (22) Rope works, (21) Hat works. (See *infra* list of "non-textile" factories.)

"Non-textile"
factories.

"NON-TEXTILE" factories are—

(1.) Any of the following works, warehouses, furnaces, mills, foundries, or places, viz.:—

(a.) (1) Print works, (2) Bleaching and dyeing works, (3) Earthenware works, (4) Lucifer-match works, (5) Percussion-cap works, (6) Cartridge works, (7) Paper staining works, (8) Fustian-cutting works, (9) Blast furnaces, (10) Copper mills, (11) Iron mills, (12) Foundries, (13) Metal and india-rubber works, (14) Paper mills, (15)

Glass works, (16) Tobacco factories, (17) Letter-press printing works, (18) Bookbinding works, (19) Flax scutch mills, (20) Electrical stations,

whether or *not* steam water, or other mechanical power, is used in aid of the manufacturing process carried on there :

(b.) (21) Hat works, (22) Rope works, (23) Bakehouses, (24) Lace warehouses, (25) Shipbuilding yards, (26) Quarries, (27) Pit-banks, (28) Dry cleaning, carpet beating, and bottle-washing works,

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.

(c.) Any premises wherein or within the close or curtilage or precincts of which any manual labour is exercised by way of trade or for the purposes of gain in or incidental to any of the following purposes, viz. (i.) the making of any article or part of any article; or (ii.) the altering, repairing, ornamenting, or finishing of any article; or (iii.) 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 following are also "factories" :—

A factory where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts constitute in law separate factories ("Tenement" factory, *supra*). Also
"factories."

A private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory . . . within the meaning of the Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there (Domestic factory, sec. 115).

"Laundries" carried on by way of trade or for purposes of gain in which steam, water, or other mechanical power is used in aid of the laundry process: sec. 103.

Docks (and a "ship" in a dock). See also notes to sec. 104, *ante*.

Wharves: *ib.*

Quays: *ib.*

Warehouses: *ib.*

Machinery and plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal: *ib.*

Any premises on which machinery worked by steam, water, or other mechanical power is temporarily used for the purpose of the construction of a building or any structural work in connection with a building: sec. 105.

Any building which exceeds 30 feet in height, and (a) which is being constructed or repaired by means of a scaffolding, and (b) in which more than 20 persons, not being domestic servants, are employed for wages: *ib.*

Any line or siding not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900, used in connection with a factory (or workshop), or with any place to which any provisions of the Act are applied (and if such line or siding is used in connection with more than one factory (or workshop) belonging to different occupiers, "as if the line or siding were a separate factory"): sec. 106.

The following cases, though decided under the Factory Acts in force prior to 1878, will be useful in showing what have and have not been held to be factories.

The appellant was occupier of premises in which steam power was used to work machinery employed in manufacturing webbing of which men's braces and horses' girths were made. The buildings formed a square; on the left were the buildings in which steam power was used, on the right the manufacture of braces and girths was carried on. A child was employed in boring holes in pieces of leather to be attached to the webbing, but no part of the webbing was ever placed in his hands, and no machinery was in the room in which he was employed:—*Held*, that this room was part of a "factory," and within the curtilage of the part where the webbing was manufactured. *Taylor v. Hickes* (1862), 12 C. B., n.s. 152; 31 L. J. M. C. 242; and see *Hardcastle v. Jones* (1862), 3 B. & S. 153; 32 L. J. M. C. 49.

Where thread was manufactured in hanks at T's manufactory at M, and then sent to his manufactory at L to be wound by machinery moved by steam, first on to cops and then on to spools:—*Held*, that the latter premises were a "factory," and that the winding was a process "incidental" to the manufacture of thread. *Haydon v. Taylor* (1863), 33 L. J. M. C. 30.

The respondents owned a paper-mill at Manchester and another at Herts: the former was used for sorting, cleaning, and working up rags and reducing them to "half stuff;" at the latter this "stuff" was manufactured into paper:—*Held*, that the two were parts of one "factory." *Coles v. Dickinson* (1864), 16 C. B., n.s. 604; 33 L. J. M. C. 235; and see *Hoyle v. Oram* (1862), 12 C. B., n.s. 124.

A company carried on very large works, comprising the business

of blast furnaces, iron-rolling mills, engine-building, and iron shipbuilding in all its branches. The whole of the several branches communicated and were open from one end to the other, and were within one common boundary. A boy was employed as a rivet-boy, and in the department where he worked steam machinery was in use for cutting and shaping iron plates, and rivets were heated there; both the plates and the rivets were used in the manufacture of a ship:—*Held*, that the department where the boy was employed was a “factory.” *Palmer’s Shipbuilding & Iron Co. v. Chaytor* (1869), L. R. 4 Q. B. 209; 38 L. J. M. C. 63. It was also decided by this case that the word “article” did not apply to a “ship.”

As to the meaning of the expression “ship” in relation to “loading, unloading, or coaling,” see note to sec. 104, *ante*.

See definition of “Shipbuilding yards,” Schedule 6, Part II. (25), p. 267.

The question as to what will constitute a “factory” or a “workshop” will depend entirely upon the facts of each particular set of circumstances, combined with a strict interpretation of the definitions contained in this section. In order to constitute premises (other than those defined in sub-sec. (1) (a) and (b)) a “non-textile factory,” it must be borne in mind that machinery moved by “steam, water, or other mechanical power,” *must* be in use in aid of the manufacturing process being carried on in or on the premises. The words in this section, “other mechanical power,” do not mean hand power, such as “handwinch and pulley” (see *Wrigley v. Bagley & Wright* (1901), 1 K. B. 780), nor a combination of mechanical appliances set into motion by hand power; they mean “power” of an analogous nature to steam and water, such as gas, electricity, etc.

The following cases were decided upon sec. 93 of the 1878 Act:—

The respondents occupied premises which they used solely for the purpose of washing bottles, and bottling beer, in their trade of wholesale and retail beer dealers. Before the bottles were filled with beer, which was done by manual labour only, they were washed inside by a rotary brush driven by a small gas-engine, the bottles being held in position by hand:—*Held*, upon the facts above stated, that the respondent’s premises were not a “factory.” *Law v. Graham* (1901), 2 K. B. 327; 70 L. J. K. B. 608; 84 L. T. 599; 17 T. L. R. 474.

Premises, in which the process of hooking, lapping, making up, and packing cloth are carried on, are a “factory” within the meaning of the definition (in this section and Schedule 6, Part I. (2)), even if none of such processes are carried on as incidental to “bleaching

What is a
“non-textile
factory.”

and dyeing." *Rogers v. Manchester Central Packing Co.* (1898), 1 Q. B. 344; 67 L. J. Q. B. 310; 78 L. T. 17; 62 J. P. 166; 14 T. L. R. 196.

The employer's premises consisted of a yard in which stones were dressed by manual labour, and included an engine-house, where the workmen's tools were sharpened on a grindstone driven by a gas-engine. No other mechanical power was used in the premises:—*Held*, that the premises were premises in which mechanical power was "used in aid of the manufacturing process carried on therein" within the meaning of the Factory Act, 1878, and were therefore a "factory." *Petrie v. Weir* (1900), 2 F. 1041. (Scotch case under the W. C. Act, 1897.)

In the Refuse Despatch Works of the Glasgow Corporation, certain saleable parts of the city refuse were separated from the unsaleable part by processes in which steam power was used. The sums realized by the sales were applied in reducing the cost of the disposal of the refuse which fell on the rates:—*Held*, that these works fell within the definition of non-textile "factory," in respect that the material in question was there adopted for sale and afterwards sold. *Henderson v. Glasgow Corporation* (1900), 2 F. 1127; 36 S. L. R. 857 (Scotch).

"Workshops." "WORKSHOPS" are—

(1.) Any of the following premises or places, viz.:—

(a.) (20) Hat works, (22) Rope works, (23) Bakehouses, (24) Lace warehouses, (25) Shipbuilding yards, (26) Quarries, (27) Pitbanks, (28) Dry cleaning, carpet beating, and bottle-washing works,

which are not factories.

(b.) any premises, room, or place, not being a factory, 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 any of the following purposes, namely—

(i.) the making of any article or of part of any article, or

(ii.) the altering, repairing, ornamenting, or finishing of any article; or

(iii.) the adapting for sale of any article,

and to or over which premises, room, or place the employer of the persons working therein has the right of access or control.

The following are also "WORKSHOPS":—

"Laundries" carried on by way of trade, or for purposes of gain, where steam, water, or other mechanical power is not used in aid of the laundry process: sec. 103.

Any workplace in which, with the permission of or under

agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a workshop if the persons working therein were in the employment of the owner or occupier (Tenement Workshop, *supra*).

A private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a workshop within the meaning of the Act, and in which the only persons employed are members of the same family dwelling there ("Domestic" Workshop: sec. 115, *ante*).

As to railway "lines and sidings," used in connection with a "workshop," see sec. 106.

A "retail" shop may, under certain circumstances, become a "workshop." Premises which were used in the daytime as a shop for the sale of sweetmeats by retail were used at night after shop hours for the purpose of packing the sweetmeats in the ornamental boxes in which they were sold:—*Held*, that on those facts there was evidence to justify the finding that the premises were a "workshop" within the meaning of the Act of 1878. *Fullers, Limited v. Squire* (1901), 2 K. B. 209; 70 L. J. K. B. 689.

150.—(1.) This Act applies to factories and work-shops belonging to the Crown; but in case of any public emergency the Secretary of State may, by order, to the extent and during the period named by him, exempt from this Act any factory or workshop belonging to the Crown, or any factory or workshop in respect of work which is being done on behalf of the Crown under a contract specified in the order.

Application
to Crown
factories and
workshops.
1901.

(2.) A factory or workshop belonging to or in the occupation of the Crown shall not be excluded from the operation of this Act by reason only that it is not carried on by way of trade or for the purpose of gain.

(3.) The powers conferred by this Act on a district council or other local authority shall, in the case of a factory or workshop belonging to or in the occupation of the Crown, be exercised by an inspector under this Act.

This section is new, but is founded upon the analogous provision contained in the last paragraph of sec. 93 of the 1878 Act.

Power to treat
separate
branches as
separate
factories or
workshops.
(1895), s. 39.

151. The Secretary of State may by Special Order direct, with respect to any class of factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or any of the purposes of this Act, be treated as if they were different factories or workshops.

This section is a re-enactment of sec. 39 of the 1895 Act.

The following Orders were made under that section:—

ORDER OF THE SECRETARY OF STATE, DATED MARCH 27, 1897,
ALLOWING SEPARATE BRANCHES OR DEPARTMENTS OF WORK
TO BE TREATED AS SEPARATE FACTORIES OR WORKSHOPS AS
REGARDS OVERTIME. (*L. G.*, 1897, April 2; *St. R. & O.*,
1897, p. 123.)

I, the Right Honourable Sir Matthew White Ridley, Baronet,
one of Her Majesty's Principal Secretaries of State, by this Order
made in pursuance of the above-mentioned sections, direct, with
respect to factories and workshops in which overtime may be
worked by women in pursuance of section 53 of the Factory and
Workshop Act, 1878 (*now sec. 49 of this Act*), or of any order
made thereunder, that different branches or departments of work
carried on in the same factory or workshop may, so far as regards
the employment of women during overtime, be treated as if they
were different factories or workshops, subject to the following
conditions:—

- (1.) Every such branch or department must be carried on—
 - (a.) in a separate room or separate rooms, which must
not be used for any other branch or department,
 - (b.) under separate and distinct management, and
 - (c.) by separate and distinct persons, that is to say, no
person who is employed in one branch or depart-
ment may be employed in any other branch or
department.
- (2.) In every such branch or department a separate notice
(Special Exception Notice) under section 66 of the
Factory and Workshop Act, 1878 (*now sec. 60 of this
Act*), must be affixed, stating clearly the name or
description of the branch or department; and a copy of
every such notice must be sent to the Inspector.
- (3.) In every such branch or department a separate register
(Overtime Register) must be kept, and the entry of the

particulars required by section 66 of the Factory and Workshop Act, 1878 (*ib.*), must be noted therein; and all such particulars must be reported to the Inspector as required by section 14 (1) of the Factory and Workshop Act, 1891 (*ib.*).

- (4.) In every such branch or department a separate notice (Record of Overtime) must be kept affixed as required by section 14 (2) (*ib.*) of the Factory and Workshop Act, 1891.
- (5.) The occupier of the factory or workshop must obtain from the Inspector, and must hold, a certificate that, in his opinion, having regard to all the circumstances of the case, the separation of branches or departments and the arrangements for carrying out the above conditions are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the Inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

This Order came into effect on the 1st day of April, 1897, and the Order of the 11th February, 1896, was rescinded as from the 1st day of October, 1897.

ORDER OF THE SECRETARY OF STATE, DATED MARCH 27, 1897,
ALLOWING SEPARATE BRANCHES OR DEPARTMENTS OF WORK
TO BE TREATED AS SEPARATE FACTORIES OR WORKSHOPS AS
REGARDS PERIOD OF EMPLOYMENT. (*Ib.*)

I, the Right Honourable Sir Matthew White Ridley, Baronet, one of Her Majesty's Principal Secretaries of State, by this Order made in pursuance of the above-mentioned sections, direct, with respect to the factories and workshops named in the schedule to this Order, that different branches or departments of work carried on in the same factory or workshop, may, so far as regards the period of employment of children, young persons and women, be treated as if they were different factories or workshops, subject to the following conditions:—

- (1.) Every such branch or department must be carried on—
 - (a.) in a separate room or separate rooms, which must not be used for any other branch or department,
 - (b.) under separate and distinct management, and
 - (c.) by separate and distinct persons, that is to say, no person who is employed in one branch or

department may be employed in any other branch or department.

- (2.) In every such branch or department a separate notice (Special Exception Notice) under section 66 of the Factory and Workshop Act, 1878 (*now sec. 60 of this Act*), must be affixed, stating clearly the name or description of the branch or department; and a copy of every such notice must be sent to the Inspector.
- (3.) In every such branch or department a separate notice (Period of Employment Notice) under section 19 of the Factory and Workshop Act, 1878 (*ib.*, sec. 32), must be affixed.
- (4.) The occupier of the factory or workshop must obtain from the Inspector, and must hold, a certificate that in his opinion, having regard to all the circumstances of the case, the separation of branches or departments, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the Inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

This Order came into effect on the 1st day of April, 1897.

SCHEDULE.

Factories or workshops or parts thereof in which are carried on—

Bookbinding.

Hat making and

The following branches of the confectionery trade, viz.—Bon Bon and Christmas present making.

ORDER OF THE SECRETARY OF STATE, DATED JANUARY 19, 1899,
ALLOWING SEPARATE BRANCHES OR DEPARTMENTS OF WORK
TO BE TREATED AS SEPARATE FACTORIES OR WORKSHOPS AS
REGARDS PERIOD OF EMPLOYMENT. (*L. G.*, 1899, January 24;
St. R. & O., 1899, p. 609.)

I, the Right Honourable Sir Matthew White Ridley, Baronet,
one of Her Majesty's Principal Secretaries of State, by this Order
made in pursuance of the above-mentioned sections, direct, with
respect to the factories and workshops named in the schedule to
this Order, that a part of any such 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, may, so far as regards the period of employment of children, young persons, and women, be treated as if it were a different factory or workshop, subject to the following conditions:—

- (1.) (a.) Such part must consist of a separate room or separate rooms;
- (b.) such part must be under separate and distinct management;
- (c.) no person who is employed in such part may be employed in any other part of the factory or workshop.
- (2.) Such part shall have a separate notice (Special Exception Notice) under section 66 of the Factory and Workshop Act, 1878 (*now sec. 60 of this Act*), affixed therein; and a copy of every such notice must be sent to the Inspector.
- (3.) Such part shall have a separate notice (Period of Employment Notice) under section 19 of the Factory and Workshop Act, 1878 (*ib., sec. 32*), affixed therein.
- (4.) The occupier of the factory or workshop must obtain from the Inspector, and must hold, a certificate that in his opinion, having regard to all the circumstances of the case, the separation of such part from the rest of the factory or workshop, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the Inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

This Order came into effect on the 1st day of February, 1899.

SCHEDULE.

Factories and Workshops in which the manufacture of edge tools is carried on.

ORDER OF THE SECRETARY OF STATE, DATED SEPTEMBER 6, 1900,
ALLOWING SEPARATE BRANCHES OR DEPARTMENTS OF WORK
TO BE TREATED AS SEPARATE FACTORIES OR WORKSHOPS AS
REGARDS PERIOD OF EMPLOYMENT. (*L. G.*, 1900, Sep-
tember 11.)

I, the Right Honourable Sir Matthew White Ridley, Baronet,
one of Her Majesty's Principal Secretaries of State, by this Order

made in pursuance of the above-mentioned sections, direct, with respect to the factories and workshops named in the schedule to this Order, that a part of any such 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*, may, so far as regards the period of employment of children, young persons, and women, be treated as if it were a different factory or workshop, subject to the following conditions:—

- (1.) (a.) Such part must consist of a separate room or separate rooms;
- (b.) such part must be under separate and distinct management;
- (c.) no person who is employed in such part may be employed in any other part of the factory or workshop.
- (2.) Such part shall have a separate notice (Period of Employment Notice) under section 19 of the Factory and Workshop Act, 1878 (*now sec. 32 of this Act*), affixed therein.
- (3.) The occupier of the factory or workshop must obtain from the Inspector, and must hold, a certificate that in his opinion, having regard to all the circumstances of the case, the separation of such part from the rest of the factory or workshop, and the arrangements for carrying out the above conditions, are satisfactory, and such certificate shall cease to be of any effect on the expiration of one week after the Inspector shall have served on the occupier notice in writing that the separation and arrangements aforesaid are no longer satisfactory.

This order came into effect on the 1st day of October, 1900.

SCHEDULE.

Factories and Workshops in which the manufacture of bright or burnished metal goods is carried on.

Definition of
employment
and working
for hire.
(1878), s. 94.

152.—(1.) A woman, young person, or child, 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.

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

Sub-sec. (1).—Part II. of the Act comprises secs. 23–67 (“Employment”).

Whether a woman, young person, or child “works” in a factory or workshop will be a question of fact. To constitute “employment” within this section, it is not necessary to prove the “occupier” knew of it, or connived at it either directly or indirectly; the mere fact of a woman, young person, or child being found “working” in his factory or workshop will constitute the offence. The section applies to those persons actually engaged in the work or handicraft carried on in a factory or workshop, and to those engaged in capacities ancillary to that work.

A young person in the employment of the occupier of a spinning mill, during the time allowed for a meal, oiled part of the machinery of the mill. He stated that he did so contrary to orders, and for his own amusement:—*Held*, that he was “working” in what he did, and that, therefore, he was “employed” during prohibited hours contrary to the provisions of the Act, and that the “occupiers” of the mill were liable to a fine under sec. 137. *Prior v. Slaithwaite Spinning Co.* (1898), 1 Q. B. 881; 78 L. T. 532; 62 J. P. 358; 14 T. L. R. 379.

A child was sent to the respondent to be taught to make “straw plait” and to read; the child was kept in a room making straw plait under respondent’s superintendence. The straw was provided by the child’s mother, and the plait was taken home to her, and she sold it. She paid the respondent 3*d.* a week, but he had no interest in the proceeds of the sale of the work:—*Held*, that the respondent had committed the offence of “employing” a “child” within the meaning of the Workshop Regulation Act, 1867, secs. 6 and 7 (30 & 31 Vict. c. 146), as read by the aid of the interpretation clause. *Beadon v. Parrott* (1871), L. R. 6 Q. B. 718.

The respondents, occupiers of a “factory,” were summoned for allowing R, a “young person,” to be in the space between the fixed and traversing portions of a self-acting machine, the said machine not being stopped, with the traversing portion on the outward run. R was employed by D, who himself was in the

employ of the respondents, and he was in charge of the self-acting machine. R was ordered by D to clean the scavenger cloth, hung under the roller beam of the machine. In order to do so, R was obliged to be in the space between the fixed and traversing portions of the machine, and was, at the time of the accident, at a distance of 16 yards from the starting-handle of the machine where D was stationed. At the time the order was given the traversing portion of the machine was stopped with the traversing portion thereof on the outward run. While R was still in the space between the fixed and traversing portions of the machine, D, thinking that R was clear of the space, started the machine. R was caught between the carriage, which was the traversing portion of the machine, on the inward run and the spring piece, which was a part of the fixed portion of the machine. D, finding that something prevented the carriage from running in up to its full extent, stopped the carriage on its next outward run, and saw R fall down between the spring piece and the carriage. R received injuries from which he subsequently died. It was contended before the magistrates by the appellant (an inspector of factories), that the respondents had "allowed" R to be in the space contrary to sec. 9 (2) of the 1895 Act (now sec. 12 (2), *ante*, p. 26). The respondents contended that they had taken adequate precautions to prevent R from being in the space aforesaid. The magistrates dismissed the information, on the ground that the respondents were not responsible for R being in the said space, and they were of opinion that D improperly started the machine, and was responsible for doing so. On appeal, it contended for the appellant that though R was lawfully allowed to go into the space, as the machine was then stopped, the moment the machine was started, he was unlawfully "allowed" to be there. The respondents admitted that they were responsible for D's act, if it was an offence; but they argued that the appellant's contention amounted to the striking of the word "allow" out of the Act; that the word could not be construed to mean "must prevent":—*Held* (affirming the decision of the magistrate), that as the accident happened in consequence of the machine being started under the belief that R was clear of the space, R could not be said to be "allowed" by any responsible person to go into the space. *Crabtree v. The Fern Spinning Co., Limited* (1901), 18 T. L. R. 91.

The question as to what will constitute "employment" will be a question of law. Employment under this section can only refer to "employment" in a factory or workshop as defined by the Act (sec. 149). If the offence charged was not committed in a "factory" or a "workshop" the provisions of the Act will not apply. Thus a case can be conceived where a young person, etc., who is a shop assistant, may be "working" in a "retail shop"

in marking off or pricing goods, etc., packing the goods sold, etc. The question then would be, whether that shop was a "workshop," and the "work" was being done in pursuance of the "employment." It is submitted that the shop would only be a "workshop" if the "employment" was one where "manual labour" was being exercised by way of trade or for purposes of gain in or incidental to the (i.) making; (ii.) altering, repairing, ornamenting, or finishing; (iii.) adapting for sale, of an "article." See definition of a "workshop" in sec. 149, and *Fullers, Limited v. Squire*, in note to that section.

As to the employment of women and young persons, in a factory or workshop and in a shop, on the same day, see sec. 31 (4), and as to the employment of young persons in "shops," see the Shop Hours Act, 1892 (Appx., *post*, p. 306).

Sub-sec. (2).—An "apprentice" is not a hired servant, and does not work for "hire," but generally does receive "wages" as part of the contract between him and the person who undertakes to teach him the business. Whether he receives such wages or not, if he is "employed" within the Act, he will be deemed to "work for hire," notwithstanding the terms of any contract between him and the occupiers. (See generally as to "apprentices," "The Law relating to Apprentices," by Evans Austin, Barrister-at-Law. London: Reeves & Turner, 100, Chancery Lane. 10s. cash.)

153.—(1.) In the application to the administrative county of London of the section of this Act relating to the means of escape from fire, the London County Council shall take the place of the district council, and their expenses in the execution of that section shall be defrayed as part of their expenses in the management of the London Building Act, 1894.

Application
of Act to
London.
1901.

(2.) In the application to the administrative county of London of the section of this Act giving power to make byelaws providing for means of escape from fire, the reference to a district council shall be construed as a reference to the London County Council.

57 & 58 Vict.
c. cexiii.

(3.) The power of the London County Council under section one hundred and sixty-four of the London Building Act, 1894, to make byelaws with respect to the means of escape from fire in buildings exceeding sixty feet in height shall extend to all factories

Secs. 153, 240 THE LAW RELATING TO FACTORIES AND WORKSHOPS.
 154, 155,
 156.

and workshops whether exceeding sixty feet in height or not.

(4.) Subject as aforesaid, references in this Act to a district council and the district thereof shall, as regards the city of London, be construed as references to the court of common council and the city, and, as regards any other part of the administrative county of London, as references to the council of a metropolitan borough and the metropolitan borough.

Sub-sec. (1).—See sec. 14 and notes, *ante*, pp. 29–35.

Sub-sec. (2).—See sec. 15, *ante*, p. 35.

Sub-sec. (3).—See *ib.*

Application
 of Act to
 county
 boroughs.

1901.

154. References in this Act to a district council and the district thereof shall be construed as including references to the council of a county borough and the county borough.

See *ante*, p. xxxvii., for summary of the provisions of the Act relating to “district councils.”

Saving for
 existing
 powers of
 district
 councils.

1901.

155. The powers conferred by this Act on district councils shall be in addition to, and not in substitution for, any other powers which they may possess.

Ib.

General
 definitions.
 (1878) s. 96.

1901.

38 & 39 Vict.
 c. 13.

“Child.”

156.—(1.) In this Act, unless the context otherwise requires,—

The expression “bank holiday” means a holiday under the Holidays Extension Act, 1875 :

The expression “child” means a person who is under the age of fourteen years, and who has not, being of the age of thirteen years, obtained the certificate of proficiency or attendance at school mentioned in Part III. of this Act :

“Machinery.”

The expression “machinery” includes any driving strap or band :

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

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

The expression "owner" has the meaning given "Owner." to it by section four of the Public Health Act, 1875 :

The expression "parent" means a parent or "Parent." guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages of, a young person or child :

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

The expression "process" includes the use of "Process." any locomotive :

The expression "Special Order" means an order "Special which is subject to the provisions of section one ^{order.}" hundred and twenty-six of this Act with regard to Special Orders of the Secretary of State :

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

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

The expression "young person" means a person "Young who has ceased to be a child and is under the ^{person.}" age of eighteen years.

(2.) For the purposes of this Act employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

(3.) The factories and workshops named in the

Sixth Schedule to this Act are in this Act referred to by the names therein assigned to them.

(4.) References in this Act to regulations made under this Act shall be construed as including references to special rules established or requirements made under any previous Act.

Sub-sec. (1).—The definition of “child” is new. The 1878 Act defined child to mean “a person under the age of 14 years.” The expression “mill-gearing” has been amended by the addition of the words “or other appliance.” The expression “Special Order” is new. Under the repealed Act, the analogous expression used was “order.” The expression “young person” was defined by the 1878 Act as “a person of the age of 14 years and under the age of 18 years.”

Sub-sec. (2).—This is new.

Sub-sec. (3).—See notes to sec. 149, *ante*.

Sub-sec. (4).—See also sec. 161 (2).

Men's
workshops.
(1878).
1901.

157. The following provisions of this Act shall not apply to men's workshops, that is to say, workshops conducted on the system of not employing any woman, young person, or child therein:—

- (1.) The sections in Part I. relating to temperature, thermometers, means of ventilation, drainage of floors, sanitary conveniences, opening of doors, power to make orders as to dangerous machinery, and inquests;
- (2.) Part II. and Part III.;
- (3.) The sections in Part IV. relating to fans and to lavatories and meals;
- (4.) Part VII.;
- (5.) The sections of Part VIII. relating to the affixing of abstracts and notices, and the keeping of a general register, and the first subsection of the section relating to periodical returns.

The expression “men's workshop” is new. These were referred to throughout the repealed Acts as “workshops conducted

on the system of not employing any child, young person, or woman therein."

Sub-sec. (1).—For the provisions relating to "temperature" and "thermometers," see sec. 6; "means of ventilation," sec. 7; "drainage of floors," sec. 8; "sanitary conveniences," sec. 9; "opening of doors," sec. 16; "power to make orders as to dangerous machinery," sec. 17; "inquests," sec. 21.

Sub-sec. (2).—Part II. relates to "Employment": (i.) Hours and holidays (secs. 23-35); (ii.) Special exceptions as to hours and holidays, overtime, nightwork, intermittent employment, supplemental (secs. 36-60); (iii.) Fitness for employment (secs. 68-67). Part III. relates to "Education of Children" (secs. 68-72).

Sub-sec. (3).—For the provisions relating to "fans," see sec. 74; "lavatories and meals," sec. 75.

Sub-sec. (4).—Part VII. relates to "Particulars of Work and Wages" (secs. 116 and 117).

Sub-sec. (5).—For the provisions relating to "affixing of abstracts and notices," see sec. 128; "general registers," sec. 129; "periodical returns," sec. 130.

The following sections do, therefore, apply to "men's workshops," viz. Part I.: secs. 1-5, 10-15, 18-20, 22. Part IV.: secs. 73, 76-86. Part V.: the whole (secs. 87-106). Part VI.: the whole (secs. 107-115). Part VIII.: secs. 118-134. Part IX.: the whole (secs. 135-148). Part X.: the whole (secs. 149-163). The Schedules.

158. Nothing in this Act shall extend 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.

Saving for young persons employed in repairs.
(1878), s. 100.

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

159. In the application of this Act to Scotland—

(1.) The expression "certified efficient school" means any public or other elementary school under Government inspection:

Application of Act to Scotland.
(1878), s. 105.
1901.

(2.) The expression "district council" and the expression "district" used with reference to such council mean the local authority under the Public Health (Scotland) Act, 1897, and their district:

60 & 61 Vict.
c. 38.

- (3.) The expression "medical officer of health" means the medical officer under the Public Health (Scotland) Act, 1897 :
- (4.) The expression "poor law medical officer" means the medical officer appointed by the parish council :
- (5.) The expression "court of summary jurisdiction" means the sheriff of the county :
- (6.) The expression "Board of Education" means the Scotch Education Department :
- (7.) The provisions of this Act relating to certificates of proficiency or of due attendance shall not apply, but a child of the age of thirteen years, who has obtained exemption from the obligation to attend school in the manner prescribed by section three of the Education (Scotland) Act, 1901, shall be deemed to be a young person for the purposes of this Act :
- (8.) The expression "county court" means the sheriff court :
- (9.) All matters required by this Act to be published in the *London Gazette* shall, if they relate to Scotland, be published in the *Edinburgh Gazette*, either in addition or in substitution as the case may require :
- (10.) The expression "information" means petition or complaint :
- (11.) The expression "informant" means petitioner, pursuer, or complainer :
- (12.) The expression "defendant" means defender or respondent :
- (13.) The expression "clerk of the peace" means sheriff clerk :
- (14.) The expression "owner" has the meaning given to it by section three of the Public Health (Scotland) Act, 1897 :

- (15.) The expression "inspector of nuisances" means sanitary inspector within the meaning of the Public Health (Scotland) Act, 1897:
- (16.) The expression "Births and Deaths Registration Acts, 1836 to 1874," means the Acts relating to the registration of births, deaths, and marriages in Scotland:
- (17.) The expression "Public Health Act, 1875," ^{60 & 61 Vict. c. 38.} means the Public Health (Scotland) Act, 1897, and the Acts amending the same, and references to section ninety-one and sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, shall be construed respectively as references to section sixteen and sections one hundred and eighty-three to one hundred and eighty-seven of the Public Health (Scotland) Act, 1897:
- (18.) The expenses incurred by a local authority under the provisions of this Act with respect to means of escape in case of fire shall be defrayed out of the public health general assessment levied under the Public Health (Scotland) Act, 1897:
- (19.) The expression "Local Government Board" means the Local Government Board for Scotland:
- (20.) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction (Scotland) Acts at the instance of the procurator fiscal or of any inspector:
- (21.) The court may make, and may alter or vary, summary orders under this Act on petition

by the procurator fiscal or an inspector presented in common form :

- (22.) 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:
- (23.) 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 the prosecution is brought at the instance of that inspector :
- (24.) Every person convicted of any offence under this Act shall be liable in the reasonable costs and charges of the conviction :
- (25.) 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 King's and Lord Treasurer's Remembrancer on behalf of His Majesty's Exchequer, and shall be carried to the Consolidated Fund :
- (26.) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs :
- (27.) The provisions of this Act with respect to appeals to quarter sessions shall not apply, and any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Heritable Jurisdictions (Scotland) Act, 1746, or under any enactment amending that Act, or applying or incorporating its provisions or any of them with regard to appeals, or under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875.

20 Geo. 2, c.
43.

38 & 39 Vict.
c. 62.

(7).—See sec. 71, *ante*. For sec. 3 of the Education (Scotland) Act, 1901, see Appx., *post*, p. 328. (14).—For definition of “owner,” see note to sec. 2, *ante*. (15).—See secs. 2 and 5, *ante*. (16).—See sec. 16, *ante*. (17).—See secs. 2 and 15. (18).—See sec. 14. (20).—See sec. 144. (27).—See sec. 145.

160. In the application of this Act to Ireland—

- (1.) The expression “certified efficient school” means any national school, or any school recognized by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act : Application
of Act to
Ireland.
(1878), s. 106.
- (2.) The expression “recognized efficient school” means a certified efficient school and any school which is recognized for the time being by an inspector under this Act as giving efficient elementary education :
- (3.) In the provisions of this Act relating to certificates of birth the Irish Education Act, 1892, shall be substituted for the Elementary Education Act, 1876, and a school attendance committee shall be substituted for a local authority : 55 & 56 Vict.
c. 42.
- (4.) In the provisions of this Act relating to payment by occupiers of sums for schooling, the Irish Education Act, 1892, shall be substituted for the Elementary Education Act, 1891, and a school grant shall be substituted for a fee grant :
- (5.) The expression “medical officer of health” includes a medical superintendent of health :
- (6.) The expression “poor law medical officer” means the medical officer of a dispensary district :
- (7.) Any act authorized to be done or consent required to be given by, or report required

to be made to, the Board of Education under this Act shall be done and given by or to the Lord Lieutenant, acting by and with the advice of the Privy Council in Ireland :

(8.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a resident magistrate appointed under the Constabulary (Ireland) Act, 1836, 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 :

6 & 7 Will. 4,
c. 13.

(9.) Appeals from a court of summary jurisdiction shall lie in accordance with the provisions of the Summary Jurisdiction (Ireland) Acts :

(10.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same :

14 & 15 Vict.
c. 90.

(11.) The provisions of section one hundred and seven of the Public Health (Ireland) Act, 1878, with respect to a factory, workshop, or workplace, not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, or workplace :

41 & 42 Vict.
c. 52.

(12.) The Sanitary Acts within the meaning of the

Public Health (Ireland) Act, 1878, 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:

- (13.) The Public Health (Ireland) Act, 1878, shall be substituted for the Public Health Act, 1875, and in particular sections two, one hundred and seven, and two hundred and nineteen to two hundred and twenty-three of the former Act shall be substituted for sections four, ninety-one, and one hundred and eighty-two to one hundred and eighty-six of the latter Act respectively: ^{41 & 42 Vict. c. 52.}
- (14.) The expression "the Local Government Board" means the Local Government Board for Ireland:
- (15.) The expression "the Births and Deaths Registration Acts, 1836 to 1874," means the Births and Deaths Registration (Ireland) Acts, 1863 to 1880:
- (16.) All matters required by this Act to be published in the *London Gazette* shall, if they relate to Ireland, be published in the *Dublin Gazette*, either in addition or in substitution as the case may require.

(1) and (2).—See sec. 72. (3).—See sec. 64. (4).—See sec. 70. (7).—See sec. 68. (8).—See secs. 135–148. (11).—See sec. 1. (13).—Sec. 2 of the P. H. (Ireland) Act, 1878, defines "owner," which has the same meaning as in the P. H. Act, 1875 (see *ante*, p. xlvii.). Sec. 107 corresponds to sec. 91 of the P. H. Act, 1875, and secs. 219–223, relate to the making, etc., of "bye-laws": see sec. 15, *ante*, p. 35. (15).—See sec. 134.

(iii.) *Repeal, etc.*

Repeal of
Acts.
1901.

161. The Acts specified in the Seventh Schedule to this Act are hereby repealed as from the dates and to the extent in that schedule mentioned ;

Provided that—

- (1.) All notices affixed in a factory or workshop in pursuance of any enactment 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 orders and all special rules and requirements made or having effect under any enactment hereby repealed shall continue to have effect as if they had been made under this Act ; and nothing in this Act shall be construed as altering the mode of making such special rules or requirements whilst the power to make them continues in force ; and
- (3.) All inspectors, sub-inspectors, certifying surgeons, officers, clerks, and servants, appointed in pursuance of any enactment 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
- (4.) All certificates of fitness for employment granted in pursuance of any enactment hereby repealed shall have effect as if granted in pursuance of this Act, and all registers kept in pursuance of any enactment hereby repealed shall, until otherwise directed by the Secretary of State,

be deemed to be the registers required by this Act.

The Interpretation Act, 1889, sec. 38, enacts as follows:—

(1.) Where this Act or any Act passed after the commencement of this Act repeals and re-enacts, with or without modification, any provisions of a former Act, references in any other Act to the provisions so repealed, shall, unless the contrary intention appears, be construed as references to the provisions so re-enacted.

(2.) Where this Act or any Act passed after the commencement of this Act repeals any other enactment, the repeal shall not—

- (a.) revive anything not in force or existing at the time at which the repeal takes effect; or
- (b.) affect the previous operation of any enactment so repealed or anything duly done or suffered under any enactment so repealed; or
- (c.) affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment so repealed; or
- (d.) affect any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment so repealed; or
- (e.) affect any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid;

and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty, forfeiture, or punishment may be imposed, as if the repealing Act had not been passed.

Sub-sec. (2).—See also sec. 156 (4). The Special Rules in force will be found in the Appx., *post*, p. 342.

162. This Act shall come into operation on the first day of January one thousand nine hundred and two. Commence-
ment of Act.

163. This Act may be cited as the Factory and Workshop Act, 1901. Short title.

SCHEDULES.



Sched. 1.
1891.

FIRST SCHEDULE.

SECTION 14.

PROVISIONS AS TO ARBITRATIONS.

(1.) The parties to the arbitration are in this schedule deemed to be the owner of the factory or workshop on the one hand and the district council on the other hand.

(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 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 must be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and the appointment 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.

(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 parties 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 has been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned.

(10.) The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

(11.) If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

(12.) If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party, an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

(13.) The decision of every umpire on the matters referred to him shall be final.

(14.) If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

(15.) Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

(16.) The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they think it expedient to consult.

(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 this Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of nonpayment be recovered in the same manner as fines under this Act.

The above provisions are the same (except (1)) as those contained in the First Schedule to the 1891 Act, which were applicable to arbitrations, both with reference to "provision against fire" under sec. 7, and in the case of "Special Rules, etc., under sec. 8. With regard to the latter, that schedule is not repealed, except "from a date to be fixed by Order of the Secretary of State," and will be found on p. 129, *ante*, and see note on p. 125, *ante*.

See sec. 14, and notes *ante*, pp. 29-35.

SECOND SCHEDULE.

SECTION 49.

FACTORIES AND WORKSHOPS IN WHICH OVERTIME IS ALLOWED.

(1.) Non-textile factories and workshops and parts thereof 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.) Any factory or workshop or part thereof in which is carried on the making or finishing 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.) Any factory or workshop or part thereof in which is carried on glue making ; and
- (2.) Non-textile factories and workshops and parts thereof where press of work arises at certain recurring seasons of the year ; namely—
- (f.) Letter press printing works ; and
 - (g.) Bookbinding works ; and
- any factory, workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—
- (h.) Lithographic printing ; or
 - (i.) Machine ruling ; or
 - (k.) Firewood cutting ; or
 - (l.) Bon-bon and Christmas present making ; or
 - (m.) Almanac making ; or
 - (n.) Valentine making ; or
 - (o.) Envelope making ; or
 - (p.) Aërated water making ; or
 - (q.) Playing card making ; and
- (3.) Non-textile factories and workshops and parts thereof where the business is liable to sudden press of orders arising from unforeseen events ; namely, any 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 making ; or
 - (w.) Job dyeing ; and
- (4.) Any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any

manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

The provisions of sec. 53 of the Act of 1878 as to two hours' overtime in 30 days for young persons and women, were extended to—

The occupation of—Die-sinking, Cardboard making, Paper colouring and enamelling, Rolling of tea-lead.

The occupation of—The making of Gas-holders, Boilers and other apparatus, partly manufactured in the open air.

The following non-textile factories and workshops, viz., Dressing floors, Tin streams, China clay pits, Quarries, in the County of Cornwall.

Non-textile factories in which the only processes carried on are the processes of calendering, finishing, hooking, lapping, or making up, and packing of any yarn or cloth, or any of such processes.

Workshops wherein the manufacture of fireworks is carried on. *L. G.*, 1882, Dec. 22; *St. R. & O. Rev.*, vol. iii. p. 227.

The making of pork pies. *L. G.* 1883, Nov. 27; *St. R. & O. Rev.*, vol. iii. p. 228.

The processes of warping, winding, or filling, or either of them, as incidental to the weaving of ribbons in "Workshops," but this exception is not applicable to (a) domestic workshops, or to (b) a workshop conducted on the system of not employing any child or young person therein. *L. G.*, 1884, March 14, and *ib.*, p. 229.

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. *L. G.*, 1884, Sept. 2, but this order was rescinded so far as regards the following factories, viz., Bleach Works and Dye Works in Lancashire and Cheshire. *L. G.*, 1887, May 10, and *ib.*, p. 231.

To such parts of non-textile factories as are used for the carrying on of the operations of milling, perforating, or gumming Inland Revenue Stamps and Postal Stationery. *L. G.*, 1889, Sept. 17, and *ib.*, p. 232.

To non-textile factories wherein the manufacture of fireworks is carried on. *L. G.*, 1890, Oct. 17; *St. R. & O.*, 1890, p. 648.

To factories and workshops or parts thereof, in which Bottling of beer is carried on. *L. G.*, 1896, Sept. 11; *St. R. & O.*, 1896, p. 108.

To factories and workshop or parts thereof in which the—Making of boxes for Aërated Water Bottles is carried on. *L. G.*, 1897, July 7; *St. R. & O.*, 1897, p. 121.

To factories and workshops, or parts thereof, in which the—Washing of bottles for use in the preserving of fruit is carried on. *L. G.*, 1899, June 30; *St. R. & O.*, 1899, p. 608.

See sec. 49 and notes, *ante*, p. 82. Young persons cannot now be employed overtime under that section.

THIRD SCHEDULE.

SECTION 88.

REGULATIONS AS TO GRINDING IN TENEMENT FACTORY.

(1.) Boards to fence the shafting and pulleys, locally known as drum boards, must be provided and kept in proper repair. (1895), s. 25, and Sched. 1.

(2.) Hand rails must be fixed over the drums and kept in proper repair.

(3.) Belt guards, locally known as scotchmen, must be provided and kept in proper repair.

(4.) Every floor constructed on or after the first day of January one thousand eight hundred and ninety-six must be so constructed and maintained as to facilitate the removal of slush, and all necessary shoots, pits, and other conveniences must be provided for facilitating such removal.

(5.) Every grinding room or hull established on or after the first day of January one thousand eight hundred and ninety-six must be so constructed that for the purpose of light grinding there shall be a clear space of three feet at least between each pair of troughs, and for the purpose of heavy grinding there shall be a clear space of four feet at least between each pair of troughs and six feet at least in front of each trough.

(6.) The sides of all drums in every grinding room or hull must be closely fenced.

(7.) Except in pursuance of special exemption granted by the Secretary of State, a grindstone must not be run before any fireplace or in front of another grindstone.

(8.) A grindstone erected on or after the first day of January one thousand eight hundred and ninety-six must not be run before any door or other entrance.

The following Order was made under the similar section (25) of the 1895 Act;—

Sched. 3. 258 THE LAW RELATING TO FACTORIES AND WORKSHOPS.

ORDER OF THE SECRETARY OF STATE, DATED OCTOBER 25, 1897,
ALLOWING GRINDSTONES TO BE RUN IN FRONT OF OTHER GRIND-
STONES IN CERTAIN CASES. (*St. R. & O.*, 1897, p. 122).

Whereas it is provided by section 25 of the Factory and Work-
shop Act, 1895 (*now sec. 88 of this Act*), that where grinding is
carried on in a tenement factory the owner shall be responsible for
the observance of the regulations set forth in the First Schedule to
the Act.

And whereas the seventh of such regulations is as follows :—

“Except in pursuance of a special exemption granted by the
Secretary of State, no grindstones shall be run before any fire-
place or in front of another grindstone.”

And whereas I, the Right Honourable Sir Matthew White Ridley,
Baronet, one of Her Majesty's Principal Secretaries of State, am
satisfied that a special exemption from the foregoing regulation may
properly be granted in the cases hereinafter specified.

I hereby grant a special exemption, as follows :

The said regulation shall not apply to the running of any grind-
stone in front of

BOLSTER STONES used by table-blade grinders, and
HUMPING AND SHANK STONES used by scissors-grinders.

FOURTH SCHEDULE.

SECTIONS 90-92, 96.

COTTON CLOTH FACTORIES.

"Order,"
April 27, 1893,
Sched. A.

TABLE.

MAXIMUM LIMITS OF HUMIDITY OF THE ATMOSPHERE AT
GIVEN TEMPERATURES.

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Ther- mometer Readings. Degrees Fahrenheit.	III. Wet Bulb Ther- mometer Readings. Degrees Fahrenheit.	IV. Per-centage of Humidity. Saturation = 100.
1.9	35	33	80
2.0	36	34	82
2.1	37	35	83
2.2	38	36	83
2.3	39	37	84
2.4	40	38	84
2.5	41	39	84
2.6	42	40	85
2.7	43	41	84
2.8	44	42	84
2.9	45	43	85
3.1	46	44	86
3.2	47	45	86
3.3	48	46	86
3.4	49	47	86
3.5	50	48	86
3.6	51	49	86
3.8	52	50	86
3.9	53	51	86
4.1	54	52	86
4.2	55	53	87
4.4	56	54	87
4.5	57	55	87
4.7	58	56	87
4.9	59	57	88
5.1	60	58	88
5.2	61	59	88
5.4	62	60	88
5.6	63	61	88
5.8	64	62	88

Sched. 4. 260 THE LAW RELATING TO FACTORIES AND WORKSHOPS.

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Ther- mometer Readings. Degrees Fahrenheit.	III. Wet Bulb Ther- mometer Readings. Degrees Fahrenheit.	IV. Per-centage of Humidity. Saturation = 100.
6.0	65	63	88
6.2	66	64	88
6.4	67	65	88
6.6	68	66	88
6.9	69	67	88
7.1	70	68	88
7.1	71	68.5	85.5
7.1	72	69	84
7.4	73	70	84
7.4	74	70.5	81.5
7.65	75	71.5	81.5
7.7	76	72	79
8.0	77	73	79
8.0	78	73.5	77
8.25	79	74.5	77.5
8.55	80	75.5	77.5
8.6	81	76	76
8.65	82	76.5	74
8.85	83	77.5	74
8.9	84	78	72
9.2	85	79	72
9.5	86	80	72
9.55	87	80.5	71
9.9	88	81.5	71
10.25	89	82.5	71
10.3	90	83	69
10.35	91	83.5	68
10.7	92	84.5	68
11.0	93	85.5	68
11.1	94	86	66
11.5	95	87	66
11.8	96	88	66
11.9	97	88.5	65.5
12.0	98	89	64
12.3	99	90	64
12.7	100	91	64

The above "Table" is the same as the one which was in force under the Order of the Secretary of State, dated April 27, 1893, made under sec. 6 of the Cotton Cloth Factories Act, 1889 (now repealed by this Act).

See sec. 90, *ante*, p. 138.

FORM OF RECORD.

FORM FOR RECORDING THE READINGS OF THE THERMOMETERS. (C. C. & Act,
1889. Sched.
B.).

Name of Occupier _____

Address of Factory _____

1901.

Room { Number or Designation _____
Process carried on _____
Number of Operatives _____
Cubic contents _____ cubic feet.

Date.		READINGS OF THERMOMETERS IN DEGREES FAHRENHEIT.						If no Artificial Humidity is produced in the 24 hours, insert in this column "None."	
Year.....		Between 7 and 8 a.m.		Between 10 and 11 a.m.		Between 3 and 4 p.m.			
		Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.		
Month and Day.									
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									

(Signed) _____
Occupier or Manager.

This "Form" is new. See sec. 92, *ante*, p. 140.

(1878), s. 74.

FIFTH SCHEDULE.

SECTION 124.

FEES OF CERTIFYING SURGEONS.

PART I.

FEES ON EXAMINATION FOR CERTIFICATES OF FITNESS FOR EMPLOYMENT.

When the examination is at
the factory or workshop.

2s. 6d. for each visit, and 6d.
for each person after the
first five examined at that
visit; and also if the
factory or workshop is
more than one mile from
the surgeon's residence, 6d.
for each complete half mile
over and above the mile.

When the examination is
not at the factory or work-
shop, but at the residence
of the surgeon, or at some
place appointed by the
surgeon for the purpose,
and that place as well as
the day and hour appointed
for the purpose has been
published in the prescribed
manner

6d. for each person examined.

PART II.

FEES ON EXAMINATION BY DIRECTION OF SECRETARY OF
STATE OR IN PURSUANCE OF REGULATIONS UNDER THIS
ACT.

When the number of hands is under 10	...	2s. 6d.	per visit.
" " " "	20	...	3s.
" " " "	30	...	3s. 6d.
" " " "	50	...	4s.
" " " "	75	...	4s. 6d.
" " " "	100	...	5s.
" " " "	over 100	...	7s. 6d.

With the addition of 1s. for every mile or part of a mile in excess of one mile from the surgeon's residence.

This was formerly sec. 74 of the 1878 Act. See sec. 124, *ante*, p. 201.

SIXTH SCHEDULE.

SECTIONS 54, 149, 156.

LIST OF FACTORIES AND WORKSHOPS.

(1878), ss. 93,
96, and Sched.
IV., Parts 1
and 2.

PART I.

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 ;

(2.) "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such

processes, or any process incidental thereto, are or is carried on ;

“ Earthen-ware works.” (3.) “ Earthenware works,” that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware or china of any description, except bricks and tiles not being ornamental tiles ;

“ Lucifer-match works.” (4.) “ Lucifer-match works,” that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood ;

“ Percussion-cap works.” (5.) “ Percussion-cap works,” that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps ;

“ Cartridge works.” (6.) “ Cartridge works,” that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges ;

“ Paper-staining works.” (7.) “ Paper-staining works,” that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power ;

“ Fustian-cutting works.” (8.) “ Fustian-cutting works,” that is to say, any place in which persons work for hire in fustian cutting ;

“ Blast furnaces.” (9.) “ Blast furnaces,” that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on ;

“ Copper mills.” (10.) “ Copper mills” ;

“ Iron mills.” (11.) “ Iron mills,” that is to say, any mill, forge, or other premises, in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel ;

“ Foundries.” (12.) “ Foundries,” that is to say, iron foundries, copper foundries, brass foundries, and other premises or

places in which the process of founding or casting any metal is carried on ; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work ;

(13.) "Metal and india-rubber works," that is to say, "Metal and india-rubber works." 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 ;

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

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

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

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

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

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

(20.) "Electrical stations," that is to say, any premises "Electrical stations." or that part of any premises in which electrical energy is generated or transformed for the purpose of supply by way of trade, or for the lighting of any street, public place, or public building, or of any hotel, or of any railway mine, or other industrial undertaking.

(2.) If any one or more of the processes mentioned in this clause is or are carried on in any premises, such premises are a "factory" within the meaning of the definition of that expression contained in sec. 149, although such processes are not incidental to the operation of "bleaching or dyeing." *Rogers v. Manchester Central Packing Co.* (1898), 1 Q. B. 344 ; 67 L. J. Q. B. 310 ; 78 L. T. 17 ; 62 J. P. 166 ; 14 T. L. R. 196. See also *Whymper v. Harney*, ante, p. 226 ; see also (24), *infra*.

(7.) This apparently includes the making of "wall papers," as merely colouring or staining paper would not necessarily render the place where that process only was carried on "a factory."

(12.) Thus a place where say only three men are employed at

casting metal would, if no other process was carried on there, be a "factory," but a place where some kind of business is carried on, with casting, etc., as a necessary adjunct to that business, and where not more than five persons are employed, will *not* be a factory. A place where founding and casting is the sole business carried on will be a "factory" whether power is used or not, and irrespective of the number of persons employed.

(20.) This is new. Any premises or the part of any premises *in which* electricity is generated for the supply by way of trade, of current in bulk, or for lighting streets, public places, or buildings, hotels, railways, mines, or "other industrial undertakings," will now be a "non-textile factory." Premises which are used in a private capacity, such as a club or society, even though electricity may be generated therein, will not, however, become non-textile factories.

PART II.

NON-TEXTILE FACTORIES AND WORKSHOPS.

"Hat works." (21.) "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." (22.) "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." (23.) "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." (24.) "Lace warehouses," that is to say, any premises, room, or place not included in bleaching and dyeing works as herein-before 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 ;

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

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

(27.) "Pit-banks," that is to say, any place above "Pit-banks." ground adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1887, 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.

50 & 51 Vict.

c. 58.

35 & 36 Vict.

c. 77.

(28.) Dry cleaning, carpet beating, and bottle washing works.

(24.) See also (2), "Bleaching and Dyeing works."

(25.) The fact that repairs are being done to a ship in a dock does not make the dock a "shipbuilding yard" within this definition. *Spencer v. Livett* (1900), 1 Q. B. 498; 69 L. J. Q. B. 338; 82 L. T. 75.

(26.) The expression "quarry" is described in the Quarries Act, 1894, sec. 1 (Appx., *post*, p. 339), as "every place (not being a mine) in which persons work in getting slate, stone, coprolites, or other minerals, and any part of which is more than 20 feet deep."

See as to the "modifications of application of the Factory Acts to quarries," sec. 3 of the former Act, *post*, p. 340.

(27.) The Coal Mines Regulations Act, 1887, secs. 3 and 7, regulates the employment of women above ground in connection with mines of—coal, stratified ironstone—shale—and of fire-clay. Those places, therefore, will not come within this definition.

The word "shaft" includes "pit" (*ib.*, sec. 75).

The Metalliferous Mines Regulation Act, 1872, contains no regulations as to the employment of women above ground. That Act applies to every mine of whatever description, other than a mine, to which the former Act applies. All pit-banks, therefore, of metalliferous mines, adjacent to the shaft of such mines, will come within this definition, provided steam, water, or other mechanical power is used in connection with the process, etc.

SEVENTH SCHEDULE.

SECTION 161.

PART I.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF
THIS ACT.

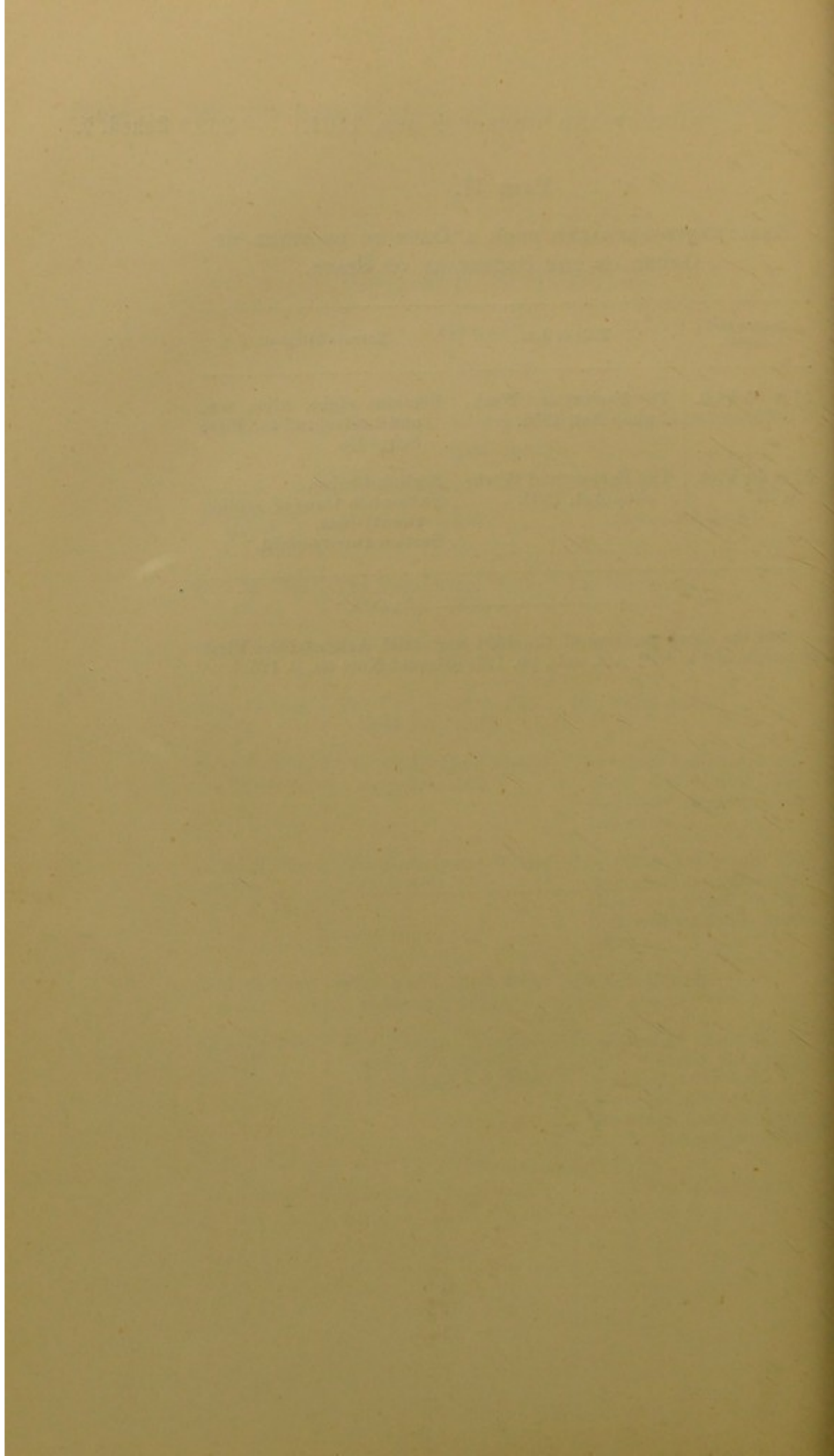
Session and Chapter.	Title of Act.	Extent of Repeal.
41 & 42 Vict. c. 16.	The Factory and Workshop Act, 1878.	The whole Act.
46 & 47 Vict. c. 53.	The Factory and Workshop Act, 1883.	The whole Act.
52 & 53 Vict. c. 62.	The Cotton Cloth Factories Act, 1889.	The whole Act.
54 & 55 Vict. c. 75.	The Factory and Workshop Act, 1891.	The whole Act except sections eight, nine, ten, and twelve, and the First Schedule.
58 & 59 Vict. c. 37.	The Factory and Workshop Act, 1895.	The whole Act except section twelve, subsection three of section twenty-four, and section twenty-eight.
60 & 61 Vict. c. 58.	The Cotton Cloth Factories Act, 1897.	The whole Act.
63 & 64 Vict. c. 27.	The Railway Employment (Prevention of Accidents) Act, 1900.	In subsection three of section thirteen the words "factory workshop or" wherever they occur, and the words "the occupier of the factory or workshop or."

PART II.

ENACTMENTS REPEALED FROM A DATE TO BE FIXED BY
ORDER OF THE SECRETARY OF STATE.

Session and Chapter.	Title of Act.	Extent of Repeal.
54 & 55 Vict. c. 75.	The Factory and Workshop Act, 1891.	Sections eight, nine, ten, and twelve, and the First Schedule.
58 & 59 Vict. c. 37.	The Factory and Workshop Act, 1895.	Section twelve. Subsection three of section twenty-four. Section twenty-eight.

See the above sections of the 1891 and 1895 Acts and the First Schedule of the 1891 Act, *ante*, pp. 125-134, and Note on, p. 125.



APPENDIX.

THE TRUCK ACT, 1831.

(1 & 2 GULIELMI IV. 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. Sec. 1.
[15th October, 1831.]

(1.) In all contracts hereafter to be made for the hiring of any artificer . . . or for the performance by any artificer of any labour . . . the wages of such artificer shall be made payable in the current coin of this realm only, and not otherwise; and if in any such contract the whole or any part of such wages shall be made payable in any manner other than in the current coin aforesaid, such contract shall be and is hereby declared illegal, null, and void.

Contracts for the hiring of artificers must be made in the current coin of the realm;

For a definition of the term "artificer," see Truck Act, 1887, sec. 2, *post*, where the word is given the same meaning, for the purpose of the Truck Acts, as the term "workman" has in the Employers and Workmen Act, 1875 (38 & 39 Vict. c. 90, sec. 10, *post*, p. 287).

Sec. 19 of this Act, which contained a list of the trades to which the Act was to apply, was repealed by the Schedule to the Act of 1887. The only definition of "employment" in the Acts is derived from sec. 2 of that Act. Generally, it seems that the Truck Acts apply to men, women, or children engaged in "manual labour." They do not apply to domestic servants (see sec. 20, *post*), or to clerks or persons whose principal labour is head or pen-work, but certain provisions of the Act of 1896 do apply to shop assistants (see sec. 1, *post*, p. 299). They apply in mines, factories, and workshops (for definition of factories and workshops, see *ante*, p. 222). They also

apply in all places where workpeople are engaged in "manual labour" under a contract with an employer, whether or not such employer be an owner or agent, or a parent, or be himself a workman; it follows that a workman who employs and pays others under him is bound to observe the provisions of the Truck Acts.

As to meaning of "wages," see note to sec. 3, *infra*.

The provisions of this section must be observed in the spirit as well as in the letter. In *Wilson v. Cookson* (1863), 13 C. B. N.S. 496; 32 L. J. M. C. 177; 9 Jur., N.S. 177; 8 L. T. 53; 11 W. R. 426), Keating, J., said:—"The intention of the legislature is clear, that under no pretence whatever is payment to be made otherwise than in money." It was also held in that case that it is not necessary that the payment of wages in goods instead of money shall be the result of a contract or understanding between the employer and the workman; the mere payment is enough.

In *Gould v. Haynes* (1890), 89 L. J. M. C. 9; 61 L. T. 732; 54 J. P. 405), H., a licensed victualler and brickmaker, supplied his men with liquor on credit to the amount of 3s. 10d. per week. In the evening before pay day, he paid at the bar 4s. to one of them, which was immediately handed back to H., he keeping it all except 2d. Next day he paid the wages of the men in coin, deducting the 4s. paid in the manner above described:—*Held*, that this was a payment otherwise than in coin, and that the handing over 4s. was only a colourable evasion of the Act.

A contract which is illegal, null, and void cannot be sued upon or enforced (*Collins v. Blantorn* (1765), 1 S. L. C. 404). So an employer who has supplied goods in lieu of wages cannot recover the price thereof, although he may be compelled to pay the workman his wages in cash. (See secs. 5 and 6, *infra*.) In some cases under the Truck Acts, workmen have been enabled to recover back all the deductions, even though they have had payment in another form. (See *Glasgow v. The Independent Printing Co.*, in note to sec. 3, *infra*.)

and must not contain any stipulations as to the manner in which the wages shall be expended.

2. If in any contract hereafter to be made between any artificer 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.

See definition of "contract," sec. 25, *infra*. As to the meaning of "artificer," see sec. 2 of the Act of 1887, *infra*.

See exceptions mentioned in sec. 24, *infra*.

This Act does not prevent barter of goods by persons between whom the relationship of employer and employed does not exist. If,

however, the seller is a workman who makes things on a small scale, and sells them to a trader, that trader will, by virtue of sec. 10 of the Truck Act, 1887, *post*, 287, be considered to be an employer, and will be bound to make payment in cash.

The words "in any of the Trades hereinafter enumerated," and "in any of the said Trades" and "in any such Trade" and "in such Trade," in secs. 1-7, and in sec. 9, are repealed by the S. L. Rev. Act, 1891.

3. The entire amount of the wages earned by or payable to any artificer . . . in respect of any labour by him done . . . 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.

By sec. 8, *infra*, wages can be paid in bank-notes, if artificer consents. Wages are only ascertained when the cost of such articles as are necessary to earn them has been deducted from the gross payment. (But see sec. 3 of the 1896 Act, *post*.) It is, therefore, necessary to draw a distinction between deduction on account of wages, and deductions which are made in pursuance of some scheme for calculating the amount of wages. These are not illegal. In *Chawner v. Cummings* ((1846), 8 Q. B. 311; 15 L. J. Q. B. 161; 10 Jur. 454), the plaintiff was employed by the defendant as a frame-work knitter or weaver of gloves in frames provided by the defendant, and was paid according to the quantity of work he performed, at an agreed price per dozen pairs, subject to certain charges and deductions according to the usages of the trade. Those deductions were a charge for frames and standing room, for a boy winding, and a small percentage when the weekly wages of the plaintiff exceeded a certain sum. In these circumstances it was held by Denman, C.J., Coleridge, Patteson, and Wightman, JJ., that the deductions being merely part of the mode of calculating the amount of wages, were not within the prohibition in this section. So in *Hughes v. Donella* ((1894), 10 T. L. R., 197), a deduction for "steam-power" was held to be a method of calculating wages, and not illegal.

A payment made by an employer, at the instance of a person employed, to discharge some obligation of the person employed, or to place money in the hands of some person in whose hands the person employed desires it to be placed, is, within the meaning of this section and of sec. 4, *infra*, a payment to the person employed as much as if the current coin of the realm had been placed in his or

her hands. Thus in *Hewlett v. Allen* ((1894), A. C. 383; 63 L. J. Q. B. 608; 71 L. T. 94; 42 W. R. 670; 58 J. P. 700), deductions for contributions to a sick fund, which had been acquiesced in for a long period, and were paid to the treasurer of the fund by the employer, were upheld by the House of Lords as substantially a payment to the appellant herself. See also *McLucas v. Campbell*, note to sec. 23, *infra*.

If an employer requires a weaver to take a piece of cloth damaged by him in weaving in discharge of wages, he pays in goods within the meaning of the section (*Smith v. Walton* (1878), 3 C. P. D. 109; 47 L. J. M. C. 45; 37 L. T. 437; 42 J. P. 280). Payment by a note or order for goods is also a violation of the section (*Athersmith v. Drury* (1858), 1 El. & El. 46; 28 L. J. M. C. 5; 5 Jur., n.s. 433; 7 W. R. 14).

The offence of paying wages otherwise than in coin is not purged by wages being afterwards paid by order of justices; and it will be an offence if goods are delivered to a workman and subsequently taken into account when his wages are being reckoned, although no agreement as to their being so treated is in existence [*Wilson v. Cookson*, and *Fisher v. Jones* (1863), 32 L. J. M. C. 177].

Fines and penalties were always treated by the Courts as mere non-payment (*Redgrave v. Kelly* (1890), 37 W. R. 543; 54 J. P. 70). They are now regulated by secs. 1 and 2 of the Truck Act, 1896, *post*.

Where a workman is paid by bonus or by the deduction of a sum mentioned in the rules as liquidated damages for the breach of rules, this is not a deduction within the Truck Acts, 1831 and 1887. In *Beetham v. Crewdson* ((1891), 55 J. P. 55; 6 T. L. R. 379), the appellant was overlooker in a factory. By the rules of the factory he forfeited the sum of twenty shillings if he engaged a child before such child's name was entered in the register. The owner of the factory had another factory near, in which the name of the child had been duly entered in the register, and on being after an interval engaged in the first factory, the child's name was not entered by the overlooker. The owner deducted 20s. from his wages, and for this sum he sued the owner: —*Held*, that there was nothing in the Truck Acts of 1831 or 1887 to prevent the deduction, and that the forfeiture was not a penalty, but liquidated damages. But a deduction of this kind would be within the Act of 1896. See sec. 1.

Payment by shares in a company is illegal. In *Glasgow v. The Independent Printing, etc., Co.* ((1901), Ir. L. R. 2 K. B. 278), the plaintiff was employed by the defendants as a journeyman machinist at 22s. per week. In October, 1894, an agreement was entered into by which the plaintiff's wages continued at 22s. per week, of which 2s. per week was to be satisfied by shares of the company. He was paid 20s. down to April 24, 1897, when he served notice on the defendants that he would not accept the reduced wages, and from that date until Feb., 1899, he was paid 22s. a week in cash. In Feb., 1899, he left the defendants' employment, and brought an action for £12, the difference between the 20s. and the 22s. a week from the date of

agreement in 1894 to April 24, 1897:—*Held*, by the Irish Court of Appeal, that the agreement was void under the Truck Acts, and that the defendants were liable to pay so much of the plaintiff's wages as had not been paid in current coin of the realm; and that there was nothing either in the concurrence of the other workmen or in the plaintiff's own conduct to prevent him from recovering.

4. Every artificer shall be entitled to recover from his employer . . . in the manner by law provided for the recovery of servants' wages, or by any other lawful ways and means, the whole or so much of the wages earned by such artificer . . . 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.

See note to sec. 3, *supra*.

Sums recoverable under this section were recoverable under the count for "work and labour" (see *Chawner v. Cummings* (1846), 8 Q. B. 311, and *ubi supra*). As to proceedings before a County Court, see Employers and Workmen Act, 1875 (38 & 39 Vict. c. 90 sec. 3), which enlarges the jurisdiction of the County Court in cases of this kind. That Act gives power to courts of summary jurisdiction to determine disputes between employees and employer in certain cases. Sec. 4 provides that:—"A dispute under this Act between an employer and a workman may be heard and determined by a court of summary jurisdiction, and such court, for the purposes of this Act, shall be deemed to be a court of civil jurisdiction, and in a proceeding in relation to any such dispute, the Court may order payment of any sum which it may find to be due as wages, or damages or otherwise, and may exercise all or any of the powers by this Act conferred on a County Court; provided that in any proceeding in relation to any such dispute, the court of summary jurisdiction:—(1) Shall not exercise any jurisdiction where the amount claimed exceeds £10; and (2) Shall not make an order for the payment of any sum exceeding £10 exclusive of the costs incurred in the case; and (3) Shall not require security to an amount exceeding £10 from any defendant or his surety or sureties." It has been held that where an employer claims damages for a workman's absence without notice, a "dispute" exists within the meaning of this section, and that the justices have jurisdiction (*Clemson v. Hubbard* (1875), L. R. 1 Ex. D. 179; 45 L. J. M. C. 69; 33 L. T. 816; 24 W. R. 312), and that the time for bringing a complaint is not limited to the six months limited by the Summary Jurisdiction Act, 1848. (*Charles v. Plymouth Waterworks* (1890), 60 L. J. M. C. 20; 64 L. T. 466; 39 W. R. 122; 55 J. P. 469.) Justices have power to make an order against one or more co-partners in a firm for payment of sums appearing to be due (see sec. 13, *post*, p. 279).

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. In any action, suit, or other proceeding to be hereafter brought or commenced by any artificer, against his employer, for the recovery of any sum of money due to any such artificer as the wages of his labour . . . 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 merchandize 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 merchandize 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 note to sec. 3, *supra*, for meaning of goods, wages, etc.

By sec. 6 of the Act of 1887, an employer cannot make a contract with his workman as to spending his wages at any particular shop, etc.

It is to be observed, however, that there is nothing in this Act which prevents a workman dealing at his employer's shop. If he does so, cash must be paid, for the employer cannot recover for any goods supplied on credit (sec. 6, *infra*). The words "any share or interest" in "the profits," seem to imply that if the employer were even a shareholder in a company which owned the shop or warehouse, he would have an "interest" within the meaning of the Act.

For exceptions to the generality of the law in this section, see sec. 23, *infra*. It will there be seen that an employer is allowed to give food to a workman in part payment of his labour, if it is cooked and eaten on the employer's premises, and it follows that an employer may deduct from wages for refreshment supplied on the premises to his workmen. He is not, however, authorized to make a charge for the use of cooking utensils or coals, or a dining-room.

No employer shall have any action against his artificer for goods supplied to him on account of wages.

6. No employer of any artificer . . . 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.

By sec. 5 of the Act of 1887, an order for goods as a deduction from wages is illegal.

See note to sec. 5, *supra*.

7. If any artificer, or his wife or widow, or if any child of any such artificer, not being of the full age of twenty-one years, shall become chargeable to any parish or place, and if within the space of three calendar months next before the time when any such charge shall be incurred such artificer shall have earned or have become entitled to receive any wages for any labour by him done . . . which wages shall not have been paid to such artificer in the current coin of this realm, it shall be lawful for the overseers or overseer of the poor in such parish or place to recover from the employer of such artificer in whose service such labour was done the full amount of wages so unpaid, and to proceed for the recovery thereof by all such ways and means as such artificer himself might have proceeded for that purpose; and the amount of wages which may be so recovered shall be applied in reimbursing such parish or place all costs and charges incurred in respect of the person or persons to become chargeable, and the surplus shall be applied and paid over to such person or persons.

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.

By sec. 16 of the Truck Act, 1887, *post*, the powers conferred by the above section on overseers of the poor, are now conferred upon the guardians of a union in England, and upon the inspectors of the poor in Scotland.

8. Provided always that nothing herein contained shall be construed to prevent or to render invalid any contract for the payment, or any actual payment, to any artificer, of the whole or any part of his wages, either in the notes of the Bank of England, or in the notes of any person or persons carrying on the business of a banker, and duly licensed to issue such notes in pursuance of the laws relating to his Majesty's revenue of stamps, or in drafts or orders for the payment of money to the bearer on demand, drawn upon any person or persons carrying on the business

Not to invalidate the payment of wages in bank notes, if artificer consents.

of a banker, being duly licensed as aforesaid, within fifteen miles of the place where such drafts or orders shall be so paid, if such artificer shall be freely consenting to receive such drafts or orders as aforesaid, but all payments so made with such consent as aforesaid, in any such notes, drafts or orders as aforesaid, shall for the purposes of this Act be as valid and effectual as if such payments had been made in the current coin of the realm.

Penalties on
employers
entering into
contracts
hereby de-
clared illegal.

9. Any employer of any artificer . . . 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 misdemeanour, 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.

The above penalties are also imposed under the Act of 1896 (see *ib.*, sec. 4).

The words "nor less than five pounds" are repealed, except as to Ireland, by S. L. Rev. Act, 1891 (see secs. 11 and 13 (1) of the Act of 1887).

An artificer in a trade within this Act, having through negligent workmanship damaged a piece of cloth, his employer delivered to him the damaged cloth instead of such wages earned as were equivalent to the value which, according to the assessment of the employer, the cloth would have had if undamaged:—*Held*, that the employer had paid wages otherwise than in current coin, and was therefore liable to a penalty under this section of the Act: *Smith v. Walton* (1877), L. R. 3 C. P. Div. 109; 47 L. J. M. C. 45; 37 L. T. 437. But the deduction of fines from wages for spoilt work is merely non-payment, and is not an offence within this section: *Redgrave v. Kelly* (1889), 37 W. R. 543; 54 J. P. 70.

An employer is entitled to be relieved of responsibility for the acts of his agent in certain cases (see 1887 Act, sec. 12).

Second
offence.

10. . . . Provided always, that no person shall be punished as for a second offence under this Act unless ten days at the least shall have intervened between the conviction of such person for the first and the conviction by

such person of the second offence, but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a first offence; and that no person shall be punished as for a third offence under this Act, unless ten days at the least shall have intervened between the conviction of such person for the second and the conviction by such person of the third offence; but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a second offence; and that the fourth or any subsequent offence which may be committed by any such person against this Act shall be inquired of, tried, and punished in the manner hereinbefore provided in respect of any third offence; and that if the person or persons preferring any such information shall not be able or shall not see fit to produce evidence of any such previous conviction or convictions as aforesaid, any such offender as aforesaid shall be punished for each separate offence by him committed against the provisions of this Act by an equal number of distinct and separate penalties, as though each of such offences were a first or a second offence, as the case may be; and that no person shall be proceeded against or punished as for a second or as for a third offence at the distance of more than two years from the commission of the next preceding offence.

The first part of this section, which is not here printed, was repealed by the Truck Act, 1887, sched.

11 and 12. (*Justices may compel the attendance of witnesses, and power to levy penalties by distress.*) [*Repealed by the Act of 1887, sched.*]

13. No person shall be liable to be convicted of any offence against this Act committed by his or her copartner in trade, and without his or her knowledge, privity, or consent; but it shall be lawful, when any penalty, or any sum for wages, or any other sum, is ordered to be paid, under the authority of this Act, and the person or persons ordered to pay the same shall neglect or refuse to do so, to

A partner not to be liable in person for the offence of his copartner, but the partnership property to be so liable.

levy the same by distress and sale of any goods belonging to any copartnership 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 copartnership for the justices, at the hearing of any complaint for the non-payment thereof, to make an order upon any one or more copartners 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 copartners, shall be deemed to be a sufficient service upon all.

As to definition of wages, see notes to sec. 3, *ante*.

How summonses are to be served.

14. In all cases it shall be deemed and taken to be sufficient service of any summons to be issued against any offender or offenders by any justice or justices of the peace, under the authority of this Act, if a duplicate or true copy of the same be left at or upon the place used or occupied by such offender or offenders for carrying on his, her, or their trade or business, or at the place of residence of any such offender or offenders, being at or upon any such place as aforesaid, the same being directed to such offender or offenders by his, her, or their right or assumed name or names.

15 and 16. (*Forms of conviction, etc., and justices to return convictions to the clerk of the peace, who is to deliver copies to persons applying.*) [*Repealed by the Act of 1887, sched.*]

Convictions not to be quashed for want of form.

17. No conviction, order, or adjudication made by any justices of the peace under the provisions of this Act shall be quashed for want of form, nor be removed by certiorari or otherwise into any of his Majesty's superior courts of record; [*and no warrant of distress, or of commitments in default of sufficient distress, shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.*]

The words in italics *supra* are repealed except as to Ireland, by S. L. Rev. Act, 1891.

18 and 19. (*Application of penalties, etc., and specification of the trades to which the Act is to apply.*) [Repealed by the Act of 1887, sched.]

20. Nothing herein contained shall extend to any domestic servant. . . .

The words "or Servant in Husbandry" repealed by the Act of 1887, sched.

21 and 22. (*Certain persons not to act as justices, and county magistrates to act in cases where those of towns, etc., are disqualified as above.*) [Repealed by the Act of 1887, sched.]

23. Nothing herein contained shall extend or be construed to extend to prevent any employer of any artificer, or agent of any such employer, from supplying or contracting to supply to any such artificer any medicine or medical attendance, or any fuel, or any materials, tools, or implements to be by such artificer employed in his trade or occupation, if such artificers be employed in mining, or any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such artificer in his trade and occupation; nor from demising to any artificer . . . 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 any 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,

Particular exceptions to the generality of the law.

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.

This is the only provision in the Truck Acts which permits contracting out of the Acts of 1831 and 1887. The Act of 1896 does not permit contracting out.

It has been held that the contract as to the supply of "materials," in order to be within this section, must be shown to be an absolute contract of sale, and not a mere contract of hiring by the artificer (*Cutts v. Ward* (1867), L. R. 2 Q. B. 357; 36 L. J. Q. B. 161; 15 L. T. 614; 15 W. R. 445), and the amount to be deducted in respect of each head of deduction need not be specified in the written contract, *ib.* In *ex parte Cooper* ((1884), L. R. 26 Ch. D. 693; 51 L. T. 374), employers had made by arrangement certain deductions from wages for a "doctor's fund," but there was no contract in writing authorizing the employers to make the deduction, and the amount thereof had not been paid over to the doctor before the bankruptcy of the employers:—*Held*, by the Court of Appeal, that there had been no valid payment within the Act of the fund to the workmen, and that they were entitled to have the amount refunded as unpaid wages. It was doubted whether, if the sum in question had actually been paid to the doctor, in discharge of a debt for which the workmen were liable, it would have been an illegal payment. But it has since been held (*Hewlett v. Allen* (1894), A. C. 383; see note to sec. 3, *ante*) that such a payment is not illegal.

As to what will amount to a "written" contract, the following Scotch case may be referred to. The conditions of employment in a colliery provided for deduction from miners' wages for house-rent, medical attendance, etc. The pay-tickets bore on their face that such deductions were made, and were signed by the miners on receiving wages. It was held (*per* Lord M'Laren) that the signed pay-tickets did not form a written contract in the sense of the above section, and that miners who had signed them were not barred from objecting to such deductions and suing for wages as still due (*Hynd v. Spewart* (1884), 22 S. L. R. 702).

From another Scotch case it would seem that if an employer who is not his workman's landlord, deducts rent from the workman's wages and pays it over to the workman's landlord, although without any written contract in that behalf, that he does not duly infringe this Act: *M'Lucas v. Campbell* (1892), 30 S. L. R. 226.

As to the right to supply food to a servant in husbandry, see note to sec. 4 of the 1887 Act, *post*.

The provisions of this section are unaffected by sec. 5 of the Act of 1887, and written contracts under this section are unaffected by sec. 6 of that Act. (See *Lamb v. Great Northern Railway Co.* (1891),

2 Q. B. 281; 60 L. J. Q. B. 489; 65 L. T. 225; 39 W. R. 475; 56 J. P. 22.)

24. Nothing herein contained shall extend or be construed to extend to prevent any such employer from advancing to any such artificer any money to be by him contributed to any friendly society or bank for savings duly established according to law, nor from advancing to any such artificer any money for his relief in sickness, or for the education of any child or children of such artificer, nor from deducting or contracting to deduct any sum or sums of money from the wages of such artificers for the education of any such child or children of such artificer. . . .

Employers may advance money to artificers for certain purposes.

The last two lines of this section are repealed by the Act of 1887, sched.

An employer stopped part of the wages of an artificer as a contribution to funds established by him to provide medicines and medical attendance for the artificers employed by him, and schools for their children, without any written agreement with the artificer: —*Held*, that the artificer was entitled to recover the whole of the deductions: *Pillar v. Llynvi Coal and Iron Co.* (1869), L. R. 4 C. P. 752; 38 L. J. C. P. 294; 20 L. T. 923; 17 W. R. 1123.

25. . . . 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."

Definition of terms.

The first part of this section was repealed by the Act of 1887, sched.

26. (*Commencement of Act.*) [*Repealed S. L. R. Act, 1888.*]

27. The provisions of this Act shall extend over the whole of that part of the United Kingdom of Great Britain and Ireland called Great Britain.

To extend over Great Britain.

See now, as to "Ireland," sec. 18 of the Act of 1887, *infra*.
Schedule repealed by the Act of 1887.

HOSIERY MANUFACTURE (WAGES) ACT, 1874.

Sec. 1.

(37 & 38 VICT. CAP. 48.)

An Act to provide for the Payment of Wages without
Stoppages in the Hosiery Manufacture.

[30th July, 1874.]

WHEREAS a custom has prevailed among the employers of artificers in the hosiery manufacture of letting out frames and machinery to the artificers employed by them, and it is desirable to prohibit such letting of frames and machinery, and the stoppage of wages for frame rents and charges in the hosiery manufacture :

Be it enacted, etc., as follows :

Wages to be
paid without
any stoppages
whatever.

1. In all contracts for wages the full and entire amount of all wages the earnings of labour in the hosiery manufacture shall be actually and positively made payable in net, in the current coin of the realm, and not otherwise, without any deduction or stoppage of any description whatever, save and except for bad and disputed workmanship.

“Employers” and “artificers” are defined for the purposes of this Act by sec. 7, *infra*.

Contracts to
stop wages
and for frame
rents illegal.

2. All contracts to stop wages, and all contracts for frame rents and charges, between employer and artificers, shall be and are hereby declared to be illegal, null, and void.

Penalty for
bargaining to
deduct and
for deducting
from wages.

3. If any employer shall bargain to deduct, or shall deduct, directly or indirectly, from the wages of any artificer in his employ any part of such wages for frame rent and standing or other charges, or shall refuse or

neglect to pay the same or any part thereof in the current coin of the realm, he shall forfeit a sum of five pounds for every offence, to be recovered by the said artificer or any other person suing for the same in the county court in the district where the offence is committed, with full costs of suit.

In *Wallis v. Thorp* ((1875), *L. R.* 10 *Q. B.* 383; 44 *L. J. Q. B.* 137; 33 *L. T.* 11; 23 *W. R.* 730), the plaintiff was in the employment of the defendants as a hand-frame worker. By the regulations of the factory, he was liable to a fine of 8*d.* a day for staying away from work without permission. The plaintiff had been fined for so absenting himself, and the amount was deducted by the defendants from his wages:—*Held*, that the deduction of fines from wages was not within this section, and the defendants were not liable to a penalty.

4. If any frame or machine which shall have been entrusted to any artificer or other person by his employer for the purpose of being used in the hosiery manufacture for such employer, or in any process incident to such manufacture, shall, whilst the same shall be so entrusted, be worked, used, or employed without the consent in writing of such employer or other person so entrusting such frame or machine, in the manufacture of any goods or articles whatever for any other person than the person by whom such frame or machine shall have been so entrusted, then and in every such case the artificer or other person to whom the same shall have been so entrusted shall forfeit and pay the sum of ten shillings for every day on any part of which any such frame or machine shall have been so worked, used, or employed, to be recoverable by and for the benefit of the person who shall have so entrusted the same, in the county court for the district where the offence shall have been committed, with full costs of suit.

Penalty for using frame otherwise than for the purpose for which same lent.

5. No action, suit, or set-off between employer and artificer shall be allowed for any deduction or stoppage of wages, nor for any contract hereby declared illegal.

No action to be allowed in respect of any such bargaining.

6. Nothing in this Act contained shall extend to prevent the recovery in the ordinary course of law, by suit brought or commenced for the purpose, of any debt due from the artificer to the employer.

Not to prevent the recovery by employer of any debt due to him from artificer.

Definition of
terms. ¶

7. Within the meaning and for the purposes of this Act, all workmen, labourers, and other persons in any manner engaged in the performance of any employment or operation, of what nature soever, in or about the hosiery manufacture, shall be and be deemed "artificers;" and, within the meaning and for the purposes aforesaid, all masters, foremen, managers, clerks, contractors, sub-contractors, middlemen, and other persons engaged in the hiring, employment, or superintendence of the labour of any such artificers shall be and be deemed to be "employers;" and, within the meaning and for the purposes of this Act, any money or other thing had or contracted to be paid, delivered, or given as a recompense, reward, or remuneration for any labour done or to be done, whether within a certain time or to a certain amount, or for a time or for an amount uncertain, shall be deemed and taken to be the wages of such labour; and, within the meaning and for the purposes aforesaid, 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 artificers 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."

Commence-
ment of Act.

8. This Act shall not commence or take effect till the expiration of three calendar months next after the day of passing the same.

Short title.

9. This Act may be cited for all purposes as the Hosiery Manufacture (Wages) Act, 1874.

TRUCK AMENDMENT ACT, 1887.

(50 & 51 VICT. CAP. 46.)

Secs. 1, 2.

An Act to amend and extend the Law relating to Truck.

[16th September, 1887.]

BE it enacted, etc., as follows :—

1. This Act may be cited as the Truck Amendment Short title. Act, 1887. The Act of the session of the first and second years of the reign of King William the Fourth, chapter thirty-seven, intituled “An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm” (in this Act referred to as the principal Act), may be cited as the Truck Act, 1831, and that Act and this Act may be cited together as the Trucks Acts, 1831 and 1887, and shall be construed together as one Act.

For an illustration of the effect of the Acts of 1831 and 1887 being construed together, see *Lamb v. G. N. R. Co.* (1891), 2 Q. B. 281.

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.

Application
of principal
Act to work-
men as defined
by 38 & 39
Vict. c. 90.

“Workman” is defined by sec. 10 of the Employers and Workmen Act, 1875 (38 & 39 Vict. c. 90), as follows :—

“The expression ‘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 express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour."

Under the Truck Act, 1831, there was considerable doubt as to who could be included under the term "artificer." The result of the cases decided under that Act was to include those who contract to use their personal services, and to receive wages therefor (see *Riley v. Warden* (1849), 2 Ex. 59; 18 L. J. Ex. 120). The extension of the Truck Acts to workmen as defined in sec. 10 of the Employers and Workmen Act, 1875, *supra*, has rendered it unnecessary to consider many of the cases decided between 1831 and 1887. In *Hunt v. G. N. R. Co.* (1891), 1 Q. B. 601, it was held that the guard on a railway whose duty is to guard and conduct the train, and to marshal the trucks, is not a "labourer" within the meaning of the Employers and Workmen Act, 1875, sec. 10, *supra*, incorporated in this section, "The duty of a goods guard is much the same as that of a passenger guard, namely, to see that the train is properly put together, and to carefully conduct it. It is a duty requiring care, skill, and experience, and the labour which it involves is mental rather than physical. No doubt it would occasionally be his duty, where necessary, to assist the porters in the transhipment of goods to or from his train; but that is not enough to make him a person engaged in manual labour": per Pollock, B., *ib.*, at p. 603.

The following persons come within the Truck Act, 1831, and this Act:—"Butty colliers," *e.g.* colliers who get coal at so much a yard, or are employed by the piece, or by the day, and who employ others under them: *Bowers v. Lovekin* (1856), 6 El. & Bl. 584; 25 L. J. Q. B. 371; 2 Jur., n.s. 1187; 4 W. R. 600; *Sleeman v. Barrett* (1864), 2 H. & C. 934; 33 L. J. Ex. 153; 10 Jur., n.s. 476; 9 L. T. 834; 12 W. R. 411. A workman whose personal skill and labour are the essence of his contract, but who does work at home, and employs other workmen: *Pillar v. Llynvi Coal and Iron Co.* (1869), L. R. 4 C. P. 752; 38 L. J. C. P. 294; 20 L. T. 923; 17 W. R. 1123. A designer of patterns engaged by a frilling manufacturer for seven years at £7 a week, and having men under him: *Jackson v. Hill* (1884), 13 Q. B. D. 618; 48 J. P. 489. A tailor or shoemaker (see *ex parte Gordon* (1855), 25 L. J. M. C. 12; 1 Jur., n.s. 683, where Wightman, J., uses the terms artificer and handicraftsman as applied to a tailor). A workman employed to do "specific work or labour": *Grainger v. Aynsley*; *Bromley v. Tams* (1881), 6 Q. B. D. 182; 50 L. J. M. C. 48; 29 W. R. 242; 45 J. P. 142. A person working manually at weekly wages and commission and superintending other workmen: *Whiteley v. Armitage* (1866), 13 W. R. 144.

The following persons have been held to be outside the Truck Acts, 1831-1887:—An omnibus conductor: *Morgan v. The London*

General Omnibus Co. (1883), 12 Q. B. D. 201; 50 L. T. 687; 32 W. R. 759; 48 J. P. 503. A tram-car driver: *Cook v. Metropolitan Tramway Co.* (1887), 35 W. R. 577; 51 J. P. 630. An "assistant" in a grocer's shop, but this depends upon whether labour is his real and substantial employment, or whether it is incidental and accessory to his employment: *Bound v. Lawrence* (1892), 1 Q. B. 226; 61 L. J. M. C. 21; 65 L. T. 844; 40 W. R. 1; 56 J. P. 118. A "potman" in a public house: *Pearce v. Lansdowne* (1893), 62 L. J. Q. B. 441; 69 L. T. 316; 57 J. P. 760. The "guard" of a goods train: *Hunt v. G. N. R. Co.*, *ubi supra*. A telegraph clerk, a writer, or a hair-cutter: *ob. dict.* of A. L. Smith, J., in *Cook v. Metropolitan Tramway Co.*, *supra*.

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. Advance of wages.

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.

The proviso to this section seems to be more surplusage in view of the fact that the two Acts are to be read together (see *per* A. L. Smith, J., in *Lamb v. G. N. R. Co.* (1891), 2 Q. B., at p. 286).

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 No contracts with workman as to spending wages at any

particular
shop, &c.

the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid to the workman are or is to be expended, and no employer shall by himself or his agent dismiss any workman from his employment for or on account of the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid by the employer to such workman are or is expended or fail to be expended.

“This section aims at coercion by the master of the men, and says that the effect of such coercion is to render the contract illegal and void”: *per* A. L. Smith, J., in *Lamb v. G. N. R. Co.* (1891), 2 Q. B., at p. 286. It does not, however, apply to written contracts excepted by sec. 23 of the Act of 1831 from the operation of that Act. In the last-mentioned case, plaintiff, a railway porter, on entering the service of the defendants, signed an agreement, one of the conditions of which was that certain deductions should be made weekly from his pay as his contribution to a sick and funeral allowance fund; the fund was for the benefit of the defendants' servants, and was managed on their behalf by the defendants. Deductions were made weekly from the plaintiff's wages until he left the defendants' service, when he brought an action to recover the amount of the deductions as having been made in contravention of the Truck Acts. During the period in respect of which the plaintiff sued, a larger sum had been paid out of the fund for medical attendance on the plaintiff and his wife than the total amount of his contributions which he sought to recover. The plaintiff claimed to be entitled to recover the amount of deductions made from his wages from Sept. 16, 1887, on which day this Act came into operation, down to the date of leaving the service:—*Held*, by Smith and Grantham, JJ., that this section did not apply to written contracts excepted by sec. 23 of the Act of 1831 from the operation of that Act; that the deductions were, therefore, legally made, and that the plaintiff was not entitled to recover.

It is submitted that the purchase of goods by a workman for the purposes of his work, such as gunpowder, etc., is not laying out or expending wages, but is rather in the nature of an expenditure which, when deducted from the gross sum agreed to be paid, leaves the “wages” as the residue. (See note to 1831, sec. 3, *ante*.)

Deduction for
education.

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.

The Board of Education was substituted for the Education Department in England and Wales by the Board of Education Act, 1899 (62 & 63 Vict. c. 33, sec. 2).

8. No deduction shall be made from a workman's wages for sharpening or repairing tools, except by agreement not forming part of the condition of hiring. Deduction for sharpening tools, &c.

As to such agreements, see sec. 3 of Act of 1896, *post*. An agreement of this kind will not require a stamp (*ib.*, sec. 7).

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. Audit of deductions.

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. 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 to 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.

As to value of articles to which this section applies, see second paragraph, *supra*.

See the definitions of a "domestic factory" and a "domestic workshop" in the Factory and Workshop Act, 1901, sec. 115, *ante*, p. 181.

Offences.

11. If any employer or his agent contravenes or fails to comply with any of the foregoing provisions of this Act, such employer or agent, as the case may be, shall be guilty of an offence against the principal Act, and shall be liable to the penalties imposed by section nine of that Act as if the offence were such an offence as in that section mentioned.

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 proceeding against the employer.

Cf. the provisions of this section with those of secs. 140, 141 of the Factory, etc., Act, 1901, and see sec. 6 of the Shop Hours Act, 1892, *post*, p. 307.

For amounts of penalties, see 1831, secs. 9, 10.

In Scotland a complaint against a company for a breach of the Truck Act must specify the partners of the firm, or the name of the agent through which they committed the breach. *Gray & Co. v. Mackenna* ((1899), (J.), 2 A. 691; 1 F. 65; 36 S. L. R. 486).

13.—(1.) Any offence against the principal Act or this Act may be prosecuted, and any penalty therefor recovered in manner provided by the Summary Jurisdiction Acts, so, however, that no penalty shall be imposed on summary conviction exceeding that prescribed by the principal Act for a second offence. Recovery of penalties.

(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 ;

(b.) All offences against the said Acts shall be prosecuted in the sheriff court.

See sec. 9 of Act of 1831, *ante*. The penalty for a second offence is a sum of "not less than" £10, and "not exceeding" £20. By the S. J. Act, 1879, the penalty for a first offence may be reduced below the minimum of £5, but see *Osborn v. Wood* (1897), *ante*, p. 144. As to the powers, etc., of inspectors under the Factory Act, see sec. 119, *ante*, p. 196. That section is a re-enactment of sec. 68 of the Factory, etc., Act of 1878.

Inspectors of coal mines are appointed, and have powers conferred upon them by the Coal Mines Regulation Act, 1887 (50 & 51 Vict. c. 58, secs. 39-48).

It is doubtful whether any other person but a factory or mine inspector can take proceedings under this section, but there does not seem to be anything in the Truck Acts to prohibit any person from laying an information.

Factory inspectors, by virtue of the Truck Act of 1896, sec. 10 (see *post*), now have power to enforce the Truck Acts in "laundries" (see Factory, etc., Act, sec. 103, *ante*, p. 152), and in places where work is given out in their district (see *ib.*, sec. 107, *ante*, p. 172).

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.

Secs. 21 and 22 of the Act of 1831 related to justices and magistrates. They are repealed by this Act, schedule.

16. The provisions of the principal Act conferring powers on any overseers or overseer of the poor shall be deemed to confer those powers in the case of England on the guardians of a union, and in the case of Scotland on the inspectors of the poor. Amendment of 1 & 2 Will. 4, c. 37, as to overseers.

See sec. 7 of the Act of 1831, *ante*.

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. Repeal.

18. The principal Act, so far as it is not hereby repealed, and this Act shall extend to Ireland, subject to the following provisions : 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.
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.

Session and Chapter.	Title of Act.	Extent of Repeal.
1 & 2 Will. 4. c. 37	An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm.	Section ten, down to "be produced to the court and jury" inclusive; section eleven, section twelve, section fifteen, section sixteen, section eighteen, section nineteen, in section twenty the words "or servant in husbandry"; section twenty-one, section twenty-two, section twenty-four from "and unless the agreement" inclusive to end of section, and section twenty-five from "all workmen" to "purposes aforesaid" both inclusive, and the schedules.

THE TRUCK ACT, 1896.

Sec. 1.

(59 & 60 VICT. CAP. 44.)

An Act to amend the Truck Acts. [14th August, 1896.]

BE it enacted, etc., as follows :—

Deductions or
payments in
respect of
fines.

1.—(1.) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman, for or in respect of any fine, unless—

- (a.) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen and in such a position that it may be easily seen, read, and copied by any person whom its affects; or the contract is in writing, signed by the workman; and
- (b.) the contract specifies the acts or omissions in respect of which the fine may be imposed, and the amount of the fine or the particulars from which that amount be ascertained; and
- (c.) the fine imposed under the contract is in respect of some act or omission which causes or is likely to cause damage or loss to the employer, or interruption or hindrance to his business; and
- (d.) the amount of the fine is fair and reasonable having regard to all the circumstances of the case.

(2.) An employer shall not make any such deduction or receive any such payment, unless—

- (a.) the deduction or payment is made in pursuance of, or in accordance with, such a contract as aforesaid; and

(b.) particulars in writing showing the acts or omissions in respect of which the fine is imposed and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

(3.) This section shall apply to the case of a shop assistant in like manner as it applies to the case of a workman.

Sub-sec. (1).—The term “workman” is defined by the Truck Act, 1887, sec. 2 (*q.v.*, and notes).

(a). A notice cannot affect a contract already in existence, and it is submitted that such a notice can only affect the relations between workman and employer if it is accepted by the workman either expressly or by conduct. If, for instance, after the posting of a new notice, a workman with knowledge of it enters upon a new period of employment, or commences a new piece of work, the Court would probably hold that he was subject to such notice; and the agreement or notice should definitely express the amount of a fine. Such terms as “a fine” or “a fine proportioned to the offence” would be too vague. While there is nothing to prevent an employer remitting the whole or a portion of a fine after it is incurred, any verbal agreement or understanding that he would do so would probably be illegal, as the notice or contract by virtue of which the fine was inflicted would not then contain the true terms of the contract with the workman.

(b). One of the rules of a factory provided that “all workers shall observe good order and decorum while in the factory,” and imposed a fine of 6d. or less upon any worker guilty of an infringement of the rule. During the dinner-hour one of the girls played a small harp while the others danced in the workroom, causing dust and risk of injury to the machinery. The girl who played the harp was fined. The justices found that good order and decorum were not observed, and that the rule constituted a reasonable contract between the respondents and their employees for securing good order and decorum in the factory, and complied with sub-sec. (1) (b) and (c), *supra*:—*Held* (affirming the decision of the justices), that the rule, although not specifying the particular acts or omissions amounting to such a breach of good order or decorum as to justify the infliction of a fine, was a sufficient compliance with the requirements of this section: *Squire v. Bayer & Co.* ((1901), 2 K. B. 299; 70 L. J. K. B. 705; 65 J. P. 629; 17 T. L. R. 492).

(d). The question whether a fine is reasonable or not will be for a Court and not for a factory inspector to determine. Fines are illegal, unless they are imposed in respect of acts or omissions which are likely to cause loss or hindrance to the employer's business. See sub-sec. (c). Acts of neglect occasioning danger to life or limb, would probably come under this head. This section gives the employer a remedy without going into Court, but it does not oust the

jurisdiction of the magistrates under the Employers and Workmen's Act, 1875.

In *Buxton Lime Firms Co., Ltd. v. Howe* ((1900), 2 Q. B. 232; 69 L. J. Q. B. 498; 82 L. T. 422; 64 J. P. 503; 16 T. L. R. 315), a complaint was preferred by the plaintiff company under the E. and W. Act, 1875, against one of their workmen for 5s. as a fine or penalty, or alternatively by way of damages for that the defendant, being a workman under a contract of service with the plaintiffs, wrongfully absented himself from work on five days, being 2s. 6d. for each of such days. The written contract contained a penalty clause. The respondent applied for leave of absence on three days, and it having been refused for two of these days, he absented himself without leave, thereby causing loss to his employers. It was contended for the respondent (*inter alia*) that the agreement brought the case within this Act, and that no particulars in writing under this sub-section had been given, and that such particulars were a condition precedent to the levying of a fine or penalty. This contention was adopted by the magistrates:—*Held* (reversing this decision), that the jurisdiction of a court of summary jurisdiction under the E. and W. Act, 1875, to hear and determine a dispute under that Act between an employer and a workman is not ousted by reason of the agreement of service being one to which the provisions of this section apply.

Sub-sec. (3).—This applies provisions of this section to shop assistants. By sec. 6 (1) (*infra*), the employer of a shop assistant must produce any contract operating as a contract under this Act into which he has entered with his assistant to a factory inspector on his demand in writing. By sec. 13 (2) of the Act of 1887 (*ante*), (as amended by sec. 10, *infra*), which is incorporated with this Act, the duty of enforcing this Act is placed upon inspectors of mines and factories. Factory inspectors have the same powers as are conferred upon them by the Factory, etc., Act, 1901, sec. 119 (*ante*, p. 196), and inspectors of mines have the same powers as are conferred upon them by the Coal Mines Regulation Act, 1887, secs. 39–48. (See notes to sec. 13 of the Truck Act, 1887, *ante*.)

For procedure for recovery of payments of deductions, see sec. 5. *post*.

Deductions
or payments
in respect of
damaged
goods.

2.—(1.) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for or in respect of bad or negligent work or injury to the materials or other property of the employer, unless—

(a.) the terms of the contract are contained in a notice kept constantly affixed at such place or places open to the workmen, and in such a position that

it may be easily seen, read, and copied by any person whom it affects; or the contract is in writing, signed by the workman; and

- (b.) the deduction or payment to be made under the contract does not exceed the actual or estimated damage or loss occasioned to the employer by the act or omission of the workman, or of some person over whom he has control, or for whom he has by the contract agreed to be responsible; and
- (c.) the amount of the deduction or payment is fair and reasonable, having regard to all the circumstances of the case.

(2.) An employer shall not make any such deduction or receive any such payment unless—

- (a.) the deduction or payment is made in pursuance of, or in accordance with, such a contract as aforesaid; and
- (b.) particulars in writing showing the acts or omissions in respect of which the deduction or payment is made and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

Sub-sec. (1) (a).—As to supplying copies of contracts and notices, see sec. 6 (1) and (2), *infra*. (b) The onus is upon the employer of showing what loss he has sustained, and the amount of the deduction (which by sub-sec. (1) (c) must always be reasonable) cannot exceed that sum. It is submitted that deductions in respect of negligent work or injury should be limited to the natural consequences of the workman's default, and not to all its remote effects.

3.—(1.) An employer shall not make any contract with any workman for any deduction from the sum contracted to be paid by the employer to the workman, or for any payment to the employer by the workman for or in respect of the use or supply of materials, tools, or machines, standing room, light, heat, or for or in respect of any other thing to be done or provided by the employer in relation to the work or labour of the workman, unless—

- (a.) The terms of the contract are contained in a notice kept constantly affixed at such place or places open to workmen, and in such a position that it

Deductions
or payments
in respect of
materials.

may be easily seen, read, and copied by any person whom it affects; or the contract is in writing, signed by the workman; and

- (b.) the sum to be paid or deducted under the contract in respect of materials, tools, or machines, standing room, light, heat, or any other thing, does not exceed, in the case of materials or tools supplied to the workman, the actual or estimated cost thereof to the employer, or in the case of the use of machinery, light, heat, or any other thing in this section mentioned, a fair and reasonable rent or charge, having regard to all the circumstances of the case.

(2.) An employer shall not make any such deduction or receive any such payment unless—

- (a.) the deduction or payment is made in pursuance of, and in accordance with, such a contract as aforesaid; and
- (b.) particulars in writing showing the things in respect of which the deduction or payment is made and the amount thereof are supplied to the workman on each occasion when a deduction or payment is made.

Sub.-sec. (1) (b).—The question whether deductions or payments in respect of materials are fair and reasonable is for the Court. No hard and fast rule can be laid down as to what is and what is not fair and reasonable. Deductions for sharpening tools, etc. (see sec. 8 of the 1887 Act, *ante*), will come within this section.

Penalty.

1 & 2 Will. 4.
c. 37.

4. If any employer enters into any contract contrary to this Act, or makes any deduction or receives any payment contrary to this Act, he shall be guilty of an offence against the Truck Act, 1831, and shall be liable to the penalties imposed by section nine of that Act as if the offence were an offence in that section mentioned.

See sec. 9 of the 1831 Act, *ante*.

Recovery of
payments or
deductions.

5. Any workman or shop assistant may recover any sum deducted by or paid to his employer contrary to this Act, provided that proceedings for such recovery are commenced within six months from the date of the deduction

or payment sought to be recovered, and that where he has consented to or acquiesced in any such deduction or payment, he shall only recover the excess which has been deducted or paid over the amount, if any, which the court may find to have been fair and reasonable, having regard to all the circumstances of the case.

The contract or a true copy thereof must be produced to an inspector on his demand in writing, and a workman or shop assistant who is a party to any such contract is entitled, on request, to a copy of such contract on notice containing its terms, free of charge : sec. 6 (1) and (2).

As to penalties on an employer who enters into contracts and makes deductions contrary to this Act, see sec. 4, *supra*. A register of deductions or payments made under this section must be kept, and all such deductions and payments, etc., must be entered therein : sec. 6 (3), *infra*.

6.—(1.) Every employer who has made any contract purporting or intending to operate as a contract under this Act, shall, on demand in writing by one of Her Majesty's inspectors of factories or of mines, produce the contract or a true copy thereof at any convenient time and place to be named by the inspector, and the inspector shall be at liberty to take a copy of the same or of any part thereof, and the employer of any workman or shop assistant who is party to any such contract shall at the time of making the contract give the workman or shop assistant a copy of the contract or of the notice containing its terms. Production
of contract.

(2.) A workman or shop assistant who is party to any such contract shall be entitled, on request, to obtain from his employer free of charge a copy of the contract or of the notice containing its terms.

(3.) Every employer who has made any contract purporting or intending to operate as a contract under section one of this Act shall keep a register of deductions or payments, and shall enter therein every deduction or payment for or in respect of any fine purporting to be made under any such contract, specifying the amount and the nature of the act or omission in respect of which the fine was imposed, and this register shall be at all times open to inspection by one of Her Majesty's inspectors of factories or of mines.

(4.) If any person fails to comply with this section he shall be liable on summary conviction to a fine not exceeding forty shillings.

For recovery of penalties under the Truck Acts, see sec. 13 of the Act of 1887, and notes thereto, *ante*.

Exemption of contract from stamp duty.

7. A contract entered into under the provisions of this Act shall not be liable to stamp duty.

Saving as to contracts and payments illegal under existing Acts. 1 & 2 Will. 4. c. 37. 50 & 51 Vict. c. 46. 37 & 38 Vict. c. 48. 50 & 51 Vict. c. 58.

8. Nothing in this Act shall make lawful any contract or payment which is illegal under the Truck Acts, 1831 and 1887, or under the Hosiery Manufacture (Wages) Act, 1874, or affect the provisions of the Coal Mines Regulation Act, 1887, or any amendment Act, with respect to persons employed in mines and paid according to weight, or make lawful any deduction from payments made to those persons.

For the Hosiery Manufacture (Wages) Act, 1874, see p. 284, *ante*. The provisions of the Coal Mines Regulation Act, 1887 (50 & 51 Vict. c. 58), with respect to persons employed in mines and paid according to weight, are contained in secs. 12-15 of that Act.

Power to exempt from provisions of Act.

9.—(1.) The Secretary of State, if satisfied that the provisions of this Act are unnecessary for the protection of the workmen employed in any trade or business, or in any branch or department of any trade or business, either generally or within any specified area, may by order under his hand grant an exemption from those provisions in respect of the persons engaged in that trade, business, branch, or department, either generally or within that area.

(2.) The Secretary of State may at any time amend or revoke any such order.

(3.) Every order made under this section shall be laid as soon as may be before both Houses of Parliament, and if either House within the next forty days after the order has been so laid before that House resolves that the order ought to be annulled, the order shall, after the date of that resolution, be of no effect, without prejudice to the validity of anything done in the meantime under the order or to the making of a new order.

The Secretary of State has, by order made in pursuance of this power, granted an exemption from the provisions of this Act, in respect of persons engaged in all branches of the weaving of cotton in the counties of Lancashire, Cheshire, Derbyshire, and the West Riding of Yorkshire. *L. G.*, 1897, March 9.

By Order, dated the 30th July, 1897, the Secretary of State has further exempted persons engaged in iron ore mines and limestone quarries in the Furness or detached part of Lancashire, and in the Millom Urban District in the County of Cumberland, and in ironstone mines in the North Riding of Yorkshire. *St. R. & O.*, 1897, p. 460.

10. Sub-section two of section thirteen of the Truck Amendment Act, 1887 (which relates to the duty of inspectors), shall apply in the case of a laundry, and in the case of any place where work is given out by the occupier of a factory or workshop, or by a contractor, or sub-contractor, in like manner as it applies in the case of a factory. Duties of inspectors.
50 & 51 Vict.
c. 46.

The powers of inspectors with regard to factories will be found in sec. 119 of the Factory Act, 1901, *ante*, p. 196. It was held by the Court of Appeal in Ireland that sec. 68 (4) of the Factory Act, 1878 (which is re-enacted by sec. 119 (1) (d) of the Factory Act, 1901), did not confine the place at which inquiries and examination under it are made, to the place where work is given out to outworkers, or to the factory or workshop itself (*Squire v. Sweeney*, Ir. W. L. R., Jan. 30, 1900).

11. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-seven. Commence-
ment.

12. This Act may be cited as the Truck Act, 1896 ; and the Truck Acts, 1831 and 1887, and this Act shall be construed together as one Act, and may be cited collectively as the Truck Acts, 1831 to 1896. Short title
and con-
struction.

SHOP HOURS ACT, 1892.

Secs. 1, 2, 3.

(55 & 56 VICT. CAP. 62.)

An Act to amend the Law relating to the employment of
young person 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, etc., as follows :—

Short title.

1. This Act may be cited as the Shop Hours Act, 1892.

Commence-
ment of Act.

2. This Act shall come into operation on the first day
of September one thousand eight hundred and ninety-two.

Hours of
employment
in shops.

3.—(1.) No young person shall be employed in or about
a shop for a longer period than seventy-four hours, in-
cluding meal times, in any one week.

41 & 42 Vict.
c. 16.

(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 permitted by the said Act
or for a longer period than will together with the time
during which he has been so previously employed complete
such number of hours.

+ Sub-sec. (1).—The total number of hours of employment for a
“young person” is thus limited to seventy-four hours per week,
including meal times. The words “in or about” include both
employment inside and outside a shop and away from it. A news-
agent, occupying a shop for the purposes of his business, employed a
boy whose work was done partly inside the shop, and partly away
from the shop in fetching newspapers and delivering them to the
customers :—*Held*, that the whole employment was “in or about” the

shop within the meaning of this Act: *Collman v. Roberts* (1896), 1 Q. B. 457; 65 L. J. M. C. 63; 74 L. T. 198; 60 J. P. 184; T. L. R.

"Young person" means a young person under the age of 18 years: sec. 9, *infra*; cf. definition in sec. 156 of the Factory, etc., Act, *ante*, p. 241. For definition of a "shop," see sec. 9, *infra*.

Sub-sec. (2).—For definition of "factory" and "workshop," see now sec. 149 of the Factory, etc., Act, 1901, *ante*, p. 222. As to the "periods of employment" under that Act, see secs. 23-67; but see sec. 31 (4) as to employment on the same day in a factory, workshop, and a shop. There is no definition of "employer" in this Act or the Factory Act; but see the general definition "employment and working for hire" in sec. 152 of the latter Act.

4. In every shop in which a young person is employed a notice shall be kept exhibited by the employer in a conspicuous place referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed in that shop. Notice of hours to be given.

An employer failing to keep the notice exhibited as required by this section, is liable to a fine not exceeding 40s.: sec. 1 of the Shop Hours Act, 1895, *post*.

A boy under 18 years of age was employed by a firm of newspaper agents at Redhill Railway Station, where there was a newspaper stall, and on which was a notice referring to the provisions of the Shop Hours Acts. Part of the boy's duties was to go to Merstham Station about two miles off, for about four hours every morning, to deliver newspapers in the district, and to sell newspapers at the station from a temporary stall composed of a board laid across two trestles. No notice of the Shop Hours Act was affixed there:—*Held*, (1) that the temporary stall at Merstham Station was not a "shop" within the meaning of secs. 4 and 9 of the Shop Hours Act, 1892, so as to require a notice to be exhibited there; and (2) that the boy was "employed" at the stall at Redhill Station: *W. H. Smith & Son v. Kyle* (1901), 18 T. L. R. 32.

5. Where any young person is employed in or about a shop contrary to the provisions of this Act, the employer shall be liable to a fine not exceeding one pound for each person so employed. Fine for employing persons contrary to the Act.

As to fine for not exhibiting the required notice, see note to sec. 4, *supra*.

6. Where the employer of any young person is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person Power of occupier to exempt himself from fine

on conviction
of actual
offender.

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.

Cf. sec. 141 of the Factory Act, 1901, *ante*, p. 215.

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.

See now secs. 143-147, and secs. 159 and 160 of the Factory Act, 1901, *ante*.

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 inspector as if he were appointed under that Act, and as if the expression workshop as used in those sections included any shop within the meaning of this Act.

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.

See now sec. 119 of the Factory Act, *ante*, p. 196 (powers of inspectors), and sec. 121, *ante*, p. 200 (certificates of appointment of

inspectors). As to salaries and expenses, see sec. 2 of the Shop Hours Act, 1893, *infra*. As to the application of this Act to Scotland, see *ib.*, sec. 3, *infra*.

9. In this Act, unless the context otherwise requires— Interpretation.
“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 41 & 42 Vict. respectively as in the Factory and Workshop Act, c. 16. 1878.

A “shop” must, for the purpose of sec. 4, *supra*, be a structure in some degree in the nature of a permanent structure, per *Lord Alverstone, C.J., Smith v. Kyle, supra*.

A building which is used solely as a hotel and restaurant for the accommodation of guests, and which has no bar or counter for the sale of intoxicating liquors, and is not in the ordinary sense of the term a public-house, but which is licensed as an inn under 9 Geo. 4, c. 64, for the sale of intoxicating liquors by retail, is a “shop” within the meaning of this Act: *Savoy Hotel v. London County Council* (1900), 1 Q. B. 665; 69 L. J. Q. B. 274; 82 L. T. 56; 64 J. P. 62; T. L. R.

See sec. 156 of the Factory, etc., Act, 1901, *ante*, p. 240.

10. Nothing in this Act shall apply to a shop where Exemption of the only persons employed are members of the same family, members of dwelling in the building of which the shop forms part or the same family, and to which the shop is attached, or to members of the servants. employer’s family so dwelling, or to any person wholly employed as a domestic servant.

A page-boy in a hotel, who sleeps on the premises, and who is principally employed as a messenger, but partly also in assisting to dust the reception-rooms, is not within the exemption in this section in favour of “any person wholly employed” as a domestic servant: *Savoy Hotel v. London County Council, supra*.

SHOP HOURS ACT, 1893.

Secs. 1, 2, 3.

(56 & 57 VICT. CAP. 67.)

An Act to amend the Shop Hours Act, 1892.

[21st December, 1893.]

BE it enacted, etc. :—

Short titles.

1. This Act may be cited as the Shop Hours Act, 1893, and this Act and the Shop Hours Act, 1892, may be cited together as the Shop Hours Acts, 1892 and 1893.

Salaries and expenses.

2.—(1.) Any salaries payable or other expenses incurred by the council of a county or a borough for the purposes of the Shop Hours Act, 1892, shall be defrayed by the council of a county out of the county fund, and by the council of a borough out of the borough fund or borough rate.

(2.) In Ireland, such salaries and expenses shall be defrayed, if payable or incurred by the council of a municipal borough out of the borough fund or borough rate, and, if payable or incurred by the commissioners of a town or township, out of any rate leviable by them as such commissioners throughout the whole of their district.

Definitions.

3. In the application to Scotland of the Shop Hours Act, 1892, and of this Act,—

The expression “council of a county or a borough” means the county council of a county and the commissioners of police of burghs in which there are such commissioners, and in burghs in which there are no such commissioners the town council.

The expressions “county fund” shall mean the general purposes rate, and “borough fund or borough rate” shall mean, in burghs in which there are commissioners of police, the police assessment, or in their option the public health assessment; and in burghs in which there are no such commissioners any assessment levied by the town council.

SHOP HOURS ACT, 1895.

(58 VICT. CAP. 5.)

Secs. 1, 2.

An Act to amend the Shop Hours Act, 1892.

[9th April, 1895.]

BE it enacted, etc., as follows:—

1. If any employer fails to keep exhibited the notice required by section four of the Shop Hours Act, 1892, in manner required by that section, he shall be liable to a fine not exceeding forty shillings. Penalty on failure to comply with 55 & 56 Vict. c. 62, s. 4.

See sec. 4 of the Shop Hours Act, 1892, *ante*. No penalty was provided by that section for failure to affix the required notice. This Act was passed in order to override the decision in *Hammond v. Pulsford* (1895), 1 Q. B. 223, where it was held that the omission to exhibit the notice did not render the employer liable to the penalty imposed by sec. 5, as secs. 4 and 5 could not be read together.

2. This Act may be cited as the Shop Hours Act, 1895, and shall be construed as part of the Shop Hours Act, 1892, and the Shop Hours Acts, 1892 and 1893, and this Act may be cited collectively as the Shop Hours Acts, 1892 to 1895. Short title and construction.

SEATS FOR SHOP ASSISTANTS ACT, 1899.

Secs. 1, 2.

(62 & 63 VICT. CAP. 21.)

An Act to provide for Seats being supplied for the use of
Shop Assistants. [9th August, 1899.]

BE it enacted, etc., as follows:—

Seats to be
provided in
shops, etc.

1. In all rooms of a shop, or other premises where goods are actually retailed to the public, and where female assistants are employed for the retailing of goods to the public, the employer carrying on business in such premises shall provide seats behind the counter, or in such other position as may be suitable for the purpose, and such seats shall be in the proportion of not less than one seat to every three female assistants employed in each room.

The expression "shop" is defined by sec. 9 of the Shop Hours Act, 1892, *ante*, p. 309. This Act is to read as one with that Act: sec. 4, *infra*.

Penalty.

2. Any person failing to comply with the provisions of this Act shall be liable, on summary conviction, for a first offence to a fine not exceeding three pounds, and for a second or subsequent offence to a fine not less than one pound and not exceeding five pounds.

Offences under the Act are to be prosecuted in manner provided by sec. 7 of the Shop Hours Act, 1892, *ante*, p. 308. That section provides for the prosecution of offences and recovery of fines in manner provided by secs. 143-147 of the Factory, etc., Act, 1901, *ante*, p. 217, which are re-enactments of the similar provisions of secs. 88-91 of the 1878 Act.

3. This Act shall come into force on the first day of Commence-
January one thousand nine hundred. ment of Act.

4. This Act shall be read and construed as one with Construction
the Shop Hours Acts, 1892 to 1895, and may be cited and short
separately as the Seats for Shop Assistants Act, 1899. title.

See the Shop Hours Acts, 1892 and 1893, *ante*, pp. 306, 310; and
the Shop Hours Act, 1895, *ante*, p. 311.

PUBLIC HEALTH ACT, 1875.

Secs. 38, 91.

(38 & 39 VICT. CAP. 55.)

SECS. 38 AND 91.

Privy accommodation for factories.

Sec. 38. Where it appears to any local authority by the report of their surveyor that any house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade, or business, the local authority may, if they think fit, by written notice require the owner or occupier of such house within the time therein specified, to construct a sufficient number of water-closets, earth-closets, or privies and ashpits for the separate use of each sex.

Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a further penalty not exceeding forty shillings for every day during which the default is continued.

The expression "House" includes schools, and also factories and other buildings in which persons are employed: sec. 4 of the above Act.

See note, *ante*, p. 14.

Definition of nuisances.

Sec. 91. For the purposes of this Act:—

1. Any premises in such a state as to be a nuisance or injurious to health:
2. Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit so foul, or in such a state, as to be a nuisance or injurious to health:
3. Any animal so kept as to be a nuisance or injurious to health:

4. Any accumulation or deposit which is a nuisance or injurious to health :
5. Any house or part of a house so overcrowded as to be dangerous or injurious to the health of the inmates, whether or not members of the same family :
6. Any factory, workshop, or workplace, not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases vapours dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein :
7. Any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, brewery, bakehouse, or gaswork, or in any manufacturing or trade process whatsoever ; and

Any chimney (not being the chimney of a private dwelling-house) sending forth black smoke in such quantity as to be a nuisance,

Shall be deemed to be nuisances liable to be dealt with summarily, in manner provided by this Act :
Provided—

First.—That a penalty shall not be imposed on any person in respect of any accumulation or deposit necessary for the effectual carrying on of any business or manufacture if it be proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health :

Secondly.—That where a person is summoned before any court in respect of a nuisance arising from a

fireplace or furnace which does not consume the smoke arising from the combustible used in such fireplace or furnace, the court shall hold that no nuisance is created within the meaning of this Act, and dismiss the complaint if it is satisfied that such fireplace or furnace is constructed in such manner as to consume as far as practicable, having regard to the nature of the manufacture or trade, all smoke arising therefrom, and that such fireplace or furnace has been carefully attended to by the person having the charge thereof.

Scotland.—The reference in the Factory Act to the above section is to be construed as a reference to sec. 16 of the P. H. (Scotland) Act, 1897 (60 & 61 Vict. c. 38).

Ireland.—*Ib.*, to sec. 107 of the P. H. (Ireland) Act, 1878 (41 & 42 Vict. c. 52).

See secs. 1 (2), 2 (1), of the Factory Act, 1901, *ante*.

PUBLIC HEALTH ACTS (AMENDMENT)
ACT, 1890.

(53 & 54 VICT. CAP. 59.)

Sec. 22.

SEC. 22.

.

Sec. 22.—(1.) Every building, used as a workshop or manufactory, or where persons are employed or intended to be employed in any trade or business, whether erected before or after the adoption of this part of this Act in any district, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at such building, and also where persons of both sexes are employed, or intended to be employed, or in attendance with proper separate accommodation for persons of each sex. Sanitary conveniences for manufactories, etc.

(2.) Where it appears to an urban authority on the report of their surveyor that the provisions of this section are not complied with in the case of any building, the urban authority may, if they think fit, by written notice, require the owner or occupier of any such building to make such alterations and additions therein as may be required to give such sufficient, suitable, and proper accommodation as aforesaid.

(3.) Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding forty shillings.

(4.) Where this section is in force, section thirty-eight of the Public Health Act, 1875, shall be repealed.

See sec. 38 of the P. H. Act, 1878, *ante*.

See sec. 9 (4) of the Factory Act, 1901, *ante*.

PUBLIC HEALTH (LONDON) ACT, 1891:

Sec. 2.

(54 & 55 VICT. C. 76.)

SECS. 2 (1) (g), (2); 25-27, 38.

When
nuisances may
be abated
summarily.

Sec. 2.—(1.) For the purposes of this Act,—

- (g.) Any factory, workshop, or workplace which is not a factory subject to the provisions of the Factory and Workshop Act, 1878, relating to cleanliness, ventilation, and overcrowding, and
- (i.) is not kept in a cleanly state and free from effluvia arising from any drain, privy, earth-closet, water-closet, urinal, or other nuisance, or
- (ii.) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or
- (iii.) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein,

Shall be nuisances liable to be dealt with summarily under this Act.

(2.) Provided that—

- (i.) Any accumulation or deposit necessary for the effectual carrying on of any business or manufacture shall not be punishable as a nuisance under this section, if it is proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is

necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health ; and

- (ii.) In considering whether any dwelling-house or part of a dwelling-house which is used as a factory, workshop, or workplace, or whether any factory, workshop, or workplace used also as a dwelling-house is a nuisance by reason of overcrowding, the court shall have regard to the circumstance of such other user.

.
See Factory Act, sec. 2 (5), *ante*, p. 8.

Workshops and Bakehouses.

25.—(1). Where, on the certificate of a medical officer of health or sanitary inspector, it appears to any sanitary authority that the limewashing, cleansing, or purifying of any workshop (other than a bakehouse), or any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall serve notice in writing on the owner or occupier of the workshop to limewash, cleanse, or purify the workshop or part, as the case requires, within the time specified in the notice ; and, if the person on whom the notice is so served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding ten shillings for every day during which he continues to make default after conviction ; and the sanitary authority may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person on whom the notice was served.

Limewashing
and washing
of workshops.

(2.) This section shall apply to any factory which is not subject to the provisions of the Factory and Workshop Act, 1878, and Acts amending the same, and to any workplace, in like manner as it applies to a workshop.

Enactments
respecting
bakehouses.
41 & 42 Vict.
c. 16.
46 & 47 Vict.
c. 53.

26.—(1.) Sections thirty-four, thirty-five, and eighty-one of the Factory and Workshop Act, 1878, and sections fifteen and sixteen of the Factory and Workshop Act Amendment Act, 1883 (which relate to cleanliness, ventilation, and other sanitary conditions), shall, as respects every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate, and they shall be the local authority within the meaning of those sections.

(2.) For the purpose of this section, the provisions of this Act with respect to the admission of the sanitary authority and their officers into any premises for any purpose in relation to nuisances shall apply in like manner as if they were herein re-enacted and in terms made applicable to this section; and every person refusing or failing to allow the sanitary authority or their officer to enter any premises in pursuance of those provisions for the purposes of this section shall be subject to a fine.

See secs. 97–100, and sec. 135 of the Factory Act, 1901, *ante*.

Notice to fac-
tory inspector
respecting
child or
woman in
workshop.

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

Cf. sec. 133 of the Factory, etc., Act, 1901, *ante*, p. 208.

Sanitary con-
veniences for
manufac-
tories, etc.

38.—(1.) Every factory, workshop, and workplace, whether erected before or after the passing of this Act, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at such building, and also where persons of both sexes are or intended to be, employed, or in attendance with proper separate accommodation for persons of each sex.

(2.) Where it appears to a sanitary authority that this section is not complied with in the case of any factory, workshop, or workplace, the sanitary authority shall by notice served on the owner or occupier of such factory, workshop, or workplace, require him to make the

alterations and additions necessary to secure such compliance, and if the person served with such notice fails to comply therewith he shall be liable to a fine not exceeding twenty pounds, and to a fine not exceeding forty shillings for every day after conviction during which the non-compliance continues.

See note, *ante*, pp. 8, 21.

.

.

ELEMENTARY EDUCATION ACT, 1876.

Secs. 5, 6, 7.

(39 & 40 VICT. CAP. 79.)

SECS. 5, 6, 7, 11, 23, 24, 25, 26.

Regulation as
to employ-
ment of child
under 10, and
certificate of
education, or
previous
school attend-
ance being
condition of
employment
of child over
10.

Sec. 5. A person shall not take into his employment (except as hereafter in this Act mentioned) any child—

(1.) Who is under the age of ten years ; or

(2.) Who, being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as is in this Act in that behalf mentioned, unless such child, being of the age of ten years or upwards, is employed, and is attending school in accordance with the provisions of the Factory Acts, or of any byelaw of the local authority (hereinafter mentioned) made under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1873, and this Act, and sanctioned by the Education Department.

See Factory Act, 1901, sec. 68, and notes, *ante*, p. 104; and see Elementary Education (School Attendance) Act, 1893, sec. 1, and ditto (Amendment) Act, 1899; and Elementary Education Act, 1901, secs. 6 and 7, *post*.

Penalty for
employing a
child in
contravention
of Act.

Sec. 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.

Enforcement
of Act.

Sec. 7. . . . Provided that it shall be the duty of the inspectors and sub-inspectors 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. . . .

See sec. 68 to Factory Act, and notes, *ante*, p. 104.

Sec. 11. If either—

(1.) The parent of any child above the age of five years who is under this Act prohibited from being taken into full-time employment, habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child; or

Provision as to order of court for attendance at school of certain children.

(2.) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals; it shall be the duty of the local authority, after due warning to the parent of such child, to complain to a court of summary jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some certified efficient school willing to receive him and named in the order, being either such as the parent may select, or, if he do not select any, then such public elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Any of the following reasons shall be a reasonable excuse:

- (1.) That there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or
- (2.) That the absence of the child from school has been caused by sickness or any unavoidable cause.

Sec. 23.—For the purposes of this Act section seventy-four of the Elementary Education Act, 1870, and all

Construction of enactments as to bye-laws.

enactments of that or any other Act referring to bye-laws under that section, shall be construed as if "school board" included the authority authorized by this Act to make bye-laws:

Provided, that nothing in any bye-law shall authorize the authority making the same in pursuance of this Act to remit or pay any fees.

It shall be the duty of every local authority to enforce the bye-laws made by that authority in pursuance of section seventy-four of the Elementary Education Act, 1870.

Supplemental provisions as to certificates of proficiency and previous attendance at school.

Sec. 24. The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the First Schedule to this Act, and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

The Education Department may from time to time by order make, and when made, revoke and vary regulations with respect to certificates of age for the purpose of this Act and the purpose by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the Education Department under this section shall be laid before Parliament in the same manner as Minutes of the Education Department relating to the annual parliamentary grant.

See Revised Regulations of April 23, 1900, of the Board of Education, *infra*, p. 330.

Certificates of birth for purposes of Act.

Sec. 25. 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 the Local Government Board, and on payment of such fee, not exceeding one shilling, as the Local Government Board from time to time fix, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of the child named in the requisition.

See also sec. 134 of the Factory, etc., Act, *ante*, p. 208.

Sec. 26. Every registration of births and deaths, when and as required by a local authority, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and births of children as may be specified in the requisition of the local authority.

Returns of
registrars of
births and
deaths to
School
Boards.

The local authority may supply a form, approved by the Local Government Board, for the purpose of the return, and in that case the return shall be made in the form so supplied.

The local authority may pay, as part of their expenses under this Act, to the registrar making such return such fee as may be agreed upon between them and the registrar, not exceeding twopence for every birth and death entered in such return.

ELEMENTARY EDUCATION ACT, 1880.

Sec. 4.

(43 & 44 VICT. CAP. 23.)

SEC. 4.

Enforcing of
bye-laws.

Sec. 4. Every person who takes into his employment a child of the age of *eleven* and under the age of *fourteen* 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 into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty accordingly.

Proceedings may, in the discretion of the local authority or person instituting the same, be taken for punishing the contravention of a bye-law, notwithstanding that the act or neglect or default alleged as such contravention constitutes habitual neglect to provide efficient elementary education for a child within the meaning of section eleven of the Elementary Education Act, 1876. . . .

The proviso at end of the section was repealed by the S. L. Rev. Act, 1891.

The word "eleven" in this section is now substituted for "ten" Elementary Education (School Attendance) Act, 1893, sec. 1; and "fourteen" has been substituted for "thirteen" Elementary Education Act, 1900, sec. 6 (1), *infra*.

See sec. 68 of the Factory Act, 1901, and notes, *ante*, p. 104.

ELEMENTARY EDUCATION ACT, 1900.

(63 & 64 VICT. CAP. 53.)

Secs. 6, 7.

SECS. 6 AND 7.

Sec. 6.—(1.) In section seventy-four of the Elementary Education Act, 1870, and in section four of the Elementary Education Act, 1880 (which relate to bye-laws for the attendance of children at school), fourteen years shall be substituted for thirteen years. Bye-laws for compulsory attendance.

(2.) The maximum penalty for the breach of a bye-law requiring the attendance of a child at an elementary school, or of an attendance order made under the Elementary Education Act, 1876, shall be twenty shillings, and accordingly twenty shillings shall be substituted for five shillings in section seventy-four of the Elementary Education Act, 1870, and in section twelve of the Elementary Education Act, 1876. 33 & 34 Vict. c. 75.

(3.) The said section seventy-four shall have effect as if the sanction therein referred to were the sanction of the Board of Education instead of the sanction of Her Majesty in Council.

Sec. 7. In paragraph two of the First Schedule to the Elementary Education Act, 1876 (which relates to the standard of previous due attendance at a certified efficient school), three hundred and fifty shall be substituted for two hundred and fifty. Amendment of 39 & 40 Vict. c. 79, as to standard of attendances.

See sec. 68 of the Factory Act, and notes, *ante*, p. 104.

EDUCATION (SCOTLAND) ACT, 1901.

Sec. 3.

(1 EDW. 7, CAP. 9.)

SEC. 3.

(See note, *ante*, p. 111.)

Power to
grant partial
exemption
from school
attendance on
conditions.

Sec. 3. It shall be lawful for any school board, where after due enquiry in each case the circumstances seem to justify such exemption, to grant exemption from the obligation to attend school to individual children over twelve years of age, for such time and upon such conditions, if any, as to the amount and manner of further attendance at school until the age of fourteen, as the school board shall think fit; and such exemption shall exempt the parent of such child from any prosecution or other proceeding under the Education Acts for neglecting to provide for the education of such child.

Provided that any school board granting such exemption to individual children shall keep a register wherein shall be entered the names of children so exempted, and a statement of the circumstances in which, and the conditions upon which, such exemption has in each case been granted.

Provided also that the Department shall have power, when it sees fit, to call upon any school board for a return of the children to whom such exemption has been granted, and of the circumstances in which, and the conditions upon which, such exemption has in each case been granted; and if, after due inquiry, the Department is satisfied that such exemption has been granted by any school board in circumstances which did not justify its being so granted, or that the conditions on which such exemption has been granted are insufficient, or that the attendance of scholars

within the district of such school board, or any part thereof, is unsatisfactory, the Department may call upon such school board to recall such exemption, or take steps to improve the attendance; and if the said school board fail to do so within a reasonable time, it shall be lawful for the Department to withhold or reduce the parliamentary grant made to the said school board under section sixty-seven of the Education (Scotland) Act, 1872.

BY THE BOARD OF EDUCATION.

[*St. R. & O.*, 1900, No. 344.]REVISED REGULATIONS OF THE 23RD APRIL, 1900, AS
TO CERTIFICATES OF AGE, PROFICIENCY, AND
SCHOOL ATTENDANCE.

ELEMENTARY EDUCATION ACT, 1876, sec. 24.

(*See Order of Secretary of State, Dec. 19, 1900, ante, p. 109.*)

The Board of Education, by virtue and in pursuance of the powers in them vested under the Elementary Education Act, 1876, and of every other power enabling them in this behalf, do order, and it is hereby ordered, that the following regulations be substituted for those contained in the Revised Regulations as to certificates of age, proficiency, and school attendance, dated the 28th day of February, 1898.

Certificates of Age.

1. A certificate of the date of a child's birth will be granted by a registrar or superintendent registrar of births and deaths on presentation of a requisition in a form prescribed for the purpose by the Local Government Board, pursuant to the 20th section of the Factory and Workshop Act, 1891. The prescribed form of requisition is annexed to this Order (Schedule I.). The fee for such certificate is not to exceed 6d. (*Order of Local Government Board, dated 20th October, 1891; St. R. & O.*, 1891, p. 288.)

See Factory Act, 1901, sec. 134, *ante*, p. 208.

2. A statutory declaration of the date of a child's birth, made by the parent of the child before a magistrate, may be accepted by the local authority in place of a registrar's certificate. The declaration shall be made on the form annexed to this Order (Schedule II.).

3. When a local authority, under the power given by the 26th section of the Elementary Education Act, 1876, have obtained a

return of the births of children in their district which will enable them to grant age certificates to individual children, they shall, on the application of any parent or other person interested in the education or employment of a child, grant such certificate under the hand of their clerk, or other officer deputed for the purpose, for a fee not exceeding 4*d.* for each child. This certificate is to be given in the form herein-after prescribed for labour certificates (Schedule III.), or, in the case of a child over thirteen years of age, in the form prescribed in Schedule IV.

Certificates of Proficiency.

4. Certificates of proficiency are certificates of having reached or passed any standard prescribed by the Code. To reach or pass a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

5. At any visit of an Inspector to any public elementary or other certified efficient school, the managers are required to admit to examination, and the Inspector to examine for a certificate of proficiency, any child over twelve years, or if the child is to be employed in agriculture under any bye-law made under section 1, Elementary Education (School Attendance) Act, 1893, Amendment Act, 1899, over eleven years of age, whether a scholar in the school or not, if the child's parent or guardian or the local authority apply for the child to be examined for such a certificate; but the Inspector is at liberty to refuse to examine any child for whose examination due provision is made elsewhere, or any child who has not been instructed for at least six months in the standard in which he is presented, or who has failed in that standard at an examination held in the previous three months.

6. The Inspector may, in concert with the local authority, hold such special examinations as he may think necessary of children over eleven years of age, whom their parents or guardians or the local authority wish to be examined for certificates of proficiency.

7. The Inspector does not grant certificates to individual children, but after every examination held as above he sends to the managers of the school, or in the case of a special examination to the local authority, a schedule containing the names of the children who have passed in all the three elementary subjects in any standard, with a certificate that such children have reached the standards entered opposite to their names.

8. If the local authority do not make arrangements to obtain from the managers a copy of so much of this schedule as they require, they may accept a certificate under the hand of the

principal teacher of any certified efficient school as evidence that any scholar in such school has been certified by one of Her Majesty's Inspectors to have reached a particular standard. The principal teacher shall give such certificate, free of charge, in the form given in the second column of Certificate No. 1 in the Third Schedule to this Order, or, in the case of a child over thirteen years of age, in the form given in the Fifth Schedule to this Order.

See Order of Secretary of State, Dec. 19, 1900, *ante*, p. 109.

Certificates of School Attendance.

9. Any local authority, parent, or other person interested in the employment or education of a child over twelve and under fourteen, may require the principal teacher for the time being of any certified efficient school, which such child has attended, to furnish a certificate specifying the number of school attendances made by the child in the school during each year, for which the school registers are preserved.

10. The teacher shall give such certificate in the form annexed to this Order (Schedule VI.), in the first case free of charge, and for a fee not exceeding 1*d.* for each year's attendances in the case of the second or any subsequent certificate, that may be demanded in respect of such child.

11. The school registers of every certified efficient school shall be carefully preserved by the managers. If a school is discontinued, the registers are to be handed over to the local authority of the district.

See Order of Secretary of State, Dec. 19, 1900, *ante*, p. 109.

.

SCHEDULE I. Board of Education.
Form 123.

REQUISITION TO REGISTRARS FOR CERTIFICATES OF BIRTH.

SCHEDULE.

REQUISITION for a CERTIFIED COPY of an ENTRY of BIRTH for the purposes of the FACTORY AND WORKSHOP ACT, 1891 (*see Factory Act, 1901, sec. 134, ante, p. 208*), or for any purpose connected with the ELEMENTARY EDUCATION or EMPLOYMENT in LABOUR of a CHILD or YOUNG PERSON under the AGE of SIXTEEN YEARS.

To the Superintendent Registrar or Registrar of Births and Deaths having the custody of the Register in which the birth of the under-mentioned Child or Young Person is registered.

I, the undersigned, hereby demand for the purposes above-mentioned, or some or one of them, a Certificate of the Birth of the Child or Young Person named in the subjoined schedule.

Christian Name and Surname of the Child or Young Person of whose Age a Certificate is required.	Names of the Parents of such Child or Young Person.		Where such Child or Young Person was Born.	In what Year such Child or Young Person was Born.
	Father.	Mother.		

Dated this _____ day of _____ 19__.

Signature _____

Address _____

Occupation _____

SCHEDULE II.

Board of Education.

Form 123 (a).

STATUTORY DECLARATION by PARENT, 44 & 45 Vict. c. 41, s. 68.

I hereby solemnly declare that _____ was born on the
day of _____ A.D.

And I make the above declaration conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act, 1835.

Declared before me at _____ in }
the (1) _____ of _____ }
this _____ day of _____ 19 }
(Signed) _____, } (Signed) _____
Justice of the Peace for the (1) _____ }
of _____ }

(1) County or Borough.

SCHEDULE III.

Board of Education.

Form 146 (a).

School District of _____

LABOUR CERTIFICATE, No. 1.

Age and Employment.

Proficiency.

I certify that A.B., residing at _____ was on the _____ day of _____ 19____, not less than twelve years of age, having been born on the _____ day of _____ 1____, as appears by the registrar's certificate [or the statutory declaration] now produced to me, (1) and has been shown to the satisfaction of the local authority for this district to be beneficially employed.

(Signed) _____,
(2) Clerk to the (3) _____
for the above district.

I certify that A.B., residing at _____ has received a certificate from _____ one of Her Majesty's Inspectors of Schools, that he (or she) has (4) reached the _____ Standard.

(Signed) _____,

Principal Teacher of the
_____ School.

or (2) Clerk to the (3) _____
for the above district.

(1) Strike out what follows if the child is qualified for full time employment.

(2) Or other officer.

(3) School Board or School Attendance Committee.

(4) To reach a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

.

SCHEDULE IV. Board of Education.
Form 144 (a).

(The following certificate applies only to cases of children OVER 13 years of age.)

CERTIFICATE OF AGE FOR THE PURPOSE OF EMPLOYMENT UNDER SECTION 5, ELEMENTARY EDUCATION ACT, 1876.

I certify that *A. B.*, _____
residing at _____
was on the _____ day of _____ 19____, not less than **thirteen**
years of age, having been born on the _____ day of _____
1____, as appears by the Registrar's Certificate [*or the Statutory Declaration*] now produced to me.

Signed _____
Clerk to the ⁽¹⁾ _____
of _____

(1) School Board or School Attendance Committee.

SCHEDULE V. Board of Education.
Form 144 (b).

(The following certificate applies only to cases of children OVER 13 years of age.)

CERTIFICATE OF PROFICIENCY FOR THE PURPOSE OF EMPLOYMENT UNDER SECTION 5, ELEMENTARY EDUCATION ACT, 1876.

I hereby certify that *A. B.*, _____
residing at _____
has received a certificate from _____, one of
Her Majesty's Inspectors of Schools, that he (*or she*) has reached ⁽¹⁾
the standard of reading, writing, and elementary arithmetic fixed
by Standard IV. of the Code of 1876.

Signed _____
Principal Teacher of the _____ School,
or Clerk to the ⁽²⁾ _____
of _____

(1) To reach a standard a child must be individually examined in reading, writing, and arithmetic in that or a higher standard, and must pass in each of those subjects.

(2) School Board or School Attendance Committee.

SCHEDULE VI.

Board of Education.

Form 144 (c).

CERTIFICATE OF SCHOOL ATTENDANCE FOR THE PURPOSE OF
EMPLOYMENT UNDER SECTION 5, ELEMENTARY EDUCATION
ACT, 1876, OR FOR PARTIAL EXEMPTION UNDER THE ELE-
MENTARY EDUCATION (SCHOOL ATTENDANCE) ACT, 1893,
AMENDMENT ACT, 1899.

*School.

I hereby certify that the following particulars with respect to
the Attendances made by the Child named below, at this School
after attaining the age of 5 years, are correctly taken from the
Registers of the School.

Name in full, and Residence of Child.	Number of Attendances made within the 12 months ending the 31st December.	
	1	
	1	
	1	
	1	
	1	

Signed this _____ day of _____ 19__.

Principal Teacher of the above-named School.

* Enter name in full, and state whether a Public, Elementary, or
Certified Efficient School.

PREVENTION OF CRUELTY TO CHILDREN ACT, 1894.

(57 & 58 VICT. CAP. 41.)

Sec. 3.

SEC. 3, (2)-(5).

Sec. 3.—(2.) A Secretary of State may assign to any inspector appointed under section sixty-seven of the Factory and Workshop Act, 1878, specially and in addition to any other usual duties, the duty of seeing whether the restrictions and conditions of any 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.

(3.) Where any person applies for a license under this section he shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the license is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the license should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(4.) Where a license is granted under this section to any person, that person shall, not less than ten days after the granting of the license, cause a copy thereof to be sent to the inspector of factories and workshops acting for the

district in which the license is to take effect, and if he fails to cause such copy to be sent, shall be liable on summary conviction to a fine not exceeding five pounds.

(5.) Nothing in this or in the last preceding section shall affect the provisions of the Elementary Education Act, 1876, or the Education (Scotland) Act, 1878.

Any person acting in contravention of this section is liable on summary conviction, at the discretion of the court, to a fine not exceeding £25, or alternatively, or in default of payment of such fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months: *ib.*, sec. 2.

See now, sec. 119 of the Factory Act, 1901, *ante*, p. 196.

QUARRIES ACT, 1894.

(57 & 58 VICT. CAP. 42.)

Secs. 1, 2.

An Act to provide for the better Regulation of Quarries.

[25th August, 1894.]

BE it enacted, etc., as follows:—

1. This Act shall apply to every place (not being a mine) in which persons work in getting slate, stone, coprolites, or other minerals, and any part of which is more than twenty feet deep, and every such place is in this Act referred to as a quarry under this Act. Application of Act.

Furnace slag deposited in a heap is not a "mineral," nor is the place of deposit a "quarry," within this section. *Scott v. Midland Rly. Co.* (1897), 13 *T. L. R.* 398.

2.—(1.) The provisions of the Metalliferous Mines Regulation Acts, 1872 and 1875, and the Metalliferous Mines (Isle of Man) Act, 1891, specified in the schedule to this Act, shall, subject to the modifications therein specified, apply in the case of every quarry under this Act in like manner as they apply in the case of a mine. Application to quarries of certain provisions of 35 & 36 Vict. c. 77. 38 & 39 Vict. c. 39. 54 & 55 Vict. c. 47.

(2.) The inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875, shall be inspectors of the quarries under this Act.

(3.) In the appointment of such inspectors in Wales and Monmouthshire among candidates equally qualified persons having a knowledge of the Welsh language shall be preferred.

A slate quarry worked by underground workings by means of levels has been held to be a "mine" within the Metalliferous Mines Regulation Act, 1872. *Sim v. Evans* (1875), 23 *W. R.* 730.

Modifications
of application
of Factory
Acts to
quarries.

3. In the application of the Factory and Workshop Acts, 1878 to 1891, and of any future Act amending the same, to quarries under this Act, the following modifications shall be made—

- (a.) In every such quarry the powers of the inspectors under those Acts shall be transferred to and exercised by the inspectors under the Metalliferous Mines Regulation Acts, 1872 and 1875 ;
- (b.) Sections thirty-one and thirty-two of the Factory and Workshop Act, 1878, shall not apply to any such quarry ;
- (c.) Nothing in section fifty-eight of the Factory and Workshop Act, 1878, shall prevent the employment in any such quarry of young persons in three shifts for not more than eight hours each.

See note, *ante*, p. 251. (b) See now secs. 19 and 20 of the Factory, etc., Act, 1901, *ante*, pp. 41 and 45. (c) See sec. 54, *ib.*, *ante*, p. 89. See also definition of "Quarries" in Schedule 6, Part II. (26) of the Factory, etc., Act, 1901, *ante*, p. 267.

Commence-
ment of Act.

4. This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-five.

Short title.

5. This Act may be cited as the Quarries Act, 1894.

See also sec. 7 (2) of the Workmen's Compensation Act, 1897, *post*, p. 390.

SCHEDULE.

SECTION 2.

PROVISIONS OF METALLIFEROUS MINES ACTS APPLIED TO QUARRIES.

Metalliferous Mines Regulation Act, 1872 (35 & 36 Vict. c. 77).

Section nine.

Section eleven, with the substitution of the word "explosive" for the word "powder."

Sections fifteen to eighteen.

Sections twenty to twenty-two.

Sections twenty-four to forty.

In section forty-one, the definitions of "owner" and "agent," and the definition of "court of summary jurisdiction," so far as it relates to Scotland.

Sections forty-two and forty-three.

Metalliferous Mines Regulation Act, 1875 (38 & 39 Vict. c. 39).

Section one, except the proviso.

Metalliferous Mines (Isle of Man) Act, 1891 (54 & 55 Vict. c. 47).

Section one.

SPECIAL RULES.

[The following twenty-five sets of Special Rules were in force on the 1st November, 1901. The provisions of the Factory, etc., Act, 1891, under which they were made are not repealed. (See note on p. 125, *ante*.)]

Any person bound to observe any Special Rule, who acts in contravention of, or fails to comply therewith, is liable to a fine not exceeding £2, and the "occupier" is also liable to a fine not exceeding £10, unless he proves that he has taken all reasonable means, by publishing, and to the best of his power enforcing, the rules to prevent the contravention or non-compliance: sec. 9, Factory Act, 1891, *ante*, p. 128.

(The three following sets of Special Rules are in force in different Earthenware and China Works throughout the country as the case may be.)

Sept. 7th,
1894.

THE MANUFACTURE OF EARTHENWARE AND CHINA.

DUTIES OF OCCUPIERS.

1. They shall provide suitable overalls and head-coverings for all female workers employed in the dipping-house or dippers' drying-room, or in any processes of ware cleaning after the dipper, glost placing, china scouring, ground laying, or majolica painting (which overalls and head-coverings shall remain the property of the employers), and shall make arrangements for the safe custody of all overalls and head-coverings worn by their operatives and for the safe delivery thereof at the works every seven days to the representatives of the laundry or wash-house which shall be selected by the operatives for the purpose of washing the same. They shall also provide a place in which the above workers can deposit clothing put off during working hours.

2. They shall not allow any persons to cook or partake of any food, or to remain during meal-times in the dipping-house, dippers' drying-room, china-scouring room, glost-placers' shop, ground-laying shop, or majolica-painting room.

3. In the process of towing of earthenware, they shall use fans or other mechanical means for the removal of all dust; in the process of scouring china, they shall, as far as practicable, use mechanical or other efficient means for the removal of flint; and,

in all processes and descriptions of manual labour, they shall, as far as practicable, adopt measures for the removal of dust, and for the prevention of any injurious effects arising therefrom, either by the use of mechanical fans, ventilation, or other efficient means.

4. They shall provide brooms, brushes, and all other necessities for the daily sweeping of floors of workshops and of such stoves as are entered by the workers; and for the cleansing of work-benches and of stairs leading to workshops; and shall arrange that the floors of such workshops and stoves are sprinkled and swept every working day, and the scraps and dirt removed, and that work-benches and stairs are cleansed at least once a week. The daily sweeping of floors of potters' shops shall be done after work has ceased for the day, unless there is some sufficient reason to the contrary.

5. They shall provide washing conveniences and a sufficient supply of water, soap, and nail-brushes for all workers employed in the dipping-house or dippers' drying-room, or in any processes of ware-cleaning after the dipper, glost placing, china scouring, ground-laying, or majolica painting as close as is practicable to the workshops.

6. All stoves, as well as all workshops and all parts of the factories, shall be effectually ventilated. Regard being had to the cubic capacity of the shops, etc., there shall be, wherever practicable, natural ventilation by doors and windows; and careful supervision of hot air and hot-water pipes used for heating, and of the consumption of gas. The required ventilation shall be accomplished by mechanical or other efficient means. The temperature of any workshop during working hours shall not be allowed to exceed 90 degrees (Fahrenheit).

DUTIES OF PERSONS EMPLOYED.

7. Every person employed in the places and processes enumerated in Rule 1 shall wear an overall suit or head-covering when at their work, and no such person shall remove such overall suit or head-covering from the works at which they are employed so long as they shall continue in such employ.

8. Every person employed in the places or processes enumerated in Rule 5 shall carefully clean and wash his or her hands and face before meals and before leaving the works.

9. Every person employed in dipping, carrying ware from the dipper, cleaning ware after it has been dipped, glost placing, china scouring, ground laying, or majolica painting, shall, during the meal-times, leave the shops in which those processes are carried on, and shall not cook or eat any food therein at any time.

10. The measures taken by the employers for the ventilation of the various work-rooms and stoves, and for the removal of dust, shall not be in any way interfered with by the workpeople without the knowledge and concurrence of the employer or manager of the works.

11. Every male or female worker shall be responsible for the cleansing of that portion of the room in which he or she is employed, and shall see that the floors of shops and of such stoves as are entered by the workers, are sprinkled and swept, and the dust, scraps, ashes, and dirt be removed every day, and that the workbenches and stairs are cleansed at least once a week. The sweeping of floors and of potters' shops shall be done after the working hours, unless there is some sufficient reason to the contrary, by an adult male, employed and paid by the workers and approved by the employer.

Form 254.
May, 1898.
Age.

DUTIES OF OCCUPIERS.

1. After August 1st, 1898, no person under 14 years of age, and after August 1st, 1899, no person under 15 years of age, shall be employed in the dipping-house, or dippers' drying-room, or in any processes of—Ware cleaning after the dipper, glaze placing, colour dusting, ground laying, majolica painting, glaze blowing, transfer making, or china scouring.

Monthly
examinations.

2. All women and young persons employed in the places and processes named in Rule 1 shall be examined once a month by the Certifying Surgeon for the District, who shall, after August 1st, 1898, have power to order suspension from employment in any place or process named in Rule 1.

No person after such suspension shall be allowed to work in any of the places or processes named in Rule 1 without the written sanction of the Certifying Surgeon.

Health
register.

3. A register, in the form which has been prescribed by the Secretary of State for use in earthenware and china works, shall be kept, and in it the Certifying Surgeon will enter the dates and results of his visits, the number of persons examined, and particulars of any directions given by him. This register shall contain a list of all persons employed in the places and processes named in Rule 1, and shall be produced at any time when required by H.M. Inspector of Factories or by the Certifying Surgeon.

Overalls and
head-cover-
ings.

4. The occupier shall provide and maintain suitable overalls and head-coverings for all women and young persons employed in the places and processes named in Rule 1.

All overalls and head-coverings shall be kept in proper custody,

and all overalls shall be washed, at least once a week, and suitable arrangements shall be made for carrying out these requirements.

A suitable place shall be provided in which the above workers can deposit clothing put off during working hours.

5. No person shall be allowed to prepare or partake of any Food. food or drink, or to remain during meal-times, in the dipping house or dippers' drying-room, or in a place in which is carried on any process named in Rule 1.

The occupier shall make suitable provision to the reasonable satisfaction of the Inspector in charge of the District for the accommodation during meal-times of persons employed in such places or processes.

6. After January 1st, 1899, the process of—Towing of earthen- Dust. ware, china scouring, ground laying, colour dusting, glaze blowing, or transfer making, shall not be carried on without the use of exhaust fans for the effectual removal of dust.

In the process of ware cleaning after the dipper, exhaust fans shall be used, or arrangements made for the dust to fall into water.

In all processes the occupiers shall, as far as practicable, adopt efficient measures for the removal of dust and for the prevention of any injurious effects arising therefrom.

7. All drying stoves as well as all workshops and all parts of Ventilation. factories shall be effectually ventilated to the reasonable satisfaction of the Inspector in charge of the District.

8. The occupier shall provide and maintain sufficient and suit- Lavatories. able washing conveniences for all persons employed in the places and processes named in Rule 1, as near as is practicable to the places in which such persons are employed.

The washing conveniences shall comprise soap, nail-brushes, and towels, and at least one lavatory basin for every five persons employed as above, and each such basin shall be fitted with waste-pipe, and have a constant supply of water laid on by tap.

9. The occupier shall see that the requirements of Rule 16 are Cleansing of work-places. duly observed, and shall provide brushes and all other necessities for the purpose.

10. The boards used in the dipping-house, dippers' drying- Boards. room, or glost placing shop shall be cleansed every week, and shall not be used in any other department.

DUTIES OF PERSONS EMPLOYED.

11. All women and young persons employed in the places Monthly and processes named in Rule 1 shall present themselves at the examination. appointed time for examination by the Certifying Surgeon as provided in Rule 2.

No person after suspension by the Certifying Surgeon shall work in any of the places or processes named in Rule 1 without the written sanction of the Certifying Surgeon.

Overalls.

12. Every person employed in the places and processes named in Rule 1 shall, when at work, wear an overall suit and head-covering, which shall not be worn outside the factory or workshop, and which shall not be removed therefrom except for the purpose of being washed.

The overalls and head-coverings, when not being worn, shall be deposited in the place provided for the purpose under Rule 4.

Clothing put off during working hours shall be deposited in the place provided for the purpose under Rule 4.

Food.

13. No person shall remain during meal-times in the dipping-house, dippers' drying-room, or in any place in which is carried on any process named in Rule 1; or prepare or partake of any food or drink therein at any time.

**Ventilation.
Dust.**

14. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided by the employers for the ventilation of the workshops and stoves and for the removal of dust.

Washing.

15. No person employed in any place or process named in Rule 1 shall leave the works or partake of meals without previously and carefully cleaning and washing his or her hands.

**Cleansing of
work-places.**

16. The persons employed shall be responsible for the daily sprinkling and sweeping of the floors of workshops and of such stoves as are entered by the workpeople; and for the daily removal of dust, scraps, ashes, and dirt; and for the weekly cleansing of work-benches and of stairs leading to workshops.

Each person shall be responsible for the cleansing of that portion of the room in which he or she is employed.

The sweeping of the floors of potters' shops, stoves, dipping houses, and majolica painting-rooms shall be done after working hours, by an adult male, employed and paid by the workers and approved by the employer.

Boards.

17. The boards used in the dipping-house, dippers' drying-room, or glost placing shop shall be cleansed every week, and shall not be used in any other department.

Form 254*.
October, 1898.
Age.

DUTIES OF OCCUPIERS.

1. After August 1st, 1898, no person under 14 years of age, and after August 1st, 1899, no person under 15 years of age, shall be employed in the dipping-house, or dippers' drying-room, or in

any processes of—Ware cleaning after the dipper, glost placing, colour dusting, ground laying, majolica painting, glaze blowing, transfer making, or china scouring.

2. All women and young persons employed in the places and Monthly processes named in Rule 1 shall be examined once a month by the examinations. Certifying Surgeon for the District, who shall after August 1st, 1898, have power to order suspension from employment in any place or process named in Rule 1.

No person after such suspension shall be allowed to work in any of the places or processes named in Rule 1 without the written sanction of the Certifying Surgeon.

3. A register, in the form which has been prescribed by the Health Secretary of State for use in earthenware and china works, shall be register. kept, and in it the Certifying Surgeon will enter the dates and results of his visits, the number of persons examined, and particulars of any directions given by him. This register shall contain a list of all persons employed in the places and processes named in Rule 1, and shall be produced at any time when required by H.M. Inspector of Factories or by the Certifying Surgeon.

4. The occupier shall provide and maintain suitable overalls Overalls and and head-coverings for all women and young persons employed in head-cover- the places and processes named in Rule 1. ings.

All overalls and head-coverings shall be kept by the occupier in proper custody, and shall be washed at least once a week, and suitable arrangements shall be made for carrying out these requirements.

A suitable place shall be provided in which the above workers can deposit clothing put off during working hours.

5. No person shall be allowed to prepare or partake of any food Food. or drink, or to remain during meal-times, in the dipping-house or dippers' drying-room, or in a place in which is carried on any process named in Rule 1.

The occupier shall make suitable provision to the reasonable satisfaction of the Inspector in charge of the District for the accommodation during meal-times of persons employed in such places or processes, with a right of appeal to the Chief Inspector of Factories. Such accommodation to be provided in any room or rooms on the premises other than those referred to in Rule 13.

6. After January 1st, 1899, the process of towing of earthen- Dust. ware, china scouring, ground laying, colour dusting, glaze blowing, or transfer making, shall not be carried on without the use of exhaust fans for the effectual removal of dust, or other efficient means for the effectual removal of dust, to be approved in each particular case by the Secretary of State, and under such conditions as he may from time to time prescribe.

In the process of ware cleaning after the dipper, exhaust fans shall be used, or arrangements made for the dust to fall into water.

In all processes the occupiers shall, as far as practicable, adopt efficient measures for the removal of dust and for the prevention of any injurious effects arising therefrom.

Ventilation. 7. All drying stoves as well as all workshops and all parts of factories shall be effectually ventilated to the reasonable satisfaction of the Inspector in charge of the District.

Lavatories. 8. The occupier shall provide and maintain sufficient and suitable washing conveniences for all persons employed in the places and processes named in Rule 1, as near as is practicable to the places in which such persons are employed.

The washing conveniences shall comprise soap, nail-brushes, and towels, and at least one wash-hand basin for every five persons employed as above, with a constant supply of water laid on, with one tap at least for every two basins, and conveniences for emptying the same and running off the waste water on the spot down a waste-pipe.

Cleansing of work-places. 9. The occupier shall see that the requirements of Rule 16 are duly observed, and shall provide brushes and all other necessities for the purpose.

Boards. 10. The boards used in the dipping-house, dippers' drying-room, or glost placing shop shall be cleansed every week, and shall not be used in any other department, except after being cleansed.

DUTIES OF PERSONS EMPLOYED.

Monthly examination. 11. All women and young persons employed in the places and processes named in Rule 1 shall present themselves at the appointed time for examination by the Certifying Surgeon as provided in Rule 2.

No person after suspension by the Certifying Surgeon shall work in any of the places or processes named in Rule 1 without the written sanction of the Certifying Surgeon.

Overalls. 12. Every person employed in the places and processes named in Rule 1 shall, when at work, wear an overall suit and head-covering, which shall not be worn outside the factory or workshop, and which shall not be removed therefrom except for the purpose of being washed. All overalls and head-coverings shall be washed at least once a week.

The overalls and head-coverings, when not being worn, shall be deposited in the place provided for the purpose under Rule 4.

Clothing put off during working hours shall be deposited in the place provided for the purpose under Rule 4.

Food. 13. No person shall remain during meal-times in the dipping-

house, dippers' drying-room, or in any place in which is carried on any process named in Rule 1; or prepare or partake of any food or drink therein at any time.

14. No persons shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided by the employers for the ventilation of the workshops and stoves and for the removal of dust. Ventilation.
Dust.

15. No person employed in any place or process named in Rule 1 shall leave the works or partake of meals without previously and carefully cleansing and washing his or her hands. Washing.

16. The persons employed shall be responsible for the daily sprinkling and sweeping of the floors of workshops and of such stoves as are entered by the workpeople; and for the daily removal of dust, scraps, ashes, and dirt; and for the weekly cleansing of work-benches and of stairs leading to workshops. Cleansing of
work-places.

Each person shall be responsible for the cleansing of that portion of the room in which he or she is employed.

The sweeping of the floors of potters' shops, stoves, dipping-houses, and majolica painting-rooms shall be done after working hours, by an adult male, employed and paid by the workers and approved by the employer.

17. The boards used in the dipping-house, dippers' drying-room, or glost placing shop shall be cleansed every week, and shall not be used in any other department, except after being cleansed. Boards.

RED AND ORANGE LEAD WORKS.

DUTIES OF OCCUPIERS.

In drawing charges of massicot, or of red lead, or of orange lead, from the furnace they shall not allow the charges of massicot, or of red lead, or of orange lead, to be discharged on to the floor of the factory or workshop, but shall arrange that it be shovelled, not raked, into waggons. Drawing.

They shall arrange that no red or orange lead shall be packed in the room or rooms where the manufacture is actually carried on. Packing.

They shall arrange that no red or orange lead shall be packed in casks or other receptacles except in a place provided with a hood connected with a fan, or shall provide other suitable means to create an effective draught.

They shall provide sufficient bath accommodation for all persons employed in the manipulation of red and orange lead, and lavatories, with a good supply of hot water, soap, nail-brushes, and towels for the use of such persons. Washing
conveniences.

Monthly
examination.

They shall arrange for a monthly visit by a medical man, who shall examine every worker individually, and who shall enter the result of each examination in a register book to be provided by the said occupiers.

Sanitary
drink.

They shall provide a sufficient supply of approved sanitary drink for the workers.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable in accordance with the Factory and Workshop Act, 1891, section 9.

Form 247c.
1st June, 1899.

WHITE LEAD FACTORIES.

In these Rules "person employed in a lead process" means a person who is employed in any work or process involving exposure to white lead, or to lead or lead compounds used in its manufacture, or who is admitted to any room or part of the factory where such process is carried on.

An approval given by the Chief Inspector of Factories in pursuance of Rules 2, 4, 6, 9, or 12 shall be given in writing, and may at any time be revoked by notice in writing signed by him.

DUTIES OF OCCUPIERS.

New works.

1. On and after July 1st, 1899, no part of a white lead factory shall be constructed, structurally altered, or newly used, for any process in which white lead is manufactured or prepared for sale, unless the plans have previously been submitted to and approved in writing by the Chief Inspector of Factories.

Stacks.

2.—(a.) Every stack shall be provided with a standpipe and movable hose, and an adequate supply of water distributed by a rose.

White beds.

(b.) Every white bed shall, on the removal of the covering boards, be effectually damped by the means mentioned above.

Where it is shown to the satisfaction of the Chief Inspector of Factories that there is no available public water service in the district, it shall be a sufficient compliance with this Rule if each white bed is, on the removal of the covering boards, effectually damped by means of a watering-can.

Chamber
process.

3. Where white lead is made by the Chamber Process, the

chamber shall be kept moist while the process is in operation, and the corrosions shall be effectually moistened before the chamber is emptied.

4.—(a.) Corrosions shall not be carried except in trays of im- Corrosions.
pervious material.

(b.) No person shall be allowed to carry on his head or shoulder a tray of corrosions which has been allowed to rest directly upon the corrosions, or upon any surface where there is white lead.

(c.) All corrosions before being put into the rollers or wash-
becks shall be effectually damped, either by dipping the tray con-
taining them in a trough of water or by some other method approved
by the Chief Inspector of Factories.

5. The flooring round the rollers shall either be of smooth Rollers.
cement or be covered with sheet lead, and shall be kept con-
stantly moist.

6. On and after January 1st, 1901, except as herein-after pro- Drying stoves.
vided—

(a.) Every stove shall have a window, or windows, with a
total area of not less than 8 square feet, made to open,
and so placed as to admit of effectual through ventilation.

(b.) In no stove shall bowls be placed on a rack which is more
than 10 feet from the floor.

(c.) Each bowl shall rest upon the rack and not upon another
bowl.

(d.) No stove shall be entered for the purpose of drawing
until the temperature at a height of 5 feet from the
floor has fallen either to 70° F., or to a point not more
than 10° F. above the temperature of the air outside.

(e.) In drawing any stove or part of a stove there shall not
be more than one stage or standing place above the
level of the floor.

Provided that if the Chief Inspector approves of any other means
of ventilating a stove, as allowing of effectual through ventilation,
such means may be adopted, notwithstanding paragraph (a) of this
Rule; and if he approves of any other method of setting and
drawing the stoves, as effectually preventing white lead from falling
upon any worker, such method may be followed, notwithstanding
paragraphs (b) and (e) of this Rule.

7. No person shall be employed in drawing Dutch stoves on Drawing
more than two days in any week. Dutch stoves.

8. No dry white lead shall be deposited in any place that is not Deposit of dry
provided either with a cover or with a fan effectually removing the white lead.
dust from the worker.

9. On and after January 1st, 1900, the packing of dry white Packing.
lead shall be done only under conditions which secure the effectual

removal of dust, either by exhaust fans or by other efficient means approved in each case by the Chief Inspector of Factories.

This rule shall not apply where the packing is effected by mechanical means entirely closed in.

10. The floor of any place where packing of dry white lead is carried on shall be of cement, or of stone set in cement.

Employment
of women.

11. No woman shall be employed or allowed in the white beds, rollers, washbecks, or stoves, or in any place where dry white lead is packed, or in other work exposing her to white lead dust.

Weekly
medical
examination.

12.—(a.) A duly qualified medical practitioner (in these Rules referred to as the "Appointed Surgeon") shall be appointed by the occupier for each factory, such appointment to be subject to the approval of the Chief Inspector.

(b.) No person shall be employed in a lead process for more than a week without a certificate of fitness granted after examination by the Appointed Surgeon.

(c.) Every person employed in a lead process shall be examined once a week by the Appointed Surgeon, who shall have power to order suspension from employment in any place or process.

(d.) No person after such suspension shall be employed in a lead process without the written sanction of the Appointed Surgeon.

Health
register.

(e.) A register in a form approved by the Chief Inspector of Factories shall be kept, and shall contain a list of all persons employed in lead processes. The Appointed Surgeon will enter in the register the dates and results of his examinations of the persons employed, and particulars of any directions given by him. The register shall be produced at any time when required by H.M. Inspectors of Factories or by the Certifying Surgeon or by the Appointed Surgeon.

Medical
attendance.

13. Upon any person employed in a lead process complaining of being unwell, the occupier shall, with the least possible delay, give an order upon a duly qualified medical practitioner.

Respirators,
overalls, head-
coverings.

14. The occupier shall provide and maintain sufficient and suitable respirators, overalls, and head-coverings, and shall cause them to be worn as directed in Rule 29.

At the end of every day's work they shall be collected and kept in proper custody in a suitable place set apart for the purpose.

They shall be thoroughly washed or renewed every week; and those which have been used in the stoves, and all respirators, shall be washed or renewed daily.

Dining-room,
cloak-room.

15. The occupier shall provide and maintain a dining-room and a cloak-room in which workers can deposit clothing put off during working hours.

Food.

16. No person employed in a lead process shall be allowed to

prepare or partake of any food or drink except in the dining-room or kitchen.

17. A supply of a suitable sanitary drink, to be approved by the Appointed Surgeon, shall be kept for the use of the workers. Sanitary drink.

18. The occupier shall provide and maintain a lavatory for the use of the workers, with soap, nail-brushes, and at least one lavatory basin for every five persons employed. Each such basin shall be fitted with a waste-pipe. There shall be a constant supply of hot and cold water laid on, except where there is no available public water service, in which case the provision of hot and cold water shall be such as shall satisfy the Inspector in charge of the district. Lavatory.

The lavatory shall be thoroughly cleaned and supplied with clean towels after every meal.

There shall, in addition, be means of washing in close proximity to the workers of each department, if required by notice in writing from the Inspector in charge of the district.

There shall be facilities, to the satisfaction of the Inspector in charge of the district, for the workers to wash out their mouths.

19. Before each meal, and before the end of the day's work, at least ten minutes in addition to the regular meal-times, shall be allowed to each worker for washing. Allowance of time for washing.

A notice to this effect shall be affixed in each department.

20. The occupier shall provide and maintain sufficient baths and dressing-rooms for all persons employed in lead processes, with hot and cold water, soap, and towels, and shall cause each such person to take a bath once a week at the factory. Baths.

A bath register shall be kept, containing a list of all persons employed in lead processes, and an entry of the date when each person takes a bath. Bath register.

This register shall be produced at any time when required by H.M. Inspectors of Factories or by the Certifying Surgeon or by the Appointed Surgeon.

21. The dressing-rooms, baths, and w.c.'s shall be cleaned daily. Cleaning

22. The floor of each workroom shall be cleaned daily, after being thoroughly damped. floors.

DUTIES OF PERSONS EMPLOYED.

23. No person shall strip a white bed or empty a chamber without previously effectually damping as directed in Rules 2 and 3. Corrosions.

24. No person shall carry corrosions, or put them into the rollers or washbecks, otherwise than as permitted by Rule 4.

25. No person shall set or draw a stove otherwise than as permitted by Rules 6 and 7. Stoves.

Packing.

26. No person shall deposit or pack dry white lead otherwise than as permitted by Rules 8 and 9.

Weekly
medical
examination.

27. Every person employed in a lead process shall present himself at the appointed times for examination by the Appointed Surgeon, as provided in Rule 12.

28. No person, after suspension by the Appointed Surgeon, shall work in a lead process without his written sanction.

Respirators,
overalls, head-
coverings.

29. Every person engaged in—White beds, emptying chambers, rollers, washbecks or grinding, setting or drawing stoves, packing, paint mixing, handling dry white lead, or in any work involving exposure to white lead dust, shall, while so occupied, wear an overall suit and head-covering.

Every person engaged in stripping white beds, or in emptying chambers, or in drawing stoves, or in packing, shall in addition wear a respirator while so occupied.

Washing.

30. Every person engaged in any place or process named in Rule 29 shall, before partaking of meals or leaving the premises, deposit the overalls, head-coverings, and respirators in the place appointed by the occupier for the purpose, and shall thoroughly wash face and hands in the lavatory.

Baths.

31. Every person employed in a lead process shall take a bath at the factory at least once a week, and wash in the lavatory before bathing; having done so, he shall at once sign his name in the bath register, with the date.

Food.

32. No person employed in a lead process shall smoke or use tobacco in any form, or partake of food or drink, elsewhere than in the dining-room or kitchen.

Ventilation.

33. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided for the removal of dust.

Reporting
neglect of
rules.

34. The foreman shall report to the manager, and the manager shall report to the occupier, any instance coming under his notice of a worker neglecting to observe these Rules.

False
pretences.

35. No person shall obtain employment under an assumed name or under any false pretence.

(AMENDED SPECIAL RULES.)

Form 249

PROCESSES IN THE MANUFACTURE OF PAINTS,
COLOURS, AND IN THE EXTRACTION OF ARSENIC.

DUTIES OF OCCUPIERS.

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail-brushes, and towels, and take measures to secure that every worker wash face and hands before meals, and before leaving the works; and, in addition to the above, sufficient bath accommodation for the use of all persons employed in the manufacture of Milan red, Vermilionette, or Persian red.

They shall provide suitable respirators and overall suits, kept in a cleanly state, for all workers engaged in any department where dry white lead or arsenic is used in either the manufacture or paint mixing, and overall suits for those engaged in grinding in water or oil, and for all workers in Milan red, Vermilionette, or Persian red, wherever dust is generated.

They shall provide a sufficient supply of approved sanitary drink, which shall be accessible to the workers at all times, and shall cause such approved sanitary drink to be taken daily by workers in any department where white lead or arsenic is used in the manufacture, and shall provide a supply of aperient medicine, which shall be given to the workers, when required, free of charge.

No food shall be eaten in any part of the works where white lead or arsenic is used in the manufacture.

DUTIES OF PERSONS EMPLOYED.

Every person to whom is supplied a respirator or overall suit shall wear the same when at the special work for which such are provided.

Every person shall carefully clean and wash hands and face before meals and before leaving the works.

No food shall be eaten in any part of the works in which white lead or arsenic is used in the manufacture.

No person shall smoke or use tobacco in any part of the works in which white lead or arsenic is used in the manufacture.

Form 251. FOR WORKS, OR PARTS OF WORKS, IN WHICH LEAD, ARSENIC, OR ANTIMONY IS USED IN THE ENAMELING OF IRON PLATES.

DUTIES OF OCCUPIERS.

- Lavatories.** 1. They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail-brushes, and towels, and take measures to secure that every worker wash face and hands before meals and before leaving the works.
- Respirators, overalls, head-coverings.** 2. They shall provide suitable respirators, overall suits, and head-coverings for all workers employed in the processes of grinding, dusting, and brushing.
- Dust.** 3. They shall adopt measures on and after the first day of October, 1894, in the dusting and brushing processes for the removal of all superfluous dust, by the use of perforated benches or tables supplied with fans to carry the dust down through the apertures of such benches or tables, the under part of which must be boxed in.
- Sanitary drink.** 4. They shall provide a sufficient supply of approved sanitary drink, and shall cause the workpeople to take it.
- Medical examination.** 5. They shall arrange for a medical inspection of all persons employed, at least once a month.
- They shall see that no female is employed without previous examination and a certificate of fitness from the medical attendant of the works.
- They shall see that no person who has been absent from work through illness shall be re-employed without a medical certificate to the effect that he or she has recovered.
- Medical attendance.** 6. Upon any person employed in the works complaining of being unwell, the occupier shall, with the least possible delay, and at his own expense, give an order upon a doctor for professional attendance and medicine. It is to be understood that this rule will not apply to persons suffering from complaints which have not been contracted in the process of manufacture.
- Cloak-room.** 7. They shall provide a place or places free from dust and damp in which the operatives can hang up the clothes in which they do not work.
- (It is recommended that they shall provide for each female before the day's work begins some light refreshment, such as a half-pint of milk and a biscuit.)*

DUTIES OF PERSONS EMPLOYED.

8. Every person to whom is supplied a respirator or overall Respirators, and head-covering shall wear the same when at the work for which overalls, head-coverings, such are provided.

9. Every person shall carefully clean and wash hands and face Washing. before meals and before leaving the works.

10. No food shall be eaten by any person in any part of the Food. works except in the apartment specially provided for the purpose.

11. No person may seek employment under an assumed name False pre- or under any false pretence. tences.

Respirators.—A good respirator is a cambric bag with or with- out a thin flexible wire made to fit over the nose.

Sanitary drink suggested	{	Sulphate of magnesia	2 oz.
		Water	1 gallon.
		Essence of Lemon, sufficient to flavour.	

MAKING TRANSFERS FOR EARTHENWARE AND CHINA.

Form 254A.
January, 1899.

DUTIES OF OCCUPIERS.

1. No person under 15 years of age shall be employed in Age. making transfers for earthenware or china.

2. All women and young persons employed shall be examined Monthly once a month by the Certifying Surgeon for the District, who shall examination. after May 1st, 1899, have power to order suspension from employ- ment.

No person after such suspension shall be allowed to work without the written sanction of the Certifying Surgeon.

3. A register, in the form which has been prescribed by the Health Secretary of State for use in earthenware and china works, shall be register. kept, and in it the Certifying Surgeon will enter the dates and results of his visits, the number of persons examined, and particulars of any directions given by him. This register shall contain a list of all persons employed, and shall be produced at any time when required by H.M. Inspector of Factories or by the Certifying Surgeon.

4. The occupier shall provide and maintain suitable overalls Overalls and and head-coverings for all women and young persons employed in head- rooms in which colour processes are carried on. coverings.

All overalls and head-coverings shall be kept by the occupier

in proper custody and shall be washed at least once a week, and suitable arrangements shall be made for carry out these requirements.

A suitable place shall be provided in which the above workers can deposit clothing put off during working hours.

It shall be a sufficient compliance with the requirements of this rule as to head-coverings if they are made of suitable glazed paper and renewed once a week. The head-coverings shall be made so as completely to cover the hair and to the satisfaction of the Inspector.

Food.

5. No person shall be allowed to prepare or partake of any food or drink, or to remain during meal-times, in any place in which is carried on the making of transfers.

The occupier shall make suitable provision to the reasonable satisfaction of the Inspector in charge of the District for the accommodation during meal-times of persons employed in such places or processes, with a right of appeal to the Chief Inspector of Factories.

Dust.

6. Transfer making shall not be carried on without the use of exhaust fans for the effectual removal of dust, or other efficient means for the effectual removal of dust, to be approved in each particular case by the Secretary of State, and under such conditions as he may from time to time prescribe.

Lavatories.

7. The occupier shall provide and maintain sufficient and suitable washing conveniences for all persons employed, as near as is practicable to the places in which such persons are employed.

The washing conveniences shall comprise soap, nail-brushes, and towels, and at least one wash-hand basin for every five persons employed as above, with a constant supply of water laid on, with one tap at least for every two basins, and conveniences for emptying the same and running off the waste water on the spot down a waste-pipe.

DUTIES OF PERSONS EMPLOYED.

Monthly examination.

8. All women and young persons employed shall present themselves at the appointed time for examination by the Certifying Surgeon as provided in Rule 2.

No person after suspension by the Certifying Surgeon shall work without the written sanction of the Certifying Surgeon.

Overalls.

9. Every person employed in any room in which colour processes are carried on shall, when at work, wear an overall suit and head-covering, which shall not be worn outside the factory or workshop, and which shall not be removed therefrom except for the purpose of being washed. All overalls and head-coverings shall be washed or renewed at least once a week.

The overalls and head-coverings, when not being worn, shall be deposited in the place provided for the purpose under Rule 4.

Clothing put off during working hours shall be deposited in the place provided for the purpose under Rule 4.

It shall be a sufficient compliance with the requirements of this rule as to head-coverings if they are made of suitable glazed paper and renewed once a week. The head-coverings shall be made so as completely to cover the hair and to the satisfaction of the Inspector.

10. No person shall remain during meal-times in any place in Food. which is carried on the making of Transfers; or prepare or partake of any food or drink therein at any time.

11. No person shall in any way interfere, without the know- Ventilation. ledge and concurrence of the occupier or manager, with the means Dust. and appliances provided by the employers for the ventilation of the workshops and for the removal of dust.

12. No person employed shall leave the works or partake of Washing. meals without previously and carefully cleaning and washing his or her hands.

THE MANUFACTURE OF EXPLOSIVES IN WHICH Form 257.
DI-NITRO-BENZOLE IS USED.

1. No person to be employed without a medical certificate, stating that he or she is physically fit for such employment.

2. An examination of the workers at their work to be made at least once a fortnight by a certifying surgeon, who shall have power to order temporary suspension or total change of work for any person showing symptoms of suffering from the poison, or if after a fair trial he is of opinion that any person is by constitution unfit, he shall direct that such person shall cease to be employed.

3. A supply of fresh milk, and of any drug that the medical officer may consider desirable, shall be kept where the workers in his opinion may require it.

4. No meals to be taken in the workrooms.

5. There shall be provided separate lavatories for men and women, with a good supply of hot water, soap, nail-brushes, and towels, and whenever the skin has come in contact with di-nitro-benzole, the part shall be immediately washed.

6. Overall suits and head-coverings shall be supplied to all workers in shops where di-nitro-benzole is used, these suits to be

taken off or well brushed before meals and before leaving the works, and to be washed at least once a week.

7. Suitable respirators (capable of being washed), folds of linen, or woollen material of open texture, or other suitable material, shall be supplied to those workers liable to inhale dust, and the wearing of such respirators shall be urged where the workers derive benefit from their use.

8. Where di-nitro-benzole has to be handled, the hands shall always be protected from direct contact with it, either by the use of india-rubber gloves (kept perfectly clean, especially in the inner side), or by means of rags which shall be destroyed immediately after use.

9. Where di-nitro-benzole is broken by hand, the instrument used shall be a wooden bar, spade, or tool with a handle long enough to prevent the worker's face from coming into near contact with the material.

10. In all rooms or sheds in which the process, either of purifying, grinding, mixing materials of which di-nitro-benzole forms a part, is carried on, efficient "cowls," ventilating shafts, and mechanical ventilating fans shall be provided to carry off the dust or fumes generated.

11. Drying stoves shall be efficiently ventilated, and, when possible, be charged and drawn at fixed times, and a free current of air shall be admitted for some time prior to the workers entering to draw either a part or the whole of the contents.

12. In the process of filling cartridges, the material shall not be touched by hand, but suitable scoops shall be used, and where patent ventilated cartridge filling machines are not used, there shall be efficient mechanical ventilation arranged in such a manner that the suction shall draw the fumes or dust away from and not across or over the faces of the workers.

13. A register, in a prescribed form, shall be kept, and it shall be the duty of a responsible person named by the firm to enter, at least once a week, a statement that he has personally satisfied himself that each and all of the special rules have been observed, or if not, the reasons for such non-observance. The surgeon to enter in this register the dates of his visits, the results of such visits, and any requirement made by him.

14. The "dipping" rooms to be efficiently ventilated.

CHEMICAL WORKS.

Form 258.

1. In future every uncovered pot, pan, or other structure containing liquid of a dangerous character, shall be so constructed as to be at least 3 feet in height above the ground or platform. Those already in existence which are less than 3 feet in height, or in cases where it is proved to the satisfaction of an inspector that a height of 3 feet is impracticable, shall be securely fenced.

2. There shall be a clear space round such pots, pans, or other structures, or where any junction exists a barrier shall be so placed as to prevent passage. Uncovered
pots and pans.

3. Caustic pots shall be of such construction that there shall be no footing on the top or sides of the brickwork, and dome-shaped lids shall be used where possible. Caustic pots.

4. No unfenced planks or gangways shall be placed across open pots, pans, or other structures containing liquid of a dangerous character. This rule shall not apply to black ash vats where the vats themselves are otherwise securely fenced. Planks and
gangways.

5. Suitable respirators shall be provided for the use of the workers in places where poisonous gases or injurious dust may be inhaled. Respirators.

6. The lighting of all dangerous places shall be made thoroughly efficient. Lighting.

7. Every place where caustic soda or caustic potash is manufactured shall be supplied with syringes or wash-bottles, which shall be enclosed in covered boxes fixed in convenient places, in the proportion of one to every four caustic pots. They shall be of suitable form and size, and be kept full of clean water. Similar appliances shall be provided wherever, in the opinion of an inspector, they may be desirable. Syringes or
wash-bottles.

8. Overalls, kept in a cleanly state, shall be provided for all workers in any room where chlorate of potash or other chlorate is ground. In every such room a bath shall be kept ready for immediate use. Overalls.
Bath.

In every chlorate mill, tallow or other suitable lubricant shall be used instead of oil.

9. Respirators charged with moist oxide of iron or other suitable substance, shall be kept in accessible places ready for use in cases of emergency arising from sulphuretted hydrogen or other poisonous gases. Respirators.

10. In salt cake departments suitable measures shall be adopted by maintaining a proper draught and by other means to obviate the escape of low-level gases. Salt cake
departments.

11. Weldon bleaching powder chambers, after the free gas Weldon
bleaching

powder
chambers.

has, as far as may be practicable, been drawn off or absorbed by fresh lime, shall, before being opened, be tested by the standard recognized under the Alkali Act. Such tests shall be duly entered in a register kept for the purpose.

All chambers shall be ventilated, as far as possible, when packing is being carried on, by means of open doors on opposite sides and openings in the roof so as to allow of a free current of air.

12. (*Co-operation of workers: Penalty. See note, supra, p. 342.*)

Form 260.
February,
1900.

(AMENDED SPECIAL RULES.)

FOR CHEMICAL WORKS IN WHICH IS CARRIED ON THE MANUFACTURE OF BICHROMATE OR CHRO- MATE OF POTASSIUM OR SODIUM.

In these Rules "person employed in a chrome process" means a person who is employed in any work involving contact with chromate or bichromate of potassium or sodium, or involving exposure to dust or fumes arising from the manufacture thereof.

Any approval given by the Chief Inspector in pursuance of Rule 10 shall be given in writing, and may at any time be revoked by notice in writing signed by him.

DUTIES OF OCCUPIERS.

Open pans,
etc., contain-
ing dangerous
liquid.

1. No uncovered pot, pan, or other structure containing liquid of a dangerous character shall be so constructed as to be less than 3 feet in height above the adjoining ground or platform.

This Rule shall not apply to any pot, pan, or other structure constructed before January 1st, 1899, or in which a height of 3 feet is impracticable by reason of the nature of the work to be carried on: provided in either case that the structure is securely fenced.

2. There shall be a clear space round all pots, pans, or other structures containing liquid of a dangerous character, except where any junction exists, in which case a barrier shall be so placed as to prevent passage.

3. No unfenced plank or gangway shall be placed across any pot, pan, or other structure containing liquid of a dangerous character.

Lighting.

4. The lighting of all dangerous places shall be made thoroughly efficient.

5. The grinding, separating, and mixing of the raw materials (including chrome ironstone, lime, and sodium potassium carbonate) shall not be done without such appliances as will prevent, as far as possible, the entrance of dust into the workrooms. Grinding, separating, and mixing of raw materials.

6. "Batches," when withdrawn from the furnaces, shall either be placed in the keaves or vats while still warm, or be allowed to cool in barrows, or other receptacles. Batches.

7. Evaporating vessels shall be covered in, and shall be provided with ventilating shafts to carry the steam into the outside air. Evaporating vessels.

8. Packing or crushing of bichromate of potassium or sodium shall not be done except under conditions which secure either the entire absence of dust or its effectual removal by means of a fan. Packing and crushing of bichromate.

9. No child or young person shall be employed in a chrome process. Age.

10. (a.) The occupier shall, subject to the approval of the Chief Inspector, appoint a duly qualified medical practitioner (in these Rules referred to as the Appointed Surgeon), who shall examine all persons employed in chrome processes at least once in every month, and shall undertake any necessary medical treatment of disease contracted in consequence of such employment, and shall, after the 30th day of April, 1900, have power to suspend any such person from work in any place or process. Monthly medical examination.

(b.) No person after such suspension shall be employed in any chrome process without the written sanction of the Appointed Surgeon.

(c.) A register shall be kept in a form approved by the Chief Inspector, and shall contain a list of all persons employed in any chrome process. The Appointed Surgeon shall enter in the register the dates and results of his examinations of the persons employed and particulars of any treatment prescribed by him. The register shall be produced at any time when required by H.M. Inspectors of Factories or by the Appointed Surgeon. register.

11. Requisites (approved by the Appointed Surgeon) for treating slight wounds and ulcers shall be kept at hand and be placed in charge of a responsible person. Requisites for treating slight wounds and ulcers.

12. The occupier shall provide sufficient and suitable overall suits for the use of all persons engaged in the processes of grinding the raw materials; and sufficient and suitable overall suits or other adequate means of protection approved in writing by the Appointed Surgeon, for the use of all persons engaged in the crystal department or in packing. Overalls and respirators.

Respirators approved by the Appointed Surgeon shall be provided for the use of all persons employed in packing or crushing bichromate of sodium or potassium.

At the end of every day's work they shall be collected and kept in proper custody in a suitable place set apart for the purpose.

The overalls and respirators shall be thoroughly washed or renewed every week.

Cloak-room.

13. The occupier shall provide and maintain a cloak-room in which workers can deposit clothing put off during working hours.

Lavatory.

14. The occupier shall provide and maintain a lavatory for the use of the persons employed in chrome processes; with soap, nail-brushes, and towels, and a constant supply of hot and cold water laid on to each basin. There shall be at least one lavatory basin for every five persons employed in the crystal department and in packing. Each such basin shall be fitted with a waste-pipe, or shall be placed in a trough fitted with a waste-pipe.

Baths.

15. The occupier shall provide and maintain sufficient baths and dressing-rooms for all persons employed in chrome processes, with hot and cold water laid on, and a sufficient supply of soap and towels; and shall cause each person employed in the crystal department and in packing to take a bath once a week at the factory.

Bath register.

A bath register shall be kept containing a list of all persons employed in the crystal department and in packing, and an entry of the date when each person takes a bath.

The bath register shall be produced at any time when required by H.M. Inspectors of Factories.

Cleaning of floors, etc.

16. The floors, stairs, and landings shall be cleaned daily.

DUTIES OF PERSONS EMPLOYED.

Batches.

17. No person shall deposit a "batch" when withdrawn from the furnace upon the floor nor transfer it to the keaves or vats otherwise than as prescribed in Rule 6.

Packing and crushing of bichromate.

18. No person shall pack or crush bichromate of potassium or sodium otherwise than as prescribed in Rule 8.

Medical examination.

19.—(a.) Every person employed in a chrome process shall present himself at the appointed times for examination by the Appointed Surgeon as provided in Rule 10.

(b.) After the 30th day of April, 1900, no person suspended by the Appointed Surgeon shall work in a chrome process without his written sanction.

Overalls.

20. Every person engaged in the processes of grinding the raw materials shall wear an overall suit, and every person engaged in the crystal department or in packing shall wear an overall suit or other adequate means of protection approved by the Appointed Surgeon.

Respirators.

Every person employed in packing or crushing bichromate of

sodium or potassium shall in addition wear a respirator while so occupied.

21. Every person employed in the processes named in Rule 20 Washing. shall before leaving the premises deposit the overalls and respirators in the place appointed by the occupier for the purpose, and shall thoroughly wash face and hands in the lavatory.

22. Every person employed in the crystal department and in Bathing. packing shall take a bath at the factory at least once a week; and, having done so, he shall at once sign his name in the bath register with the date.

23. The foreman shall report to the manager any instance Neglect to be coming under his notice of a workman neglecting to observe these reported. Rules.

YELLOW LEAD.

Form 263.

DUTIES OF OCCUPIERS.

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail-brushes, and towels.

They shall provide respirators and overall suits for the persons employed in all dry processes.

They shall provide fans or other suitable means of ventilation wherever dust is generated in the process of manufacture.

They shall provide a sufficient supply of Epsom Salts and of an approved sanitary drink.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing rules and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, section 9. (*See note, supra, p. 342.*)

Respirators: A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary Drink suggested: Sulphate of magnesia, 2 ozs.; water, 1 gallon; Essence of lemon sufficient to flavour.

Form 264.

LEAD SMELTING WORKS.

DUTIES OF OCCUPIERS.

They shall provide respirators and overall suits for the use of all persons employed in cleaning the flues, and take means to see that the same are used.

They shall arrange that no person be allowed to remain at work more than two hours at a time in a flue. (A rest of half an hour before re-entering will be deemed sufficient.)

They shall provide sufficient bath accommodation for all persons employed in cleaning the flues, and every one so employed shall take a bath before leaving the works.

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail-brushes, and towels.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, section 9. (*See note, supra, p. 342.*)

Form 266.

FOR WORKS IN WHICH LEAD OR ARSENIC IS USED
IN THE TINNING AND ENAMELLING OF IRON
HOLLOW WARE.

DUTIES OF OCCUPIERS.

Washing.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail-brushes, and towels; and take measures to secure that every worker wash face and hands before meals and before leaving the works.

Meals.

They shall see that no food is eaten in any room where the process of tinning or enamelling is carried on.

DUTIES OF PERSONS EMPLOYED.

Co-operation
of workers.

In cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, section 9. (*See note, supra, p. 342.*)

(AMENDED SPECIAL RULES.)

Form 268.
April 18,
1896.

SPINNING AND WEAVING OF FLAX.

WEAVING SHEDS.

(In which artificial humidity is produced.)

An efficient 14-inch extracting fan shall be provided for every Ventilation. 2,500 square feet of floor surface, such ventilation to be arranged to the satisfaction of the Inspector of Factories, and to be kept in operation during working hours.

In every weaving factory where artificial humidity is produced, Humidity. there shall be provided, maintained, and kept in correct working order two sets of standardised wet and dry bulb thermometers. A difference of at least two degrees shall be kept during working hours between the wet and dry bulbs (*e.g.* Dry Bulb 75, Wet Bulb 73).

- (1.) 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.
- (2.) 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 the Cotton Cloth Factories Act, 1889, and the readings indicated at any time by the said thermometers shall be taken to represent the actual humidity of the room at such time.
- (3.) 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.

(See now sec. 92 of the Factory, etc., Act, 1901, ante, p. 140.)

WET SPINNING ROOMS.

- Overalls.** Where splashboards are not provided, waterproof overalls or aprons shall be provided by the occupier for all the workers, such overalls or aprons to be sufficient to protect the lower part of the chest to the satisfaction of the Inspector.
- Troughs.** The lids of the troughs shall be kept in perfect repair to check escape of steam.
- Floors.** Floors shall be kept in sound condition so as to prevent retention or accumulation of water.
- Humidity.** The same rules shall be adopted with respect to humidity as are required in the weaving sheds.
(See note on last page.)

WET SPINNING ROOMS AND WEAVING FACTORIES.

- Steam-pipes.** Whenever steam is injected into any room, the pipes conveying the same shall be jacketed with non-conducting composition to the satisfaction of the Inspector of Factories.

ROUGHING AND SORTING AND HAND HACKLING ROOMS.

- Fans.** Exhaust fans shall be provided so as to draw the dust forward and down from the face of the worker, unless some other arrangement shall be found equally effective, to the satisfaction of the Factory Inspector.
- Respirators.** Respirators shall be provided for the use of the workers, if children or young persons, and be worn by them at work.

MACHINE HACKLING ROOMS.

Preparation and Card Rooms.

- Fans.** Exhaust fans shall be provided on the side of the room where the machines are, and inlets provided from 6 to 7 feet from the ground on the opposite side, unless some other arrangement of such fans shall be found equally effective.
- Respirators.** Respirators shall be provided for the use of the workers, if children or young persons, and be worn by them at work.

DRESSING ROOMS.

Dressing rooms must be ventilated so as to render harmless any gas, vapour, or other impurities.

FACTORIES OR WORKSHOPS IN WHICH YELLOW **Form 270.**
 CHROMATE OF LEAD IS USED, OR IN WHICH
 GOODS DYED WITH IT UNDERGO THE PROCESSES
 OF BUNDLING OR NODDLING, WINDING, REELING,
 WEAVING, OR ANY OTHER TREATMENT.

DUTIES OF OCCUPIERS.

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail-brushes, and towels.

They shall provide respirators and overall suits for the persons employed in all dry processes.

They shall provide fans or other suitable means of ventilation wherever dust is generated in the process of manufacture.

They shall provide a sufficient supply of Epsom Salts and of the sanitary drink mentioned below or some other approved by H.M. Inspector of Factories.

Respirators: A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary Drink: Sulphate of Magnesia 2 ozs.; water 1 gallon; Essence of lemon sufficient to flavour.

DUTIES OF PERSONS EMPLOYED.

Every person to whom is supplied a respirator or overall suit shall wear the same when at the special work for which such are provided.

Every person shall carefully clean and wash hands and face before meals and before leaving the works.

No food shall be eaten in any part of the works in which yellow chromate of lead is used in the manufacture.

MIXING AND CASTING OF BRASS AND OF CERTAIN **Form 271.**
 OTHER ALLOYS. **July 10, 1896.**

Under section 8 of the Factory and Workshop Act, 1891, and section 28 of the Factory and Workshop Act, 1895, for the processes in the mixing and casting of brass, gun metal, bell metal, white metal, delta metal, phosphor bronze, and manilla mixture. (*See note, ante, p. 125.*)

DUTIES OF OCCUPIERS.

1. They shall provide adequate means for facilitating, as far as possible, the emission or escape from the shop of any noxious

fumes or dust arising from the above-named processes. Such means shall include the provision of traps or of louvre gratings in the roof or ceiling of any shop in which such processes, or either of them, is or are carried on; or in case of a mixing or casting shop which is situated under any other shop, there shall be provided an adequate flue or shaft (other than any flue or shaft in connection with a furnace or fireplace) to carry any fumes from the mixing or casting shop, by or through any such shop that may be situated above it.

2. They shall cause all such mixing or casting shops, whether defined as factories or as workshops under the Factory and Workshops Act, 1878, to be cleaned down and limewashed once at least within every twelve months, or once within every six months if so required by notice in writing from H.M. Inspector of Factories and Workshops, dating from the time when these were last thus cleaned down and limewashed; and they shall record the dates of such cleaning down and limewashing in a prescribed form of register. (*See sec. 1 (3) of the Factory Act, 1901, ante, p. 2.*)

3. They shall provide a sufficient supply of metal basins, water, and soap, for the use of all persons employed in such mixing or casting shops.

4. They shall not employ, or allow within their factory or workshop the employment of, any woman or female young person, in any process whatever, in any such mixing or casting shop, or in any portion thereof which is not entirely separated by a partition extending from the floor to the ceiling.

DUTIES OF PERSONS EMPLOYED.

5. They shall not partake of, or cook any food in any such mixing or casting shop, within a period of at least ten minutes after the completion of the last pouring of metal in that shop.

NOTE.—Women and persons under 18 years of age are by the 39th section of the Factory and Workshop Act, 1878 (*now sec. 78 of the Factory, etc., Act, 1901, ante, p. 118*), expressly forbidden either to take a meal or to remain in any casting shop during the time stated on the notice affixed in the factory or workshop as being allowed for meals; and the obligation of enforcing this section rests with the occupier.

WOOL SORTING.

Form 272.
October, 1897.

DUTIES OF OCCUPIERS.

1. Bales of wool or hair shall, whenever opened for the purpose of being sorted, be so opened by men skilled in judging of the quality and condition of the material.

2. All alpaca, pelitan, cashmere, Persian, and camel hair shall be opened over a fan with a downward draught, in a room specially set apart for the purpose, separate and distinct from any sorting-room and from any room in which work (other than opening) is carried on.

3. Van mohair shall be washed and sorted while damp, if sorted at all.

Persian shall be washed or disinfected as far as possible before being sorted.

Damaged wool or hair, fallen fleeces and foreign skin-wool or hair of the descriptions named in Rules 2 and 4, shall be washed before being sorted.

4. No alpaca, pelitan, cashmere, Persian, camel hair, or mohair shall be sorted except in rooms provided with extracting fans, so arranged that each sorting-board shall be independently connected with the extracting shaft by means of a funnel-shaped opening not less than ten inches across at the top, in such manner that the dust may be drawn downwards. The draught shall be maintained in constant efficiency while the sorters are at work, and shall be such that not less than 75 cubic feet of air per minute are drawn by the fan from beneath each sorting-board.

The extracting shaft shall be cleaned out at least once in each week.

5. The dust collected by the fan shall be discharged into properly constructed receptacles, and not into the open air. This dust, together with the sweepings from the floors and walls of the sorting-room, and from under the sorting-boards, shall be removed at least twice a week, and burnt. All pieces of skin, scab, and clippings or "shearlings" shall be removed daily from the sorting-rooms, and be disinfected or destroyed. All bags in which dangerous wool or hair has been imported shall be picked clean and not brushed.

6. No person having any open cut or sore upon any part of his body shall be allowed to sort.

7. Proper provision shall be made for the keeping of the sorters' clothing and food outside of the sorting-room. No meals shall be allowed to be taken in the sorting-room.

During meal hours the windows shall be kept open.

8. No bale wool or hair shall be stored in a sorting-room, nor wool of any description unless the same be effectually screened off from the sorting-room. An air space of at least 1000 cubic feet shall be allowed for each sorter, exclusive of any portion screened off.

9. The floor of the sorting-room shall be thoroughly sprinkled daily with a disinfectant solution, and swept daily (immediately after sprinkling) after the work is done.

10. The walls and ceilings of the sorting-room shall be lime-washed at least once a year.

11. Requisites for treating scratches and slight wounds shall be kept at hand.

12. Proper and sufficient appliances for washing, including basins, water, soap, nail-brushes, and towels, shall be provided in or near the sorting-rooms, for the use of the sorters.

DUTIES OF PERSONS EMPLOYED.

13. If, on opening a bale of wool or hair, any fallen fleece or damaged material is discovered, the person opening the bale shall report the discovery immediately to the foreman.

14. Every sorter having an open cut or sore on any part of his body shall immediately report the fact to the foreman.

15. No sorter shall keep in the sorting-room coats or other articles of clothing besides those he is wearing. No meals shall be taken in the sorting-room.

16. If the draught at any sorting-board, or the fan or any other appliance necessary to the production of such draught, is found to be out of order, the sorter, or any other person becoming aware of the defect, shall report it to the foreman at once.

Form 273.
August, 1897.

BOTTLING OF AERATED WATER.

DUTIES OF OCCUPIERS.

Face-guards. 1. They shall provide all bottlers with face-guards, masks, or veils of wire gauze.

They shall provide all wirers, sighters, and labellers with face-guards, masks, or veils of wire gauze, or goggles.

Gauntlets. 2. They shall provide all bottlers with full-length gauntlets for both arms.

They shall provide all wirers, sighters, and labellers with gauntlets for both arms protecting at least half of the palm and the space between the thumb and forefinger.

3. They shall cause all machines for bottling to be so constructed, so placed, or so fenced, as to prevent as far as possible, during the operation of filling or corking, a fragment of a bursting bottle from striking any bottler, wirer, sighter, labeller, or washer. Fencing.

DUTIES OF PERSONS EMPLOYED.

4. All bottlers shall, while at work, wear face-guards, masks, Face-guards. or veils of wire gauze.

All wirers, sighters, and labellers shall, while at work, wear face-guards, masks, or veils of wire gauze, or goggles; except labellers when labelling bottles standing in cases.

5. All bottlers shall, while at work, wear on both arms, full- Gauntlets. length gauntlets. All wirers, sighters, and labellers shall, while at work, wear on both arms, gauntlets protecting at least half of the palm, and the space between the thumb and forefinger; except labellers when labelling bottles standing in cases.

VULCANISING OF INDIA-RUBBER BY MEANS OF BISULPHIDE OF CARBON.

Form 274.
1897.

I.—DUTIES OF EMPLOYERS.

1. No child or young person shall be employed in any room in which bisulphide of carbon is used.

2. After May 1st, 1898, no person shall be employed for more than five hours in any day in a room in which bisulphide of carbon is used, nor for more than two-and-a-half hours at a time without an interval of at least an hour.

3. In vulcanising waterproof cloth by means of bisulphide of carbon—(a) the trough containing the bisulphide of carbon shall be self-feeding and covered over; (b) the cloth shall be conveyed to and from the drying-chamber by means of an automatic machine; (c) no person shall be allowed to enter the drying-chamber in the ordinary course of work; (d) the machine shall be covered over and the fumes drawn away from the workers by means of a downward suction fan maintained in constant efficiency.

4. Dipping shall not be done except in boxes so arranged that a suction fan shall draw the fumes away from the workers.

5. No food shall be allowed to be eaten in any room in which bisulphide of carbon is used.

6. A suitable place for meals shall be provided.

7. All persons employed in rooms in which bisulphide of carbon is used shall be examined once a month by the Certifying Surgeon for the district, who shall, after May 1st, 1898, have power to order temporary or total suspension from work.

8. No person shall be employed in any room in which bisulphide of carbon is used, contrary to the direction of the Certifying Surgeon given as above.

9. A Register in the form which has been prescribed by the Secretary of State for use in India-rubber Works shall be kept, and in it the Certifying Surgeon will enter the dates and result of his visits, with the number of persons examined, and particulars of any directions given by him. This Register shall contain a list of all persons employed in rooms in which bisulphide of carbon is used, and shall be produced at any time when required by H.M. Inspector of Factories or by the Certifying Surgeon.

II.—DUTIES OF PERSONS EMPLOYED.

10. No person shall enter the drying-room in the ordinary course of work, or perform dipping except in boxes provided with a suction fan carrying the fumes away from the workers.

11. No person shall take any food in any room in which bisulphide of carbon is used.

12. After May 1st, 1898, no person shall, contrary to the direction of the Certifying Surgeon, given in pursuance of Rule 7, work in any room in which bisulphide of carbon is used.

13. All persons employed in rooms in which bisulphide of carbon is used shall present themselves for periodic examination by the Certifying Surgeon, as provided in Rule 7.

14. It shall be the duty of all persons employed to report immediately to the employer or foreman any defect which they may discover in the working of the fan or in any appliance required by these rules.

Form 383.
May, 1900.

WOOL-COMBING.

For the purpose of Rules 1, 2, 12, and 13, "opening" of any wool or hair means the opening of the fleece, or, if it be not in the fleece, the opening out for looking over, or classing purposes.

DUTIES OF EMPLOYERS.

Opening.

1. No alpaca, pelitan, cashmere, Persian, or camel hair shall be opened except—(a) after steeping in water, or (b) over an efficient opening board.

For the purposes of this Rule, no opening board shall be considered efficient unless, over a central area of four square feet, the linear velocity of air passing through the screen shall average at least 150 feet per minute for each square foot, the measurements to be taken on a uniform system approved by H.M. Chief Inspector of Factories; and no opening board shall have an area of less than seven square feet.

2. All badly damaged wool or hair, fallen fleeces, and skin, wool, or hair of the kinds named in Rule 1, shall be opened by an experienced man in the manner prescribed in Rule 1, and damped with a disinfectant and then washed without being willowed.

3. Every bale of Van mohair shall be steeped in water before being opened.

4. No alpaca, pelitan, cashmere, Persian, camel hair, or mohair Willowing. shall be willowed except in a separate room provided with an efficient exhaust fan so arranged as to draw the dust away from the workmen and prevent it from entering the air of the room.

No wool or hair shall be stored in a willowing room.

The floor of every such room shall be sprinkled daily with a disinfectant solution and swept immediately after sprinkling.

The walls and ceilings of every such room shall be limewashed at least once a year and swept down at least once a month.

5. The dust collected by the willows or other dust extracting Dust. machines and from the opening boards shall be discharged into properly constructed receptacles, and not into the open air. This dust shall be removed at least once a week.

6. Suitable provision shall be made for keeping the clothing Storage of and food of all persons who are employed in the warehouse or in clothing and any room in which is carried on willowing or opening or any other food. process through which the wool or hair passes before being washed.

7. No person having any open cut or sore upon any part of the Wounds. body shall be employed in a place specified in Rule 6.

8. No person shall be allowed to prepare or partake of any food Meals. in a place specified in Rule 6, or in a carding-room.

9. Sufficient and suitable washing conveniences shall be pro- Lavatory. vided and maintained for all persons employed in the places specified in Rule 6.

The washing conveniences shall comprise soap, nail-brushes, and towels, and at least one wash-hand basin for every five persons employed as above, each basin being fitted with a waste-pipe and having a constant supply of water laid on.

10. Requisites for treating scratches and slight wounds shall be Dressings. kept at hand.

DUTIES OF PERSONS EMPLOYED.

- Opening** 11. If, on opening a bale, any fallen fleeces or damaged material is discovered, the person opening the bale shall report the discovery immediately to the foreman.
12. No alpaca, pelitan, cashmere, Persian, or camel hair shall be opened otherwise than as permitted by Rule 1.
13. No badly damaged wool or hair, fallen fleeces, or skin, wool, or hair of the kinds named in Rule 1, shall be opened otherwise than as permitted by Rule 2.
14. No bale of Van mohair shall be opened otherwise than as permitted by Rule 3.
- Willowing.** 15. No alpaca, pelitan, cashmere, Persian, camel hair, or mohair shall be willowed except as permitted by Rule 4.
- Wounds.** 16. Any person employed in a place specified in Rule 6, and having an open cut or sore upon any part of the body, shall immediately report the fact to the foreman.
- Storage of clothing and food.** 17. No clothing or food shall be kept in any place specified in Rule 6.
- Meals** 18. No person shall prepare or partake of food in a place specified in Rule 6, or in a carding-room, or bring any food into such room.
- Washing.** 19. No person employed in any place specified in Rule 6 shall leave the works or partake of meals without previously washing his or her hands.
- Failure of fan, etc.** 20. If the fan or any other appliance necessary for the carrying out of these Rules is out of order, any workman becoming aware of the defect shall immediately report the fact to the foreman.

Form 384.
(As established by
Arbitration,
March 31,
1900.)
Definitions.

LUCIFER MATCH FACTORIES IN WHICH WHITE OR YELLOW PHOSPHORUS IS USED.

In these Rules "phosphorus process" means mixing, dipping, drying, boxing, and any other work or process in which White or Yellow Phosphorus is used; and "person employed in a phosphorus process" means any person who is employed in any room or part of the factory where such a process is carried on.

"Double dipped matches" mean wood splints, both ends of which have been dipped in the igniting composition.

"Certifying Surgeon" means a Surgeon appointed under the Factory and Workshop Acts.

Any approval or decision given by the Chief Inspector of

Factories in pursuance of these Rules shall be given in writing, and may at any time be revoked by notice in writing signed by him.

Rules 5 (a), 5 (b), 6, 8, and 19, so far as they affect the employment of adult workers, shall not come into force until the 1st day of October, 1900. Date of commencement of certain rules.

DUTIES OF EMPLOYERS.

1. No part of a lucifer match factory shall be constructed, structurally altered, or newly used, for the carrying on of any phosphorus process, unless the plans have previously been submitted in duplicate to the Chief Inspector of Factories, and unless he shall have approved the plans in writing, or shall not within six weeks from the submission of the plans have expressed his disapproval in writing of the same. Plans.

2. Every room in which mixing, dipping, drying, or boxing is carried on—Shall be efficiently ventilated by means of sufficient openings to the outer air, and also by means of fans, unless the use of fans is dispensed with by order in writing of the Chief Inspector; Shall contain at least 400 cubic feet of air space for each person employed therein; and in computing this air space no height above 14 feet shall be taken into account; Shall be efficiently lighted; Shall have a smooth and impervious floor. A floor laid with flagstones or hard bricks in good repair shall be deemed to constitute a smooth and impervious floor. Ventilation.
Air space.
Lighting.
Floor.

3.—(a.) The process of mixing, dipping, and drying shall each be done in a separate and distinct room. The process of boxing double dipped matches or matches not thoroughly dry shall also be done in a separate and distinct room. These rooms shall not communicate with any other part of the factory unless there shall be a ventilated space intervening; nor shall they communicate with one another, except by means of doorways with closely-fitting doors, which doors shall be kept shut except when some person is passing through. Separate rooms.

(b.) Mixing shall not be done except in an apparatus so closed, or so arranged, and ventilated by means of a fan, as to prevent the entrance of fumes into the air of the mixing-room. Mixing.

(c.) Dipping shall not be done except on a slab provided with an efficient exhaust fan, and with an air inlet between the dipper and the slab, or with a hood, so arranged as to draw the fumes away from the dipper, and to prevent them from entering the air of the dipping-room. Dipping.

(d.) Matches that have been dipped and cannot at once be removed to the drying-room shall immediately be placed under a hood provided with an efficient exhaust fan, so arranged as to prevent the fumes from entering the air of the room. Drying.

(e.) Matches shall not be taken to a boxing-room not arranged in compliance with sub-section (f) of this Rule until they are thoroughly dry, and matches shall not be taken to a boxing-room that is so arranged until they are dried so far as they can be before cutting down and boxing.

Boxing.

(f.) Cutting down of double-dipped matches and boxing of matches not thoroughly dry shall not be done except at benches or tables provided with an efficient exhaust fan, so arranged as to draw the fumes away from the worker and prevent them from entering the air of the boxing-room.

Mechanical arrangements obviating hand labour.

Provided that the foregoing Rule shall not prevent the employment of any mechanical arrangement for carrying on any of the above-mentioned processes if the same be approved by the Chief Inspector as obviating the use of hand labour, and if it be used subject to the conditions (if any) specified in such approval.

Provided further that if the Chief Inspector shall, on consideration of the special circumstances of any particular case, so approve in writing, all or any of the provisions of the foregoing Rule may be suspended for the time named in such approval in writing.

Phosphorus paste.

4. Vessels containing phosphorus paste shall, when not actually in use, be kept constantly covered, and closely fitting covers or damp flannels shall be provided for the purpose.

Appointed dentist.

5.—(a.) For the purposes of these Rules the occupier shall appoint, subject to the approval of the Chief Inspector, a duly qualified and registered dentist, herein termed the appointed dentist.

Suspension.

It shall be the duty of the appointed dentist to suspend from employment in any phosphorus process any person whom he finds to incur danger of phosphorus necrosis by reason of defective conditions of teeth or exposure of the jaw.

Preliminary examination.

(b.) No person shall be newly employed in a dipping-room for more than 28 days, whether such days are consecutive or not, without being examined by the appointed dentist.

Periodical examination.

(c.) Every person employed in a phosphorus process, except persons employed only as boxers of wax vestas or other thoroughly dry matches, shall be examined by the appointed dentist at least once in every three months.

Special examination in case of toothache, etc.

(d.) Any person employed in the factory complaining of toothache, or a pain or swelling of the jaw, shall at once be examined by the appointed dentist.

Reference of cases to Certifying Surgeon.

(e.) When the appointed dentist has reason to believe that any person employed in the factory is suffering from inflammation or necrosis of the jaw, or is in such a state of health as to incur danger of phosphorus necrosis, he shall at once direct the attention of the Certifying Surgeon and occupier to the case. Thereupon such person shall at once be examined by the Certifying Surgeon.

6. No person shall be employed in a phosphorus process—after suspension by the appointed dentist; or after the extraction of a tooth; or after any operation involving exposure of the jaw-bone; or after inflammation or necrosis of the jaw; or after examination by the appointed dentist in pursuance of Rule 5 (d); or after reference to the Certifying Surgeon in pursuance of Rule 5 (e), unless a certificate of fitness has been given, after examination, by signed entry in the Health Register, by the appointed dentist or by the Certifying Surgeon in cases referred to him under Rule 5 (e). *Exclusion of certain persons from employment in phosphorus processes.*

7. A Health Register, in a form approved by the Chief Inspector of Factories, shall be kept by the occupier, and shall contain a complete list of all persons employed in each phosphorus process, specifying with regard to each such person the full name, address, age when first employed, and date of first employment. *Health register. Entries by occupier.*

The Certifying Surgeon will enter in the Health Register the dates and results of his examinations of persons employed in phosphorus processes, and particulars of any directions given by him. *Entries by certifying surgeon.*

The appointed dentist will enter in the Health Register the dates and results of his examinations of the teeth of persons employed in phosphorus processes, and particulars of any directions given by him, and a note of any case referred by him to the Certifying Surgeon. *Entries by appointed dentist.*

The Health Register shall be produced at any time when required by H.M. Inspectors of Factories, or by the Certifying Surgeon, or by the appointed dentist. *Health register to be produced when required.*

8. Except persons whose names are on the Health Register mentioned in Rule 7, and in respect of whom certificates of fitness shall have been granted, no person shall be newly employed in any phosphorus process for more than 28 days, whether such days are consecutive or not, without a certificate of fitness, granted after examination by the Certifying Surgeon, by signed entry in the Health Register. *Preliminary examination by Certifying Surgeon. Certificate of fitness.*

This Rule shall not apply to persons employed only as boxers of wax vestas or other thoroughly dry matches.

9. The occupier shall provide and maintain sufficient and suitable overalls for all persons employed in phosphorus processes, except for persons employed only as boxers of wax vestas or other thoroughly dry matches, and shall cause them to be worn as directed in Rule 20. *Overalls.*

At the end of every day's work they shall be collected and kept in proper custody in a suitable place set apart for the purpose.

They shall be thoroughly washed every week, and suitable arrangements for this purpose shall be made by the occupier.

- Dining-room.
Cloak-room. **10.** The occupier shall provide and maintain (a) a dining-room, and (b) a cloak-room in which workers can deposit clothing put off during working hours.
- Food. **11.** No person shall be allowed to prepare or partake of any food or drink in any room in which a phosphorus process is carried on, nor to bring any food or drink into such room.
- Lavatory. **12.** The occupier shall provide and maintain for the use of the workers a lavatory, with soap, nail-brushes, towels, and at least one lavatory basin for every five persons employed in any phosphorus process.
- Each such basin shall be fitted with a waste-pipe, or the basins shall be placed on a trough fitted with a waste-pipe. There shall be a constant supply of hot and cold water laid on to each basin.
- Or, in the place of basins, the occupier shall provide and maintain enamel or galvanized iron troughs, in good repair, of a total length of 2 feet for every five persons employed, fitted with waste-pipes and without plugs, with a sufficient supply of warm water constantly available.
- The lavatory shall be kept thoroughly cleansed, and shall be supplied with a sufficient quantity of clean towels twice in each day.
- Additional means of washing where required. There shall, in addition, be means of washing in close proximity to the workers in any department, if so required in writing by the Inspector in charge of the district.
- Mouth-wash. **13.** The occupier shall provide for the use of every person employed in a phosphorus process an antiseptic mouth-wash approved by the appointed dentist, and a sufficient supply of glasses or cups.
- Cleansing of floors. **14.** The floor of each room in which a phosphorus process is carried on shall be cleared of waste at least once a day, and washed at least once a week.
- Copy of rules to be given to persons employed. **15.** A printed copy of these Rules shall be given to each person on entering upon employment in a phosphorus process.

DUTIES OF PERSONS EMPLOYED.

- Use of appliances provided by occupier under Rule 3. **16.** No person shall work in a mixing, dipping, drying, or boxing room under other conditions than those prescribed in Rule 3.
- Phosphorous paste. **17.** No person shall allow a vessel containing phosphorus paste to remain uncovered except when actually in use.
- Medical and dental examination. **18.** All persons employed in a phosphorus process shall present themselves at the appointed times for examination by the Certifying Surgeon and appointed dentist, as provided in Rules 5, 6, and 8.
- Toothache, etc., to be reported. **19.** Every person employed in a phosphorus process and suffering from toothache or swelling of the jaw: or having had a tooth

extracted or having undergone any other operation involving exposure of the jaw, shall at once inform the occupier, and shall not resume employment in a phosphorus process without a certificate of fitness from the appointed dentist, as provided in Rule 6.

Exclusion from employment in phosphorus processes.

No person, after suspension by the appointed dentist, or after reference to the Certifying Surgeon, shall resume employment in a phosphorus process without a certificate of fitness, as provided in Rule 6.

20. Every person employed in a phosphorus process for whom the occupier is required by Rule 9 to provide overalls shall wear while at work the overalls so provided.

21. Every person employed in a phosphorus process shall, before partaking of meals or leaving the premises, deposit the overalls in the place appointed by the occupier for the purpose, and shall thoroughly wash in the lavatory.

Washing.

22. No person shall prepare or partake of food or drink in any room in which a phosphorus process is carried on, or bring any food or drink into such room.

Food.

23. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided for the removal of dust and fumes.

Means of removal of dust and fumes not to be interfered with.

24. Foremen and forewomen shall report to the manager any instance coming under their notice of a worker neglecting to observe these Rules.

Foremen to report neglect of rules.

FOR WORKS IN WHICH LEAD OR ARSENIC IS USED IN THE TINNING AND ENAMELLING OF METAL HOLLOW WARE AND COOKING UTENSILS.

Form 385.

DUTIES OF OCCUPIERS.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail-brushes, and towels; and take measures to secure that every worker wash face and hands before meals and before leaving the works.

Washing.

They shall see that no food is eaten in any room where the process of tinning or enamelling is carried on.

Meals.

DUTIES OF PERSONS EMPLOYED.

Every worker shall wash face and hands before meals and before leaving the works.

Washing.

No worker shall eat food in any room where the process of tinning or enamelling is carried on.

Meals.

Form 386.

ELECTRIC ACCUMULATOR WORKS.

DUTIES OF OCCUPIERS.

- Bath. They shall provide a bath and lavatory accommodation, with a
 Lavatory. plentiful supply of hot and cold water, soap, nail-brushes, and
 towels.
- Respirators. They shall provide respirators and overall suits for all persons
 Overalls. employed in the operation of mixing.
- Gloves. They shall provide gloves and aprons for all persons employed
 Aprons. in the occupation of rubbing.
- They shall see that the gloves are constantly inspected and renewed when defective.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable in accordance with the Factory and Workshop Act, 1891, sec. 9 (*ante*, p. 128).

Form 486.
August, 1901.

(AMENDED SPECIAL RULES.)

FOR THE HANDLING OF DRY AND DRY-SALTED HIDES
AND SKINS IMPORTED FROM CHINA OR FROM
THE WEST COAST OF INDIA.

DUTIES OF OCCUPIER.

- Storage of food and clothing. 1. Proper provision to the reasonable satisfaction of the Inspector in charge of the District shall be made for the keeping of the workmen's food and clothing outside any room or shed in which any of the above-described hides or skins are unpacked, sorted, packed, or stored.
- Washing. 2. Proper and sufficient appliances for washing, comprising soap, basins, with water laid on, nail-brushes and towels, shall be provided and maintained for the use of the workmen, to the reasonable satisfaction of the Inspector in charge of the District.
- Dressings. 3. Sticking plaster, and other requisites for treating scratches and slight wounds, shall be kept at hand, available for the use of the persons employed.
- Note to be exhibited. 4. A copy of the appended notes shall be kept affixed with the Rules.

DUTIES OF PERSONS EMPLOYED.

5. No workman shall keep any food, or any articles of clothing other than those he is wearing, in any room or shed in which any of the above-described hides or skins are handled. Storage of food and clothing.

He shall not take any food in any such room or shed.

6. Every workman having any open cut or scratch or raw surface, however trifling, upon his face, head, neck, arm, or hand shall immediately report the fact to the foreman, and shall not work on the premises until the wound is healed or is completely covered by a proper dressing after being thoroughly washed. Wounds.

NOTE 1.—These Rules must be kept posted up in conspicuous places in the factory to which they apply, where they may be conveniently read by the persons employed. Any person who is bound to observe these Rules and fails to do so, or acts in contravention of them, is liable to a penalty; and in such cases the occupier also is liable to a penalty unless he proves that he has taken all reasonable means by publishing and to the best of his power enforcing the Rules, to prevent the contravention or non-compliance (Factory and Workshop Act, 1891, secs. 9 and 11), *see ante*, pp. 124, 128.

NOTE 2.—The danger against which these Rules are directed is that of anthrax—a fatal disease affecting certain animals, which may be conveyed from them to man by the handling of hides of animals which have died of the disease. The germs of the disease (anthrax spores) are found in the dust and in the substance of the hide, and may remain active for years. In this country anthrax is rare, and precautions are taken to prevent infected hides from coming into the market, consequently there is little danger in handling the hides of animals slaughtered in the United Kingdom; but in Russia, China, and the East Indies, and in many other parts of the world, the disease is common, and infected hides (which do not differ from others in appearance) are often shipped to British ports. Hence in handling foreign dry hides the above Rules should be carefully observed. Wet salted hides are free from dust, and less risk is incurred in handling them. Nature of the disease.

The disease is communicated to man sometimes by breathing or swallowing the dust from an infected hide, but much more usually by the poison lodging in some point where the skin is broken—such as a fresh scratch or cut or a scratched pimple, or even chapped hands. This happens most readily on the uncovered parts of the body, the hand, arm, face, and most frequently of all on the neck—owing either to an infected hide rubbing against the bare skin, or to dust from such a hide alighting on the raw surface. But a raw surface covered by clothing is not free from risk, for

dust lodging upon the clothes may sooner or later work its way to the skin beneath. Infection may also be brought about by rubbing or scratching a pimple with hand or nail carrying the anthrax poison.

The first symptom of anthrax is usually a small inflamed swelling like a pimple or boil, often quite painless, which extends and in a few days becomes black at the centre and surrounded by other "pimples." The poison is now liable to be absorbed into the system and will cause risk to life, which can be avoided only by prompt and effective medical treatment in the early stage while the poison is still confined to the pimple. Hence it is of the utmost importance that a doctor should *at once* be consulted if there is any suspicion of infection.

NOTE 3.—Suitable overalls, protecting the neck and arms, as well as ordinary clothing, add materially to the safety of the workmen, and should be provided and worn, where practicable, if dangerous hides are handled. They should be discarded on cessation of work. Similarly, for the protection of the hands, gloves should be provided and worn where the character of the work permits.

WORKMEN'S COMPENSATION ACT, 1897.

(60 & 61 VICT. CAP. 37.)

Sec. 1.

An Act to Amend the Law with respect to Compensation to Workmen for accidental Injuries suffered in the course of their Employment. [6th August, 1897.]

BE it enacted, etc., as follows :—

1.—(1.) If in any employment to which this Act applies personal injury by accident arising out of and in the course of the employment is caused to a workman, his employer shall, subject as herein-after mentioned, be liable to pay compensation in accordance with the First Schedule to this Act. Liability of certain employers to workmen for injuries.

(2.) Provided that :—

(a.) The employer shall not be liable under this Act in respect of any injury which does not disable the workman for a period of at least two weeks from earning full wages at the work at which he was employed ;

(b.) When the injury was caused by the personal negligence or wilful act of the employer, or of some person for whose act or default the employer is responsible, nothing in this Act shall affect any civil liability of the employer, but in that case the workman may, at his option, either claim compensation under this Act, or take the same proceedings as were open to him before the commencement of this Act ; but the employer shall not be liable to pay compensation for injury to a workman by accident arising out of and in the course of the employment both independently of and also under this Act, and shall not be liable

to any proceedings independently of this Act, except in case of such personal negligence or wilful act as aforesaid ;

- (c.) If it is proved that the injury to a workman is attributable to the serious and wilful misconduct of that workman, any compensation claimed in respect of that injury shall be disallowed.

(3.) If any question arises in any proceedings under this Act as to the liability to pay compensation under this Act (including any question as to whether the employment is one to which this Act applies), or as to the amount or duration of compensation under this Act, the question, if not settled by agreement, shall, subject to the provisions of the First Schedule to this Act, be settled by arbitration, in accordance with the Second Schedule to this Act.

(4.) If, within the time herein-after in this Act limited for taking proceedings, an action is brought to recover damages independently of this Act for injury caused by any accident, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed ; but the court in which the action is tried shall, if the plaintiff shall so choose, proceed to assess such compensation, and shall be at liberty to deduct from such compensation all the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act.

In any proceeding under this sub-section, when the court assesses the compensation it shall give a certificate of the compensation it has awarded and the directions it has given as to the deduction for costs, and such certificate shall have the force and effect of an award under this Act.

(5.) Nothing in this Act shall affect any proceeding for a fine under the enactments relating to mines or factories, or the application of any such fine, but if any such fine, or any part thereof, has been applied for the benefit of the person injured, the amount so applied shall be taken into account in estimating the compensation under this Act.

See sec. 136 of the Factory and Workshops Act, 1901, and notes, *ante*, p. 211.

2.—(1.) Proceedings for the recovery under this Act of compensation for an injury shall not be maintainable unless notice of the accident has been given as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured, and unless the claim for compensation with respect to such accident has been made within six months from the occurrence of the accident causing the injury, or, in case of death, within six months from the time of death. Provided always that the want of or any defect or inaccuracy in such notice shall not be a bar to the maintenance of such proceedings, if it is found in the proceedings for settling the claim that the employer is not prejudiced in his defence by the want, defect, or inaccuracy, or that such want, defect, or inaccuracy was occasioned by mistake or other reasonable cause. Time for taking proceedings.

(2.) Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which it was sustained, and shall be served on the employer, or, if there is more than one employer, upon one of such employers.

(3.) The notice may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served.

(4.) The notice may also be served by post by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when the letter containing the same would have been delivered in the ordinary course of post, and in proving the service of such notice it shall be sufficient to prove that the notice was properly addressed and registered.

(5.) Where the employer is a body of persons corporate or unincorporate, the notice may also be served by delivering the same at, or by sending it by post in a registered letter addressed to the employer at, the office, or, if

there be more than one office, any one of the offices of such body.

Contracting
out.

3.—(1.) If the Registrar of Friendly Societies, after taking steps to ascertain the views of the employer and workmen, certifies that any scheme of compensation, benefit, or insurance for the workmen of an employer in any employment, whether or not such scheme includes other employers and their workmen, is on the whole not less favourable to the general body of workmen and their dependants than the provisions of this Act, the employer may, until the certificate is revoked, contract with any of those workmen that the provisions of the scheme shall be substituted for the provisions of this Act, and thereupon the employer shall be liable only in accordance with the scheme, but, save as aforesaid, this Act shall apply notwithstanding any contract to the contrary made after the commencement of this Act.

(2.) The registrar may give a certificate to expire at the end of a limited period not less than five years.

(3.) No scheme shall be so certified which contains an obligation upon the workmen to join the scheme as a condition of their hiring.

(4.) If complaint is made to the Registrar of Friendly Societies by or on behalf of the workmen of any employer that the provisions of any scheme are no longer on the whole so favourable to the general body of workmen of such employer and their dependants as the provisions of this Act, or that the provisions of such scheme are being violated, or that the scheme is not being fairly administered, or that satisfactory reasons exist for revoking the certificate, the registrar shall examine into the complaint, and, if satisfied that good cause exists for such complaint, shall, unless the cause of the complaint is removed, revoke the certificate.

(5.) When a certificate is revoked or expires any moneys or securities held for the purpose of the scheme shall be distributed as may be arranged between the employer and workmen, or as may be determined by the Registrar of Friendly Societies in the event of a difference of opinion.

(6.) Whenever a scheme has been certified as aforesaid, it shall be the duty of the employer to answer all such inquiries and to furnish all such accounts in regard to the scheme as may be made or required by the Registrar of Friendly Societies.

(7.) The Chief Registrar of Friendly Societies shall include in his annual report the particulars of the proceedings of the registrar under this Act.

4. Where, in an employment to which this Act applies, the undertakers as herein-after defined contract with any person for the execution by or under such contractor of any work, and the undertakers would, if such work were executed by workmen immediately employed by them, be liable to pay compensation under this Act to those workmen in respect of any accident arising out of and in the course of their employment, the undertakers shall be liable to pay to any workman employed in the execution of the work any compensation which is payable to the workman (whether under this Act or in respect of personal negligence or wilful act independently of this Act) by such contractor, or would be so payable if such contractor were an employer to whom this Act applies. Sub-contracting.

Provided that the undertakers shall be entitled to be indemnified by any other person who would have been liable independently of this section.

This section shall not apply to any contract with any person for the execution by or under such contractor of any work which is merely ancillary or incidental to, and is no part of, or process in, the trade or business carried on by such undertakers respectively.

5.—(1.) Where any employer becomes liable under this Act to pay compensation in respect of any accident, and is entitled to any sum from insurers in respect of the amount due to a workman under such liability, then in the event of the employer becoming bankrupt, or making a composition or arrangement with his creditors, or if the employer is a company of the company having commenced to be wound up, such workman shall have a first charge upon the sum aforesaid for the amount so due, and the judge of Compensation to workmen in case of bankruptcy of employer.

the county court may direct the insurers to pay such sum into the Post Office Savings Bank in the name of the registrar of such court, and order the same to be invested or applied in accordance with the provisions of the First Schedule hereto with reference to the investment in the Post Office Savings Bank of any sum allotted as compensation, and those provisions shall apply accordingly.

(2.) In the application of this section to Scotland, the words "have a first charge upon" shall mean "be preferentially entitled to."

Recovery of
damages from
stranger.

6. Where the injury for which compensation is payable under this Act was caused under circumstances creating a legal liability in some person other than the employer to pay damages in respect thereof, the workman may, at his option, proceed, either at law against that person to recover damages, or against his employer for compensation under this Act, but not against both, and if compensation be paid under this Act, the employer shall be entitled to be indemnified by the said other person.

Application
of Act and
definitions.

7.—(1.) This Act shall apply only to employment by the undertakers as herein-after defined, on or in or about a railway, factory, mine, quarry, or engineering work, and to employment by the undertakers as herein-after defined on in or about any building which exceeds thirty feet in height, and is either being constructed or repaired by means of a scaffolding, or being demolished, or on which machinery driven by steam, water, or other mechanical power, is being used for the purpose of the construction, repair, or demolition thereof.

(2.) In this Act—

"Railway" means the railway of any railway company to which the Regulation of Railways Act, 1873, applies, and includes a light railway made under the Light Railways Act, 1896; and "railway" and "railway company" have the same meaning as in the said Acts of 1873 and 1896:

"Factory" has the same meaning as in the Factory and Workshop Acts, 1878 to 1891, and also includes any dock, wharf, quay, warehouse,

36 & 37 Vict.
c. 48.
59 & 60 Vict.
c. 48.

machinery, or plant, to which any provision of the Factory Acts is applied by the Factory and Workshop Act, 1895, and every laundry worked ^{58 & 59 Vict. c. 37.}

by steam, water, or other mechanical power :

“ Mine ” means a mine to which the Coal Mines Regulation Act, 1887, or the Metalliferous Regulation Act, 1872, applies : ^{50 & 51 Vict. c. 58. 35 & 36 Vict. c. 77.}

“ Quarry ” means a quarry under the Quarries Act, 1894 : ^{57 & 58 Vict. c. 42.}

“ Engineering work ” means any work of construction or alteration or repair of a railroad, harbour, dock, canal, or sewer, and includes any other work for the construction, alteration, or repair of which machinery driven by steam, water, or other mechanical power is used :

“ Undertakers ” in the case of a railway means the railway company ; in the case of a factory, quarry, or laundry means the occupier thereof within the meaning of the Factory and Workshop Acts, 1878 to 1895 ; in the case of a mine means the owner thereof within the meaning of the Coal Mines Regulation Act, 1887, or the Metalliferous Mines Regulation Act, 1872, as the case may be, and in the case of an engineering work means the person undertaking the construction, alteration, or repair ; and in the case of a building means the persons undertaking the construction, repair, or demolition :

“ Employer ” includes any body of persons corporate or unincorporate and the legal personal representative of a deceased employer :

“ Workman ” includes every person who is engaged in an employment to which this Act applies, whether by way of manual labour or otherwise, and whether his agreement is one of service or apprenticeship or otherwise, and is expressed or implied, is oral or in writing. Any reference to a workman who has been injured shall, where the workman is dead, include a reference to his legal personal representative or to his

dependants, or other person to whom compensation is payable :

“Dependants” means—

9 & 10 Vict.
c. 93.

(a.) In England and Ireland, such members of the workman's family specified in the Fatal Accidents Act, 1846, as were wholly or in part dependent upon the earnings of the workman at the time of his death ; and

(b.) in Scotland, such of the persons entitled according to the law of Scotland to sue the employer for damages or solatium in respect of the death of the workman, as were wholly or in part dependent upon the earnings of the workman at the time of his death.

(3.) A workman employed in a factory which is a ship-building yard shall not be excluded from this Act by reason only that the accident arose outside the yard in the course of his work upon a vessel in any dock, river, or tidal water near the yard.

“Factory.” See Factory and Workshop Act, 1901, sec. 149 and notes (*ante*, p. 222), for definition of a “factory.”

See also the following sections of the Factory Act, 1901, and notes thereto, viz. 103, p. 152 ; 104, p. 157 ; 105, p. 166 ; 106, p. 170, *ante*.

“Quarry.” See the Quarries Act, 1894, *ante*, p. 339.

Application
to workmen in
employment
of Crown.

8.—(1.) This Act shall not apply to persons in the naval or military service of the Crown, but otherwise shall apply to any employment by or under the Crown to which this Act would apply if the employer were a private person.

50 & 51 Vict.
c. 67.

(2.) The Treasury may, by warrant laid before Parliament, modify for the purposes of this Act their warrant made under section one of the Superannuation Act, 1887, and notwithstanding anything in that Act, or any such warrant, may frame a scheme with a view to its being certified by the Registrar of Friendly Societies under this Act.

Provision as
to existing
contracts.

9. Any contract existing at the commencement of this Act, whereby a workman relinquishes any right to compensation from the employer for personal injury arising out of and in the course of his employment, shall not, for the

purposes of this Act, be deemed to continue after the time at which the workman's contract of service would determine if notice of the determination thereof were given at the commencement of this Act.

10.—(1.) This Act shall come into operation on the first day of July, one thousand eight hundred and ninety-eight. Commence-
ment of Act
and short
title.

(2.) This Act may be cited as the Workmen's Compensation Act, 1897.

FIRST SCHEDULE.

Sched. 1.

SCALE AND CONDITIONS OF COMPENSATION.

Scale.

(1.) The amount of compensation under this Act shall be—

(a.) where death results from the injury—

(i.) if the workman leaves any dependants wholly dependent upon his earnings at the time of his death, a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury, or the sum of one hundred and fifty pounds, whichever of those sums is the larger, but not exceeding in any case three hundred pounds, provided that the amount of any weekly payments made under this Act shall be deducted from such sum, and if the period of the workman's employment by the said employer has been less than the said three years, then the amount of his earnings during the said three years shall be deemed to be 156 times his average weekly earnings during the period of his actual employment under the said employer;

(ii.) if the workman does not leave any such dependants, but leaves any dependants in part dependent upon his earnings at the time of his death, such sum, not exceeding in any case the amount payable under the foregoing provisions, as may be agreed upon, or, in default of agreement, may be determined, on arbitration under this Act, to be reasonable and proportionate to the injury to the said dependants; and

(iii.) if he leaves no dependants, the reasonable expenses of his medical attendance and burial, not exceeding ten pounds;

(b.) where total or partial incapacity for work results from the injury, a weekly payment during the incapacity after the second week not exceeding fifty per cent. of his average weekly earnings during the previous twelve months, if he has been so long employed, but if not, then for any less period during which he has been in the employment of the same employer, such weekly payment not to exceed one pound.

(2.) In fixing the amount of the weekly payment, regard shall be had to the difference between the amount of the average weekly earnings of the workman before the accident and the average amount which he is able to earn after the accident, and to any payment not being wages which he may receive from the employer in respect of his injury during the period of his incapacity.

(3.) Where a workman has given notice of an accident, he shall, if so required by the employer, submit himself for examination by a duly qualified medical practitioner provided and paid by the employer, and if he refuses to submit himself to such examination, or in any way obstructs the same, his right to compensation, and any proceeding under this Act in relation to compensation, shall be suspended until such examination takes place.

(4.) The payment shall, in case of death, be made to the legal personal representative of the workman, or, if he has no legal personal representative, to or for the benefit of his dependants, or, if he leaves no dependants, to the person to whom the expenses are due; and if made to the legal personal representative shall be paid by him to or for the benefit of the dependants or other person entitled thereto under this Act.

(5.) Any question as to who is a dependant, or as to the amount payable to each dependant, shall, in default of agreement, be settled by arbitration under this Act.

(6.) The sum allotted as compensation to a dependant may be invested or otherwise applied for the benefit of the person entitled thereto, as agreed, or as ordered by the committee or other arbitrator.

(7.) Any sum which is agreed or is ordered by the committee or arbitrator to be invested may be invested in whole or in part in the Post Office Savings Bank by the registrar of the county court in his name as registrar.

(8.) Any sum to be so invested may be invested in the purchase of an annuity from the National Debt Commissioners through the Post Office Savings Bank, or be accepted by the Postmaster-General

as a deposit in the name of the registrar as such, and the provisions of any statute or regulations respecting the limits of deposits in savings bank and the declaration to be made by a depositor, shall not apply to such sums.

(9.) No part of any money invested in the name of the registrar of any county court in the Post Office Savings Bank under this Act shall be paid out, except upon authority addressed to the Postmaster-General by the Treasury or by the judge of the county court.

(10.) Any person deriving any benefit from any moneys invested in a post office savings bank under the provisions of this Act may, nevertheless, open an account in a post office savings bank or in any other savings bank in his own name without being liable to any penalties imposed by any statute or regulations in respect of the opening of accounts in two savings banks, or of two accounts in the same savings bank.

(11.) Any workman receiving weekly payments under this Act shall, if so required by the employer, or by any person by whom the employer is entitled under this Act to be indemnified, from time to time submit himself for examination by a duly qualified medical practitioner provided and paid by the employer, or such other person; but if the workman objects to an examination by that medical practitioner, or is dissatisfied by the certificate of such practitioner upon his condition when communicated to him, he may submit himself for examination to one of the medical practitioners appointed for the purposes of this Act, as mentioned in the Second Schedule to this Act, and the certificate of that medical practitioner as to the condition of the workman at the time of the examination shall be given to the employer and workman, and shall be conclusive evidence of that condition. If the workman refuses to submit himself to such examination, or in any way obstructs the same, his right to such weekly payments shall be suspended until such examination has taken place.

(12.) Any weekly payment may be reviewed at the request either of the employer or of the workman, and on such review may be ended, diminished, or increased, subject to the maximum above provided, and the amount of payment shall, in default of agreement, be settled by arbitration under this Act.

(13.) Where any weekly payment has been continued for not less than six months, the liability therefor may, on the application by or on behalf of the employer, be redeemed by the payment of a lump sum, to be settled, in default of agreement, by arbitration under this Act, and such lump sum may be ordered by the committee or arbitrator to be invested or otherwise applied as above-mentioned.

(14.) A weekly payment, or a sum paid by way of redemption

thereof, shall not be capable of being assigned, charged, or attached, and shall not pass to any other person by operation of law, nor shall any claim be set off against the same.

59 & 60 Vict.
c. 25.

(15.) Where a scheme certified under this Act provides for payment of compensation by a friendly society, the provisions of the proviso to the first sub-section of section eight, section sixteen, and section forty-one of the Friendly Societies Act, 1896, shall not apply to such society in respect of such scheme.

40 & 41 Vict.
c. 56.

(16.) In the application of this schedule to Scotland the expression "registrar of the county court" means "sheriff clerk of the county," and "judge of the county court" means "sheriff."

(17.) In the application of this Act to Ireland the provisions of the County Officers and Courts (Ireland) Act, 1877, with respect to money deposited in the Post Office Savings Bank under that Act, shall apply to money invested in the Post Office Savings Bank under this Act.

SECOND SCHEDULE.

ARBITRATION.

The following provisions shall apply for settling any matter which under this Act is to be settled by arbitration:—

(1.) If any committee, representative of an employer and his workmen, exists with power to settle matters under this Act in the case of the employer and workmen, the matter shall, unless either party objects, by notice in writing sent to the other party before the committee meet to consider the matter, be settled by the arbitration of such committee, or be referred by them in their discretion to arbitration as herein-after provided.

(2.) If either party so objects, or there is no such committee, or the committee so refers the matter or fails to settle the matter within three months from the date of the claim, the matter shall be settled by a single arbitrator agreed on by the parties, or in the absence of agreement by the county court judge, according to the procedure prescribed by rules of court, or if in England the Lord Chancellor so authorizes, according to the like procedure, by a single arbitrator appointed by such county court judge.

(3.) Any arbitrator appointed by the county court judge shall, for the purposes of this Act, have all the powers of a county court judge, and shall be paid out of moneys to be provided by Parliament in accordance with regulations to be made by the Treasury.

(4.) The Arbitration Act, 1889, shall not apply to any arbitration under this Act; but an arbitrator may, if he thinks fit, submit any question of law for the decision of the county court judge, and the decision of the judge on any question of law, either on such submission, or in any case where he himself settles the matter under this Act, shall be final, unless within the time and in accordance with the conditions prescribed by rules of the Supreme Court either party appeals to the Court of Appeal; and the county court judge, or the arbitrator appointed by him, shall, for the purpose of an arbitration under this Act, have the same powers of procuring the attendance of witnesses and the production of documents as if the claim for compensation had been made by plaint in the county court.

(5.) Rules of court may make provision for the appearance in any arbitration under this Act of any party by some other person.

(6.) The costs of and incident to the arbitration and proceedings connected therewith shall be in the discretion of the arbitrator. The costs, whether before an arbitrator or in the county court, shall not exceed the limit prescribed by rules of court, and shall be taxed in manner prescribed by those rules.

(7.) In the case of the death or refusal or inability to act of an arbitrator, a Judge of the High Court at Chambers may, on the application of any party, appoint a new arbitrator.

(8.) Where the amount of compensation under this Act shall have been ascertained, or any weekly payment varied, or any other matter decided, under this Act, either by a committee or by an arbitrator or by agreement, a memorandum thereof shall be sent, in manner prescribed by rules of court, by the said committee or arbitrator, or by any party interested, to the registrar of the county court for the district in which any person entitled to such compensation resides, who shall, subject to such rules, on being satisfied as to its genuineness, record such memorandum in a special register without fee, and thereupon the said memorandum shall for all purposes be enforceable as a county court judgment. Provided that the county court judge may at any time rectify such register.

(9.) Where any matter under this Act is to be done in a county court, or by to or before the judge or registrar of a county court, then, unless the contrary intention appear, the same shall, subject to rules of court, be done in, or by to or before the judge or registrar of, the county court of the district in which all the parties concerned reside, or if they reside in different districts the district in which the accident out of which the said matter arose occurred, without prejudice to any transfer in manner provided by rules of court.

(10.) The duty of a county court judge under this Act, or of an arbitrator appointed by him, shall, subject to rules of court, be part

51 & 52 Vict.
c. 43.

of the duties of the county court, and the officers of the court shall act accordingly, and rules of court may be made both for any purpose for which this Act authorizes rules of court to be made, and also generally for carrying into effect this Act so far as it affects the county court, or an arbitrator appointed by the judge of the county court, and proceedings in the county court or before any such arbitrator, and such rules may, in England, be made by the five judges of the county courts appointed for the making of rules under section one hundred and sixty-four of the County Courts Act, 1888, and when allowed by the Lord Chancellor, as provided by that section, shall have full effect without any further consent.

(11.) No court fee shall be payable by any party in respect of any proceeding under this Act in the county court prior to the award.

(12.) Any sum awarded as compensation shall be paid on the receipt of the person to whom it is payable under any agreement or award, and his solicitor or agent shall not be entitled to recover from him, or to claim a lien on, or deduct any amount for costs from, the said sum awarded, except such sum as may be awarded by the arbitrator or county court judge, on an application made by either party to determine the amount of costs to be paid to the said solicitor or agent, such sum to be awarded subject to taxation and to the scale of costs prescribed by rules of court.

(13.) The Secretary of State may appoint legally qualified medical practitioners for the purpose of this Act, and any committee, arbitrator, or judge, may, subject to regulations made by the Secretary of State and the Treasury, appoint any such practitioner to report on any matter which seems material to any question arising in the arbitration; and the expense of any such medical practitioner shall, subject to Treasury regulations, be paid out of moneys to be provided by Parliament.

(14.) In the application of this schedule to Scotland—

(a.) "Sheriff" shall be substituted for "county court judge," "sheriff court" for "county court," "action" for "plaint," "sheriff clerk" for "registrar of the county court," and "act of sederunt" for "rules of court":

(b.) Any award or agreement as to compensation under this Act may be competently recorded for execution in the books of council and session or sheriff court books, and shall be enforceable in like manner as a recorded decree arbitral:

(c.) Any application to the sheriff as arbitrator shall be heard, tried, and determined summarily in the manner provided by the fifty-second section of the Sheriff Courts (Scotland) Act, 1876, save only that parties may be

39 & 40 Vict.
c. 70.

represented by any person authorized in writing to appear for them and subject to the declaration that it shall be competent to either party within the time and in accordance with the conditions prescribed by act of sederunt to require the sheriff to state a case on any question of law determined by him, and his decision thereon in such case may be submitted to either division of the Court of Session, who may hear and determine the same finally, and remit to the sheriff with instruction as to the judgment to be pronounced.

(15.) Paragraphs four and seven of this schedule shall not apply to Scotland.

(16.) In the application of this schedule to Ireland the expression "county court judge" shall include the recorder of any city or town.

WORKMEN'S COMPENSATION ACT, 1900.

(63 & 64 VICT. CAP. 22.)

Sec. 1.

An Act to extend the benefits of the Workmen's Compensation Act, 1897, to Workmen in Agriculture.

[30th July, 1900.]

BE it enacted, etc., as follows :—

1.—(1.) From and after the commencement of this Act, the Workmen's Compensation Act, 1897, shall apply to the employment of workmen in agriculture by any employer who habitually employs one or more workmen in such employment. Application of 60 & 61 Vict. c. 37, to agricultural work.

(2.) Where any such employer agrees with a contractor for the execution by or under that contractor of any work in agriculture, section four of the Workmen's Compensation Act, 1897, shall apply in respect of any workman employed in such work as if that employer were an undertaker within the meaning of that Act.

Provided that, where the contractor provides and uses machinery driven by mechanical power for the purpose of threshing, ploughing, or other agricultural work, he, and he alone, shall be liable under this Act to pay compensation to any workman employed by him on such work.

3.

(3.) Where any workman is employed by the same employer mainly in agricultural but partly or occasionally in other work, this Act shall apply also to the employment of the workman in such other work.

The expression "agriculture" includes horticulture, forestry, and the use of land for any purpose of husbandry, inclusive of the keeping or breeding of live stock, poultry, or bees, and the growth of fruit and vegetables.

Short title.

2. This Act may be cited as the Workmen's Compensation Act, 1900, and shall be read as one with the Workmen's Compensation Act, 1897, and that Act and this Act may be cited together as the Workmen's Compensation Acts, 1897 and 1900.

Commence-
ment of Act.

3. This Act shall come into operation on the first day of July, one thousand nine hundred and one.

INDEX.

ABSTRACT,	PAGE
prescribed, of Factory Act to be affixed at entrance of factory and workshop	205
ACCIDENTS,	
meaning of expression "accident"	42
"bodily injury"	42
notice of, causing death or bodily injury	41
must be sent to inspector for the district	41
in certain cases, must also be sent to certifying surgeon of the district	41
notice of, where occupier not actual employer	42
notice of, in docks, wharves, quays, warehouses, and the process of loading and unloading or coaling ships, etc., and to building operations where machinery is used, and to certain railway lines and sidings	157, 166, 171
provisions with respect to, in case of lead, phosphorus, or arsenical or mercurial poisoning, and anthrax	114
investigation of and report on, by certifying surgeon	45
power to direct formal investigation of	47
inquest in case of death by	46
ACID SOLUTION,	
meals not to be taken in places where metal dipped in any	120
ACTION (<i>see</i> Penal Compensation).	
ADMINISTRATION,	
of Act	195-209
ADULT WORKERS,	
Special Rules or requirements relating to employment of, to be laid for forty days before both Houses	134
AËRATED WATER (<i>see</i> Bottling),	
ceilings, etc., of rooms where making of, carried on, exempted from limewashing	6
overtime in case of press of work in factories, etc., where making of boxes for, carried on	84, 256

AFFIXING,		PAGE
abstracts and notices, etc., in factories and workshops		205
in tenement factories		135
domestic, etc.		179
laundries		153, 154
men's workshops.		242
AFTERNOON SET,		
period of employment for child in		55
AGE,		
no child under twelve years of, to be employed in factory or work- shop		97
proof of, in summary proceedings		220
of child or young person under sixteen		208
AGENT,		
where offence committed by, he may be fined		215
AGRICULTURAL IMPLEMENT WORKS,		
ceilings, etc., of rooms of, exempted from limewashing		6
ALKALI,		
works in which, used, exempted from limewashing		5
ALMANACK MAKING,		
meals not to be taken in certain cases where, carried on		118, 120
overtime where press of work in		82, 255
ALTERATION,		
or repair of dangerous machine, ways, works, or plant, boilers, etc.,		37
premises where article altered may be a non-textile factory, or workshop		223, 224
ALTERNATE DAY SYSTEM,		
period of employment where child employed on the		59
time for meals where child employed on the		59
notice to be affixed as to whether children employed on		64
AMENDMENT,		
Secretary of State may propose, of special rules		128
occupier may propose, of special rules		128
ANNEALING (<i>see</i> Glass).		
ANNUAL HOLIDAYS AND HALF-HOLIDAYS,		
in England and Wales		66
Scotland		66
Ireland		67
ANTHRAX,		
provisions as to notice of accidents, apply to		115
medical practitioners attending case of, to send notice to chief inspector		114
written notice of every case of, to be sent to the inspector and the certifying surgeon for the district		114

ANTIMONY,	PAGE
Special Rules as to use of	356
APPEAL,	
to Quarter Sessions	218
APPLICATION,	
of Factory Act to Scotland	243
Ireland	247
Crown factories and workshops	231
London	239
County boroughs	240
APPOINTMENT,	
of inspectors, clerks, and servants, and their duties	195
certifying surgeons	200
certificate of, of inspectors to be produced	200
APPORTIONMENT,	
between owner and occupier of expenses of ventilation	18
of structural alterations	
in bakehouses	149
APPRENTICES,	
within certain provisions of the Act	237
are deemed to work for "hire"	237
APRONS,	
particulars of work and wages to piece-workers in making of	186
AQUAFORTIS,	
meals not to be taken in places where metal is dipped in	120
ARBITRATION,	
between owner of a factory and district council as to provision of	
means of escape from fire	30
provisions with respect to	252
difference between Secretary of State and occupier as to special	
rules and requirements may be referred to	126, 129
representation of workmen on, as to special rules	133
ARSENIC,	
provisions as to accidents apply to cases of, poisoning	114
medical practitioners attending cases of poisoning by, to send notice	
to chief inspector	114
written notice of every case of, poisoning, to be sent to the inspector	
and the certifying surgeon for the district	114
where, used, lavatories to be provided	116
extraction of, certified dangerous	127
Special Rules as to	355, 356
ARTICLE,	
manual labour exercised by way of trade, or for purposes of gain	
in or incidental to an, may constitute a workshop	224
if machinery used in aid of process carried on in making any, may	
constitute a non-textile factory	223
the word does not apply to a "ship"	229

ARTIFICER (*see* Truck Acts, 1831-1896).

PAGE

ARTIFICIAL FLOWER-MAKING,

meals not to be taken in certain cases where, carried on	118, 120
overtime in factories where, carried on	82, 255

ARTIFICIAL LIGHT,

where, employed for illuminating purposes, other than electric light, cubic feet of space may be modified	11
--	----

ARTIFICIAL MANURES (*see also* Manure Works),

meals not to be taken in places where, manufactured	118, 120
---	----------

ARTISAN,

young person who is an, engaged only in repairing machinery in a factory or workshop, not within the Act	243
---	-----

ASHPITS,

provisions as to	13
----------------------------	----

'ATTENDANCE' (*see also* "In Attendance"),

definition of	104, 106, 110
-------------------------	---------------

ATTENDANCE AT SCHOOL,

of children employed in factory or workshop	104-113
---	---------

AUGUST,

copies of lists of outworkers to be sent to district councils on or before the 1st of	172
--	-----

AUTOMATIC INDICATORS,

regulations as to, in piecework	183
---	-----

AWARD,

on arbitration as to provision of means of escape from fire	30, 252
---	---------

BAKEHOUSES,

are workshops, unless they become factories owing to use of steam, water, or other power therein	146, 230
limewashing, painting, and washing interior of	147
must be varnished and painted in oil every seven years	147
limewashing of, must be renewed once in every six months	147
where, varnished and painted in oil, must be washed with soap and water once every six months	147
meaning of	146, 266
provisions as to limewashing, painting, etc., of, which is a "work- shop," are enforced by district council	147
provisions as to sleeping places near	148
no room or place to be used as, unless regulations complied with	145
underground, not to be used unless so in use on 17th August, 1901 148, 151	
underground, prohibition of	148
meaning of	148
after 1st January, 1904, place not to be used as, unless certified by district council	148

BAKEHOUSES,

PAGE

underground, meaning of "baking room"	148
not to be certified unless suitable as regards construction, light, etc.	149, 150
provisions of P. H. London Act, 1891, sec. 26, incorporated	149
penalty for contravention of these provisions	149
where district council refuse certificate, occupier may apply to court of summary jurisdiction	149
provision as to structural alterations in	149
determination of "lease" of, by court of summary jurisdiction	149
male young persons above age of sixteen may be employed in certain parts of, between 5 A.M. and 9 P.M.	71
no watercloset, etc., to be within the "bakehouse"	145
cisterns in, to be separate	145
no drain or pipe, etc., to have opening within	145
penalty on person who lets a, in contravention of Act	146
where "men" only employed are within Act	146
penalty for noncompliance with requirements of district council	147
for not limewashing, etc.	147
occupiers of, liable for sanitary defects	147

BAKEHOUSE, "RETAIL,"

sanitary provisions of Act, as to, to be enforced in, by district councils	147, 151
medical officer of health of district council has powers of an inspector in relation to	151
meaning of	151, 152

BAKEHOUSES, "WHOLESALE,"

if factories, subject to control of inspectors and district councils	146, 147
--	----------

BANK HOLIDAY (*see* Good Friday),

to be allowed	66
in Scotland	67
Ireland	67

BANK NOTES,

wages may be paid in, if artificer consents (<i>see</i> Truck Acts, 1831-1896).	
--	--

BEETLING (*see* Bleaching and dyeing works at p. 263).**BELL METAL,**

Special Rules as to mixing, etc., of	369
--	-----

BICHROMATE OF POTASSIUM OR SODIUM,

Special Rules for manufacture of	362
--	-----

BIRTH (*see* Certificate of Birth).**BISCUIT MAKING,**

included in definition of bakehouse	266
---	-----

BISCUITS,

PAGE

overtime in making of	83, 255
employment for additional half-hour in baking of	87

BISULPHIDE OF CARBON,

Special Rules for use of, in vulcanising india-rubber	373
---	-----

BLAST FURNACES,

are non-textile factories	222, 264
actual employers of a person killed or injured in, must report to occupier	42
exempted from provisions as to limewashing	5
meals may be allowed at different times of day in	73
male young persons may work during the night in	89

BLEACHING AND DYEING WORKS,

definition of	263
are non-textile factories	222, 263
period of employment and times allowed for meals in, to be the same as if, were textile factories	61
meals not to be taken in, where singeing is carried on	119
meals may be allowed at different times in cases of male young persons in certain parts of	74
overtime in, in parts where open-air bleaching or Turkey red dyeing	82, 255
overtime in, in Lancashire and Cheshire	82, 256
extension of employment for additional half-hour in	86

BLEACH WORKS (*see also Bleaching and Dyeing Works*),

ceilings of, exempt from limewashing	5
--	---

BLOUSES,

particulars to be given to piece-workers in making of	186
---	-----

BOARD OF EDUCATION,

to give information as to recognized efficient schools	105
to define "an attendance"	104
inspector to report to, approval of school	105, 113
to consent to fixing standards of proficiency and due attendance	109
Revised Regulations of, 23rd April, 1900	230

BOARD OF SUPERVISION IN SCOTLAND,

prescribed the form of requisition for a copy of certificate of birth in Scotland	208
---	-----

BODILY INJURY (*see Accidents, Penal Compensation*).**BOILERS** (*see Steam Boilers*),

exception as to overtime extended to places where, made	82, 256
---	---------

BONBONS,

ceilings, etc., of rooms where made, exempted from limewashing	6
overtime in case of press of work where making of, carried on	82, 255

BONE (*see Ivory*).

BOOKBINDING,	PAGE
special exception as to employment in, factories	69, 70
BOOKBINDING WORKS,	
are non-textile factories	222, 263
BOTTLE WASHING,	
overtime employment in, for preserved fruits	82
works, are non-textile factories, or workshops	222, 267
BOTTLING,	
etc., of aerated water certified dangerous	127
Special Rules as to	372
overtime employment of women in, of beer	82, 256
BRANCHES,	
power of Secretary of State to treat separate, or departments as separate factories	232-236
BRASS,	
foundries, are non-textile factories	222, 264
mixing and casting of, certified dangerous	127
Special Rules for processes of	369
BRASS CASTING,	
meals not to be taken in part where, carried on	118, 120
BRASS SHAVING, BORING, TURNING, AND FITTING,	
ceilings and tops of rooms where, carried on, exempted from lime- washing	6
BREAD,	
making of, included in definition of "bakehouses"	266
employment for additional half-hour in the baking of	87
BREWERIES,	
exempted from provisions as to limewashing	5
BRICKS,	
process of glazing with lead, certified dangerous	128
BRICKS OR TILES,	
where the making or finishing of, is, a girl under sixteen not to be employed	117
exception as to overtime where, made	82, 255
BUILDINGS,	
not defined	167
a definition of	167
exceeding thirty feet in height	167
height of, how measured	168, 169
certain, included in the word "factory"	167
provisions of Act which apply to	166
BUTTER (<i>see also</i> Creameries),	
overtime in non-textile factories where making of, is carried on	84, 85
women may be employed fourteen hours a day in making of	85

BYE-LAWS,	PAGE
for means of escape from fire	35, 239
educational	106, 107, 110, 326
CABINET MAKING,	
list of outworkers to be kept in business of	174
CALENDERING, &c., YARN OR CLOTH,	
overtime exception as to, in non-textile factories	83, 256
CAMEL HAIR,	
combing, sorting, etc., certified dangerous	128
Special Rules as to	371, 374
CANAL,	
process of loading, unloading, or coaling a ship in a, included in word "factory"	158
CANDLES,	
ceilings and tops of rooms where, and starch and soap made, exempted from limewashing	6
CARDBOARD MAKING,	
exception as to overtime extended to	82, 256
CARPET-BEATING WORKS,	
are non-textile factories, or workshops	222, 267
CARTRIDGE WORKS,	
are non-textile factories	222, 264
CATGUT CLEANING AND REPAIRING,	
meals not to be taken in places where, carried on	118, 120
CEILINGS,	
of factories to be limewashed every fourteen months	2
all, and tops of rooms in non-textile factories in which certain occupations carried on, exempted from limewashing	4-7
such, or tops of rooms, as are of slate or iron, and are at least twenty feet from the floor, exempted from limewashing	5
CEMENT WORKS,	
exempted from provisions as to limewashing	5
CERTIFICATES OF APPOINTMENT,	
inspectors must produce, if required	200
CERTIFICATE OF BIRTH,	
defined	100
in case of children and young persons under sixteen	208
meaning of, as applied to Scotland	209, 245
Ireland	209, 249
CERTIFICATES OF FITNESS FOR EMPLOYMENT	98-103
child or young person not to be employed in factories without	98
may be qualified	99

CERTIFICATES OF FITNESS FOR EMPLOYMENT,	PAGE
certifying surgeons to have same powers as an inspector for purpose of grant of	99
power of Secretary of State to require, in workshops	102
to be granted by certifying surgeon of the district	98
what it is to state	99
provisions as to, do not apply to workshops except in certain cases	102
of children and young persons under sixteen in factories	98
workshops	102
all factories and workshops in occupation of same occupier may be named in one, etc.	99
where child becomes a "young person" fresh certificate must be obtained	98
validity of, in tenement factory	101, 138
CERTIFICATE OF SCHOOL ATTENDANCE,	
occupier must on Monday in every week obtain a	107
and must keep it for two months	108
produce it to inspector, if required	108
CERTIFIED COPY,	
of conviction	220
of Special Rules	129
CERTIFIED DAY INDUSTRIAL SCHOOL,	
attendance at, is attendance at "certified efficient school"	109
"CERTIFIED EFFICIENT SCHOOL,"	
meaning of	112
in Scotland	243
Ireland	247
CERTIFYING SURGEON,	
must grant certificate of fitness for employment	98
what must state in certificate of fitness for employment	99
certificate may be qualified	99
must examine children, etc., at factory or workshop where they are, or are about to be, employed, unless number of persons employed less than five, etc.	99
power of inspectors to annul certificate of	100
must examine children employed in workshop, if required	102
notice of certain accidents must be sent to the, of the district	41
where, receives notice of accident, must make full investigation, etc., and report to inspector within twenty-four hours	45
fee to, in case of investigation of accidents	202
written notice of every case of lead, phosphorus, mercurial, or arsenical poisoning, or anthrax, to be sent to, of the district	114
appointed by inspectors of factories	200
appointment of, may be annulled upon appeal	200
Secretary of State may make rules for guidance of	200
must personally examine person for certificate of fitness	99

CERTIFYING SURGEON,

	PAGE
if refuses to grant certificate of fitness, must give reasons in writing	
for refusal	100
scale of fees	201, 262, 263
may agree with occupier as to amount of fees	201
must every year report to Secretary of State as to persons inspected	
during the year	201
if, so directed by Secretary of State, must make special inquiry and	
re-examine any young person or child	200
fees to be paid to, for re-examination, etc.	202, 263
who to pay them	201

CERTIORARI,

a conviction or order made by a court of summary jurisdiction,	
where there is an appeal, not to be removed by	219

CHANGE,

in period, times, or system of employment, not to be made oftener	
than once a quarter	65

CHARITABLE INSTITUTION,

laundries conducted by, exempt	155
--	-----

CHEESE,

overtime in non-textile factories where, made	84, 85
women may be employed for fourteen hours a day in occupation of	
making	84, 85

CHEMICAL WORKS,

certified dangerous	127
Special Rules for	361, 362
exempted from provisions as to limewashing, etc.	5
meals not to be taken in certain parts of	118, 120

CHIEF INSPECTOR,

appointment of	195
may authorize part of factory or workshop to be treated as separate	
factory or workshop	224
may serve on occupier of factory, etc., notice in writing proposing	
special rules or requiring the adoption of special measures, etc.	125
occupier may propose to, any amendment of, or any new, rules	128
periodical return of persons employed to be sent to	207
notification of certain diseases to	114

CHILD,

must not clean any part of machinery in factory or any place under	
any machinery other than overhead mill-gearing not in motion	28
definition of	97, 240
period of employment, etc., for, in textile factories	55
in non-textile factories, and workshops	58
in domestic workshops	177
not to be employed on two successive Saturdays in textile factories	56

CHILD,

PAGE

must not be employed for more than seven or thirteen days without a certificate of fitness	98
must not be employed on Sunday except in certain cases	66
under twelve years, must not be employed in factory, or workshop, or laundry	97
must attend some "recognized efficient school"	104
regulations as to "attendance" at school	105
excuses allowed for non-attendance	104
of thirteen, may be employed as a "young person" on obtaining educational certificate	109, 240
days to be allowed as holidays and half-holidays to	66
a, under sixteen, not to be employed in "factory" without certificates of fitness, etc.	98
Secretary of State may require certificate of fitness, etc., for employment of, in "workshop"	102
not to be employed in certain factories and workshops	117
prohibited from taking meals in certain parts of factories and workshops	118
employment and meals of, in print works and bleaching and dyeing works	61
employment of, for additional half-hour where process in incomplete state	86
overtime employment of, not allowed	82

CHILDBIRTH,

women and girls not to be employed within one month after	97
---	----

CHINA,

manufacture and decoration of, certified dangerous	127
manufacture or finishing of, constitutes non-textile factory	226, 264
Special Rules for manufacture of	342
making transfers for	357

CHINA CLAY PITS, TIN STREAMS, &c., IN CORNWALL,

exception as to meals in	73, 76
additional half-hour in	86, 87

CHINA CLAY WORKS,

night employment of male young persons of sixteen in	88, 91
--	--------

CHRISTMAS DAY,

the whole of, to be allowed as a holiday in England, Wales, and Ireland	66, 67
---	--------

CHRISTMAS PRESENT MAKING,

overtime in case of press of work where, carried on	82, 255
---	---------

CHROMATE OF POTASSIUM OR SODIUM,

Special Rules for manufacture of	362
--	-----

CISTERNS,

in bakehouses must be separate	145
--	-----

CLEANING (<i>see</i> Dry Cleaning Works),	PAGE
woman, young person, or child engaged in, deemed to be "em- ployed" within meaning of Act	236
restriction on, machinery	27, 28
woman or young person not to clean mill-gearing	28
CLEANLINESS,	
of factories	1
of workshops and workplaces	7-10
of bakehouses	145-147
CLOAK ROOMS,	
in cotton cloth manufactories	144
CLOCK,	
where inspector names a, hours, etc., to be regulated by	65
CLOSE OR CURTILAGE,	
premises within which constitute factories, etc.	222-231, 263
COACHMAKING,	
ceilings, etc., where, carried on, exempted from limewashing	6
COAL MINES REGULATION ACT, 1887, secs. 45 and 46	50
COCOANUT FIBRE,	
manufacture, etc., of, or other like material, etc., constitutes a textile factory	222
COLOUR MAKING,	
meals not to be taken in certain cases where, carried on	118, 120
COLOURS,	
manufacture of, certified dangerous	127
Special Rules relating to	355
COMPENSATION (<i>see</i> Penal Compensation, "Workmen's Compensation Acts").	
CONDENSED MILK,	
women may be employed fourteen hours a day in making	85
CONFECTIONERY,	
making, etc., of, included in definition of "bakehouses"	266
CONSTRUCTION,	
premises on which machinery moved by power for purpose of	166
meaning of the word	169
CONTINUOUS,	
employment of women in non-textile factory	58
young persons in workshop	58
child in domestic factory or workshop	128
women, young persons, and children in certain textile factories	72
CONTRACT (<i>see</i> Truck Acts, 1831-1896),	
within the Truck Act, 1831	271
definition of, in Truck Act, 1831	283

CONTRACTOR,

PAGE

a, employed by an "occupier" liable to penalty for employing persons in places injurious, etc., to health	174
liable for allowing wearing apparel to be made, cleaned, or repaired in place where there is infectious disease	175
employed by occupier of factory or workshop must keep lists of out-workers	172
must send on or before 1st February and 1st August in each year lists, etc., of persons employed by him to district council	172
penalty for contravention	173

CONTRIBUTORY NEGLIGENCE,

not a defence to the proceedings for penal compensation	212
---	-----

CONVICTION,

appeal against, made by court of summary jurisdiction not to be removed by <i>certiorari</i>	219
--	-----

COOKING UTENSILS, &c.

enamelling and tinning of, certified dangerous	127
Special Rules for	381

COPIES,

of lists of outworkers to be sent to inspectors and district councils	172
certified, of special rules to be evidence	129

COPPER MILLS,

are non-textile factories	222, 264
exempted from provisions as to limewashing, etc.	5
male young persons of fourteen may be employed at night in	81, 91

CORNFLOUR MILLS,

ceilings, etc., of, exempted from limewashing	6
---	---

CORNWALL,

overtime employment in dressing-floors, tin streams, china clay pits, and quarries in	82, 256
special exceptions as to meal hours in ditto	76
substitution of another day for Saturday in ditto	79
night employment of male young persons in mineral dressing-floors	91

CORONER,

to advise district inspector of time and place of holding inquest	46
may allow certain persons to be present at	46
to adjourn inquest unless inspector or some person on behalf of the Secretary of State is present, etc.	46
to send to inspector notice in writing of the time and place of holding adjourned inquest	46
adjournment of inquest, by	46

COSTS,

payment of, by actual offender in lieu of occupier	215
security for, on application of workmen to be represented at arbitration as to special rules, etc.	133

COTTON,	PAGE
manufacture, etc., of, constitutes a textile factory	222
COTTON CLOTH AND OTHER HUMID FACTORIES,	
provisions as to	138-145
temperature and humidity	138
power to alter table of humidity	139
"Table"	259
employment of thermometers in	140
"Form of Record"	261
notices and inspections where humidity artificially produced	142
regulations for protection of health in	142
penalties for non-compliance	144
application of provisions to other humid factories	144
thermometers to be used in	140, 145
COTTON FACTORIES,	
particulars of work and wages to be given to weavers	182
COUNSEL,	
may represent workmen at arbitration on special rules	133
COUNTY BOROUGHs,	
application of Act to	240
COUNTY COURT,	
powers of, in dispute between "owner" and "occupier" as to provision of means of escape from fire	30, 35
COURT OF SUMMARY JURISDICTION,	
can prohibit a dangerous place used as a factory, etc., from being so used until danger removed, etc.	40
in addition to, or instead of, inflicting fine for not keeping factory, etc., in conformity with Act, may order means to be adopted to bring factory, etc., into conformity with Act	210
may apportion expenses of providing means of ventilation	18
structural alteration in bakehouse	149
can prohibit use of dangerous machinery, ways, work, or plant, etc.	37, 39, 157, 166, 171
on <i>ex parte</i> application of an inspector	37
where satisfied that a bakehouse is unfit for occupation, may impose fine of 40s. on occupier	146
may grant certificate for a bakehouse, where refused by district council	149
may determine "lease" of bakehouse at request of occupier	149
power to determine what are or are not "dangerous parts" of machinery	22
no jurisdiction to inquire into suitability of sanitary accommodation	16
CREAMERIES,	
special exceptions as to	78
Sunday employment in	78

CROWN,

PAGE

factories and workshops belonging to the, within the Act . . .	231
but Secretary of State may exempt in certain cases . . .	231
powers of Act to be exercised in, by inspectors of factories . . .	231

CURRIERS,

ceilings, etc., of rooms in places where, carry on occupation, ex- empted from limewashing	6
---	---

CUTLERY,

regulations as to grinding of, in tenement factory . . .	137, 257
do not apply to textile factory . . .	138

DANGEROUS AND UNHEALTHY INDUSTRIES . . . 114-120

certain diseases to be notified	114
medical practitioners to give notice of	114
provision as to ventilation by fan in	115
lavatories and meals in dangerous trades	116
restrictions as to employment in wet-spinning	116
prohibition of employment of young persons and children in certain processes	117
prohibition of taking meals in certain parts of factories and work- shops	118-120

DANGEROUS MACHINES, &c.,

a court of summary jurisdiction can make order as to . . .	37, 39, 157, 166, 170
meaning of	23
fencing of	21-24
in docks, etc.	22, 39, 157, 166, 171

DANGEROUS TRADES,

power to make regulations for	120-124
---	---------

DAYS,

to be observed as holidays in factories and workshops . . .	66
England and Wales	66
Ireland	67
Scotland	66

DEATH (*see* Accident. Penal Compensation).**DECLARATION,**

inspector may require a person whom he finds in a factory or workshop to sign a	197
--	-----

DEDUCTIONS (*see* Truck Acts, 1831-1896).**DEFAULT OR NEGLECT,**

of district council	12
power of Secretary of State to act on	13

- DEFINITION**, of "owner," 9, 10, 241; of "in attendance," 9, 21; of "overcrowding," 11; of "ways," 38; of "works," 38; of "plant," 39, 163; of "machinery," 39, 163, 165, 240; of "women's workshops," 61; of "attendance at school," 104, 106, 111; of "certified efficient school" and "recognized efficient school," 112; of "dock," 160, 164; of "wharf," 160, 164; of "warehouse," 161, 165; of "quay," 161, 165; of "ship," 163, 164; of "harbour," 164; of "construction," 169; of "repair," 169; of "scaffolding," 169; of "domestic" factory, 181; of "domestic" workshop, 181; of "textile" factory, 222, 226; of "non-textile" factory, 222, 226, 229; of "workshop," 223, 230; of "tenement" factory, 223; of "tenement" workshop, 224; cases relating to, of factories and workshops, etc., etc., 228, 231; of "employment" and "working for hire," 236; of "child," 240; of "young person," 241; of "woman," 241; of "parent," 241; of "week," 241; of "night," 241; of "prescribed," 241; of "mill-gearing," 241; of "special order," 241; of "men's workshops," 242.
- DELTA METAL**,
 mixing, etc., of, certified dangerous 127
 Special Rules for 369
- DEPARTMENTS**,
 meals at different hours in distinct 73-77
 power of Secretary of State to treat separate, or branches, as
 separate factories 232
- DIE-SINKING**,
 overtime exception extended to 82, 256
- DIFFERENCE OF OPINION**,
 between the "owner" of a factory and a district council as to pro-
 vision of means of escape from fire 30-35
- DIFFERENT BRANCHES, &c.**,
 power to treat as different factories, etc. 232
- DI-NITRO-BENZOLE**,
 Special Rules for use of, in manufacture of explosives 359
- DIPPING**,
 meals forbidden in part of factory or workshop within which metal
 is dipped in aquafortis or other acid solution 118, 120
- DISEASES**,
 notification of certain, to chief inspector 114
 every medical practitioner must notify certain, to chief inspector, etc. 114
 provisions as to "accidents," apply to certain 114
 Secretary of State may by order, apply certain provisions to other . 115
- DISTILLERIES**,
 exempted from provisions as to limewashing 5

DISTRICT COUNCILS,

	PAGE
to enforce sanitary provisions in workshops and workplaces	7, 8, 202
where limewashing, etc., necessary, to give notice to owner or occupier	8
may cause workshop to be limewashed, etc.,	8
to enforce provisions of P. H. Acts	7, 8, 14
as to overcrowding in workshops	11, 12
Secretary of State may act in default of	12
duty of, where receive notice from inspector of sanitary defects	13
if, do not take proceedings within one month, inspector may act	13, 15
reference to, includes reference to council of county borough	10, 240
as regards London, means metropolitan borough	10, 239
city of London, means the court of common council	10, 239
powers of, as to "fire escapes"	29-35
to furnish certificates as to fire escapes	29
to examine factories and workshops with respect to fire escapes	29
to serve on owner notice to provide means of escape	30
where difference of opinion between "owner" and, as to fire escapes, to be referred to arbitration	30
can only enforce provisions as to fire escapes, in that part of a building which is a "factory" or "workshop"	32
may make "byelaws" providing for fire escapes, etc.	35
expenses of, in relation to fire escapes	31
enforcement by, of sanitary provisions in bakehouses	147
powers of, with respect to underground bakehouses	149
certificates of, for underground bakehouses	148, 149
may refuse certificates	149
in such case occupier may apply to court of summary jurisdiction	149
to enforce law in "retail" bakehouses	151
list of "outworkers" to be sent to, between February 1 and August 1, in each year	172
to cause such list to be examined, etc.	173
to furnish name and place of employment of outworkers to outside councils	179
lists kept by occupier or contractor to be open to inspection of	173
copies of lists sent to, to be open to inspection by factory inspector	173
may give notice to occupier of place injurious to health, etc.	174
may prohibit home work in places where there is infectious disease	175
and in case of urgency, powers may be exercised by any two members of council	176
diseases to which this provision applies	176
medical officer of health of, to report to, as to workshops and workplaces	207
to send notice to inspector of employment of women, etc., in workshops	208

DISTRICT COUNCILS,

	PAGE
powers of, in case of Crown factories or workshops, to be exercised by inspectors of factories	231
under the Factory Act, to be in addition to any other powers they possess	240
for purpose of their duties with respect to workshops and work-places, to have powers of inspector, etc.	202
must keep a "register of workshops" situate within their district .	207

DOCKS,

provisions of Act which apply to	157
when factories	158, 164
definitions of	160
embrace the land bounding water as well as water itself	160
provisions of repealed Act of 1895 relating to	158, 159
ships in, are factories	164
occupiers of, may be occupiers of factories	164
loading, unloading or coaling ships in	158, 160
fencing of	22, 160
prohibition of use of dangerous machinery, plant, etc., in .	37, 39, 160
(See also Wharf, Quay, Warehouse).	

DOCUMENTS,

inspector may require production of all, kept in pursuance of Act .	196
penalty for making false entry in	214

"DOMESTIC" FACTORIES AND WORKSHOPS 177-181

exempt from certain provisions of Act	177
as to notices, etc.	179
workshops, exempt from provisions as to special rules, etc.	125
period of employment and time for meals for children and young persons in	177, 178
factory, defined	181
workshop, defined	181
factories exempt from the sanitary provisions of Act	179
meal times in	177, 179
exempt from affixing notice of accident	179
the provisions as to holidays	179
dangerous processes in	179
exemption of certain workshops from provisions of Act	180
subject to inspection, etc.	177
penalty for contravention of Act in, less than in other cases	213
provision as to certificate of fitness for employment in factory .	178
fine for obstructing an inspector, etc., in	199

DOMESTIC SERVANTS,

not within the Truck Acts	281
-------------------------------------	-----

DOORS,

of factory or workshop, must open from inside	36
in each room of certain factories or workshops must except in the case of sliding, open outwards	36

DRAIN,	PAGE
factory to be kept free from effluvia arising from	1
workshops and workplaces	7-10
DRAINAGE OF FLOORS,	
means must be adopted for	19
DRAPERS,	
employment in "retail" drapers' workrooms, in Manchester and Salford	69, 70
DRESSING FLOORS, TIN STREAMS, &c., IN CORNWALL,	
exception as to meals in	73, 76
overtime in	82, 256
additional half-hour in	86, 87
male young persons of sixteen may be employed during the night in	89, 91
DRIVING STRAP OR BAND,	
expression "machinery" includes any	23, 240
DRY CLEANING WORKS,	
are non-textile factories, or workshops	222, 267
DRY GRINDING (<i>see</i> Grinding).	
DUBLIN GAZETTE,	
matters under Factory Act relating to Ireland to be published in	249
regulations for dangerous trades to be published in	124
DUST,	
factory to be ventilated to render harmless from	2
if, generated and inhaled to injurious extent, fan to be provided	115
meals forbidden in parts of factories or workshops where dry powder or, is used	118, 120
special rules for preventing injury to health by	125
DYE WORKS (<i>see</i> Bleaching and Dyeing Works),	
ceilings and tops of rooms in, exempted from limewashing	6
meals not to be taken in part of, where singeing carried on	119
EARTH-CLOSET,	
factory to be kept from effluvia arising from	1
workshops and workplaces to be kept free from effluvia arising from	7-10
EARTHENWARE WORKS,	
definition of	264
are non-textile factories	222, 264
meals not to be taken in certain parts of	263
EARTHENWARE,	
manufacture and decoration of, certified dangerous	127
Special Rules as to	342, 348
EAST INDIAN HIDES AND SKINS (<i>see</i> Foreign hides, etc.).	

EDINBURGH GAZETTE,	PAGE
matters under Factory Act relating to Scotland to be published in	244
regulations for dangerous trades to be published in	124
EDUCATION (SCOTLAND) ACT, 1901, sec. 3	328
EDUCATION OF CHILDREN	104-113
attendance at school of children employed in factory or workshop	104
parent must cause child to attend school	104
"attendance at school" defined.	104, 106, 111
provisions of Education Acts, etc., as to	106, 107
byelaws as to	107, 110
occupier of factory or workshop must obtain school attendance	
certificate	107
and pay weekly sums for schooling in cases where fees may be	
charged	108
young person of thirteen may be employed on obtaining educational	
certificate	109
standard of proficiency and due attendance	109-111
fixed by Secretary of State Dec. 31, 1900	109, 110
definition of "certified efficient school" and "recognized efficient	
school"	112
EFFLUVIA,	
factory to be kept free from	1
workshops and workplaces, ditto	7-10
ELASTIC WEB,	
five hours' spell in factories, etc.	72
ELECTRIC ACCUMULATION WORKS,	
processes in, certified dangerous	127
Special Rules as to	382
ELECTRICAL STATIONS,	
are non-textile factories	222, 265
ELECTRO-PLATE,	
lists of outworkers to be kept in manufacture of	174
ELEMENTARY EDUCATION ACT, 1876, secs. 5, 6, 7, 11, 23-26	322
1880, sec. 4.	326
1900, secs. 6 and 7.	327
EMPLOYERS AND WORKMEN ACT, 1875, sec. 10	287
provisions of Truck Acts extends to and includes any workman as	
defined by	287
EMPLOYMENT,	
definition of	236
provisions relating to, generally	51-103
in laundries	152
women's workshops	61
domestic factories and workshops	177
deemed to be the period specified in notice affixed	65

EMPLOYMENT,

PAGE

as "young person," of child of thirteen on obtaining an educational certificate	109
of young persons and women in "textile" factories	53
children in ditto	55
young persons and women in non-textile factories, and in workshops	57
children in ditto	58
hours of, in print and bleaching and dyeing works	61
special provisions as to, in women's workshops	61
eight hours' employment of women and young persons in non-textile factory or workshop	62
restriction on, inside and outside factory or workshop on same day	63
notice fixing hours of	64
during meal times forbidden	65
a woman, young person, or child must not be, on Sunday (except as specially excepted)	66
special exceptions as to, between 9 A.M. and 9 P.M.	69
five hours' spell	72
during meal time	73-77
inside and outside on same day	80
prohibition of, of young persons and children in certain factories and workshops	117
of male young persons above sixteen in lace factories	70
bakehouses	71
in Turkey red dyeing up to 4.30 P.M. on Saturday	79
for additional half-hour where process incomplete	86
continuous, for five hours during the winter months	72
of young persons and women in Jewish factories or workshops	81, 82
of women for fourteen hours a day to preserve perishable articles	84
but cannot be so employed for more than three days in a week, or fifty days in a year	85
processes to which exception applies	85
woman or girl not to be employed within four weeks after confinement	97
in unwholesome premises	174
of male young persons at night	89, 91, 92
of male young persons of sixteen at night in printing of newspapers	92
of male young persons at night in glass works	91

ENAMELLING,

of iron plates and metal hollow ware certified dangerous	127
Special Rules for	381

ENGINE,

every part of, must be securely fenced	21
--	----

ENGINEERING SHOPS,

ceilings, etc., of, exempted from limewashing	6
---	---

ENGLAND AND WALES,	PAGE
days to be observed as holidays in	66
ENGRAVING,	
ceilings, etc., of rooms where, exempted from limewashing	6
ENTRY,	
powers of, of inspectors	196
ENTRIES,	
to be made in general register	206
ENVELOPE MAKING,	
overtime in case of press of work where	82, 255
ESCAPE OF GAS, STEAM, OR METAL (<i>see also</i> Fire Escapes),	
accidents caused by, to be reported	41
EVIDENCE,	
of special rules	129
of entries, etc., in general registers, etc.	206
in summary proceedings	219
EXCEPTION (<i>see also</i> Special Exceptions),	
as to meal times being simultaneous, etc.	73-77
of domestic factories and workshops, from certain provisions of the Act	177
for certain flax scutch mills from certain provisions of Act	92
EXCHEQUER,	
finer under Factory Act to be paid into	217
in Scotland	246
EXEMPTION,	
of certain occupations in private house or room	180
EX PARTE,	
application by inspector as to dangerous machine, etc.	37
EXPENSES,	
of inspectors in enforcing public health law	14
of district councils in relation to provision of means of escape from fire	31
of London County Council ditto	35, 239
EXPLOSION,	
notice of accident caused by, must be given	41
EXPLOSIVES ACT, 1875, sec. 63	44
FACTORY,	
sanitary provisions for	1, 7
must not be overcrowded	2, 3, 11
must be ventilated	2
enforcement of sanitary provisions in	3

FACTORY,

PAGE

exemption of, from limewashing	4-7
public health law applicable to	2, 3, 13
powers of Secretary of State as to sanitary defects in	12
inspectors as to ditto	13-16
temperature in	17
every room in, must be ventilated	17
drainage of floors in	19
sanitary conveniences in	20
fencing of machinery in	21-24
steam boilers in	24, 25
regulation as to self-acting machine in	26
restriction on cleaning machinery in	28
provision of means of escape from fire in	29-35
doors of, to open from inside	36
dangerous machines, ways, works, and plant in	37-39
power to make order as to unhealthy, etc.	40
accidents in, causing loss of life, etc., or bodily injury	41-45
investigation of, and report on	45, 47
inquest in case of death by	46
employment in	51-96
hours of, in "textile"	53, 55, 61
"non-textile"	57, 58
definition of "textile"	222, 226
"non-textile"	222, 226, 229
"tenement"	223, 227
"domestic"	181
what are factories	226-230
Crown factories	231
branches of, may be treated as separate	232
have been treated as separate	232-236

FACTORY AND WORKSHOPS ACTS, 1891 & 1895,

provisions of, which are not repealed	125-134, 269
---	--------------

FAN,

inspector may direct a, to be provided in factories and workshops	115
---	-----

FANCY BOX MAKING,

meals not to be taken in certain cases where, carried on	118, 120
overtime in factories, etc., where, carried on	82, 255

FEBRUARY,

copies of list of outworkers to be sent to district councils on or before 1st day of	172
---	-----

FEES,

of certifying surgeons	201, 202, 262
for certificate of birth, etc.	208

FELLMONGERS, CURRIERS, AND TANNERS,

ceilings, etc., of rooms of, exempted from limewashing, etc.	6
--	---

FENCING (<i>see</i> Machinery),	PAGE
of machinery	21
penal compensation in case of neglect to fence	22, 211
all dangerous parts of machinery and every part of mill gearing to be fenced	21
all, must be constantly maintained in efficient state	22
exception in case of repair, cleaning, altering, etc.	22
FILES,	
lists of outworkers to be kept in business of manufacture of	174
FINES,	
for "not keeping factory or workshop in conformity with Act," £10, etc.	210
powers of court of summary jurisdiction as to	210
<i>minimum</i> , in certain cases	213
on second or subsequent conviction for same offence, etc.	210, 212
for "employing" contrary to the provisions of the Act	212
in case of death or injury	211
on parent for allowing young person or child to be employed contrary to the Act, etc.	213
for forgery of certificates, etc.	214
on person committing offence for which occupier liable	215
power of occupier to exempt himself from	215
limit to cumulative	217
for contravention of special rules or requirements	123, 128
for not keeping lists of outworkers	173
in laundries	154
FINISHING,	
meaning of	225
of bricks, etc.	117
of salt	117
where, of an article, constitutes a non-textile factory, or a workshop	223, 224
FIRE ESCAPES,	
certain factories be provided with	29-35
certain workshops	29-35
power of district councils as to	29-35
powers of inspectors as to	31
arbitration with respect to	30, 252
"premises" to which provisions as to, apply	32
cases on	33
rights of "occupier" as to	30, 33
"owner" as to	30, 33
expenses incurred by owner or occupier in providing	30, 33
covenant in lease as to	34
London County Council take place of district councils in adminis- trative county of London, as to	35, 239
bye-laws by district councils and L.C.C. as to	35, 239

	PAGE
FIREWOOD CUTTING,	
overtime in	82, 255
FIREWORKS,	
exception as to overtime extended to making of	82, 256
FISH,	
special exception as to employment in preserving and curing .	77
employment between 9 A.M. and 9 P.M. in trade of curing .	69, 70
FITNESS (<i>see</i> Certificates of Fitness for Employment).	
FIVE HOURS' SPELL,	
allowed in certain textile factories	72, 73
FLAX,	
manufacture, etc., of, constitutes a textile factory	222
Special Rules for spinning and weaving of	367
FLAX SCUTCH MILLS,	
are non-textile factories	222, 265
certain, exempted from provisions as to limewashing	5
exception as to overtime in	82, 255
employment of women in certain	92
FLOORS (<i>see</i> Drainage of Floors).	
FLY-WHEEL,	
connected with steam, etc. power, must be securely fenced .	21
FOOD,	
substitution of another day for Saturday where, made . . .	78, 79
holidays, etc., on different days to different sets where, made	79, 80
FOREIGN HIDES AND SKINS,	
process of sorting, etc., certified dangerous	127
Special Rules for	382
FORGERY,	
of certificates, etc., penalty for	214
FORMS,	
of record for readings of thermometers	261
of requisition for certificate of birth	333
FOUNDRIES,	
are non-textile factories	222, 264
overtime employment in, where male young persons are not employed during the night	51
FRUIT,	
overtime employment of women in making preserves from . .	85
exception for persons employed in cleaning and preparing, in the months of June, July, August, and September	77
FURNITURE HANGINGS,	
overtime in factories, etc., where made	82, 255
FURNITURE MAKING,	
lists of outworkers to be kept in business of	174

FURNACES (<i>see</i> Blast Furnaces).	PAGE
FUR PULLING,	
lists of outworkers to be kept in	174
FUSTIAN CUTTING,	
"works" are non-textile factories	222, 264
"GAIN,"	
where manual labour exercised for purposes of	223
GALVANIZING,	
employment of male young persons of sixteen during night in, metal	89, 91
GANGWAYS,	
included in expression "plant" when used in process of loading, etc.	158
GAS,	
notice of accident caused by escape of, to be given	41
where generated or inhaled to injurious extent, fan, etc., to be pro- vided	115
GAS HOLDERS,	
exception as to overtime extended to factories, etc., where made	82, 256
GASSING,	
meals not to be taken in part of textile factory where, carried on	118, 119
GEARING (<i>see</i> Mill Gearing),	
exceptions as to altering the, of parts of machinery required to be fenced	22
GENERAL REGISTERS,	
to be kept in every factory and workshop	205
what they are to contain	206
entry in, made by occupier or on his behalf to be admissible as <i>primâ facie</i> evidence, etc.	206
to be open at all reasonable times to inspection of certifying surgeon	206
occupier when required to send extracts from, to inspector	206
penalty for non-compliance with provisions as to	206
GIVING OUT WORK (<i>see</i> Home Work).	
GLASS WORKS,	
are non-textile factories	222, 227, 265
exempted from provisions as to limewashing	5
female young person or child not to be employed in, where process of melting or annealing is carried on	117
meals not to be taken in parts of, where the materials are mixed, or flint-glass is made, or grinding, cutting, or polishing carried on	118
meals may be allowed at different times of day in	73, 74
male young persons of fourteen may work in, at night	91
no person to be employed in, at night on Sunday	92

	PAGE
GLAZED WINDOWS,	
works in which there are no, exempted from limewashing . . .	5
GLAZING,	
fan to be provided where, or grinding, etc., is carried on . . .	115
GLOVE MAKING,	
in domestic workshops	180
GLUE,	
overtime allowed in part of factory, etc., where made . . .	82, 255
GOAT HAIR,	
combing, sorting, etc., certified dangerous	128
Special Rules for	371
GOOD FRIDAY,	
to be allowed as whole holiday to a child, young person, or woman . . .	66
GOVERNMENT,	
application of Act to factories and workshops belonging to . . .	231
GRINDING,	
child not to be employed where dry, in the metal trade . . .	117
meals not to be taken in factory or workshop where, or glazing, or polishing on a wheel are carried on	118
regulations as to, in tenement factory	137, 257
GUARDIAN (<i>see</i> Parent).	
GUN FACTORIES,	
exempted from limewashing	6
GUTTA-PERCHA (<i>see</i> Metal and India-rubber Works).	
HAIR (<i>see</i> Goat Hair),	
manufacture, etc., of, constitutes a textile factory	222
meals prohibited where, sorted or dusted	118, 120
Special Rules as to sorting, etc., of	371, 374
HANDKERCHIEFS,	
particulars to be given to piece-workers in manufacture of . . .	186
HARBOUR,	
process of loading, unloading, or coaling ships in a, included in word "factory"	158
definition of	158, 164
HAT WORKS (<i>see</i> Straw Hats),	
particulars of work and wages to be given in manufacture of . . .	189
are non-textile factories, or workshops	222, 266
HEALTH AND SAFETY,	
provisions for, in factories and workshops	1-40
HEIGHT	
of building, how measured	168, 169

HEMP,	PAGE
manufacture, etc., of, constitutes a textile factory	222
HIDES (<i>see</i> Foreign Hides and Skins).	
HIRE,	
definition of "working for hire"	236
HIRER,	
liability of, of machine where not occupier	217
HOIST	
must be securely fenced	21
HOLIDAYS,	
days to be observed as whole, in England and Wales	66
in Scotland and Ireland	66, 67
eight half, to be allowed in every year in factories and workshops .	67
notice as to, to be affixed in first week in January	67
half of the whole holidays or half-holidays to be allowed between 15th March and 1st October in every year	67
a half-holiday to comprise at least one half of the period of em- ployment for young persons and women on other day than Saturday	68
penalty on occupier for not fixing, in accordance with Act	68
on different days for different sets	79
factories, etc., where allowed	80
in Jewish factories or workshops	81
HOME-WORK,	
lists of outworkers to be kept by occupiers of factories and work- shops, and contractors	172
to be open to inspection by inspectors and district councils	173
and copies of, to be sent to inspectors	172
and to district councils between 1st February and 1st August in each year	172
district councils to examine lists and send names, etc., of outworkers to other councils.	173
provisions as to, apply to place from which work given out and to occupier and contractor, as if place a workshop	173
penalty for a contravention of provisions as to	173
provisions of Truck Act, 1896, applicable to	174, 305
prohibition of, in places where infectious disease	175
district councils may make order forbidding, in such places	175
HOOKING (<i>see</i> Bleaching and Dyeing Works, at p. 263).	
HOISERY FACTORIES,	
exception as to five hours' spell in	72, 73
HOISERY MANUFACTURE (WAGES) ACT, 1874	284-286
wages to be paid without any stoppages	284
contracts to stop wages, and for frame rents illegal	284
penalty for bargaining to, and deducting from, wages	284

HOSIERY MANUFACTURE (WAGES) ACT, 1874,	PAGE
penalty for using frame otherwise than for the purpose for which lent	285
no action allowed in respect of bargaining	285
employer may recover debt due from artificer	285
definition of terms within the Act	286
HOT LIQUID, &c.,	
notice of accident where caused by	41
HUMIDITY (<i>see</i> Cotton Cloth, etc., Factories).	
"IN ATTENDANCE,"	
definition of	9, 21
INCOMPLETE PROCESSES,	
additional half-hour employment in	86, 87
INDIA-RUBBER AND GUTTA-PERCHA	
(<i>see</i> Metal and India-rubber Works).	
INDICATOR (<i>see</i> Automatic Indicator).	
INDUSTRIAL SCHOOL	
(<i>see</i> Certified Day Industrial School).	
INFECTIOUS DISEASES,	
provisions as to	175, 176
diseases to which provisions apply	175, 177
INFORMATION (<i>see</i> Legal Proceedings).	
INHALATION,	
of dust, etc., by workers in factory or workshop	2, 115
INJURY (<i>see</i> Penal Compensation).	
INLAND REVENUE,	
overtime exception in factories used for milling, etc., of stamps	82, 256
INQUESTS,	
where death by accident	46
persons who may be present at	47
adjournment of	46
INQUIRIES	
with regard to draft regulations, etc.	121, 122
INSIDE AND OUTSIDE,	
restrictions on employment of women, young persons, and children, a factory or workshop on the same day	63
special exceptions to	80
INSPECTOR OF FACTORIES,	
may act in default of district councils	13
administer provisions of Factory Act in factories	196
may take a medical officer of health, inspector of nuisances, etc., of a district council with him into a factory or workshop	13

INSPECTOR OF FACTORIES,

PAGE

must give notice in writing to district council of any act, neglect, default in relation to any drain, etc., in factory or workshop which is not remediable under Factory Act	13
is sole judge as to what amounts to act, neglect, etc.	14
may temporarily approve school if no recognized efficient school within two miles	105
may fix day for obtaining by occupier of certificate of attendance at school	107
and may require occupier to produce it	108
may by notice in writing annul a certificate of fitness	100
for purpose of enforcing provisions with respect to fire escapes, may take the like proceedings as council	30
powers of, with respect to bakehouses	146, 147
may be authorized by Secretary of State to enforce provisions of law relating to public health	12
where, has given notice to district council and they neglect to take proceedings <i>within one month</i> , can take the like proceedings	13
may require surgical certificate of capacity of young person or child under sixteen for work	103
may require production of certificate of fitness, etc.	98
may require factory exempted from limewashing, to be lime-washed	4
appointment, etc., of, and clerks and servants	195
notice of appointment to be published in <i>London Gazette</i>	195
not liable to serve in any parochial or municipal office	196
must be provided with certificate of appointment and produce it when applying for admission to a factory or workshop	200
general and special powers of	196-199
finer for obstructing, in execution of duties	199
powers of, conferred by Truck Acts and Shop Hours Acts	198, 199, 293, 308
powers and duties as to inquests	46
may appoint certifying surgeons	200
but appointment, etc., may be annulled on appeal to Secretary of State	200
must, when required, certify a copy of special rules	129
may direct a fan, etc., to be provided in certain factories, etc.	115
may conduct proceedings before magistrates	199
duty of, under sec. 3 of the Prevention of Cruelty to Children Act, 1894	199, 337
duty of, to enforce provisions of Elementary Education Act, 1876	108, 322
appointment of, for Wales and Monmouthshire	195

INSPECTOR OF NUISANCES,

inspector of factories may take, with him into a factory, etc.	13
certificate of, as to workshops, etc.	8
definition of, as regards Scotland	245

INSPECTORS OF WEIGHTS AND MEASURES,	PAGE
may inspect weights and measures, etc., used in a factory or work-	
shop for ascertaining wages	194
powers and duties of	194
INTERIM ORDER,	
court of summary jurisdiction can make, as to dangerous machines,	
etc.	37
INTERMITTENT EMPLOYMENT,	
exception for certain flax scutch mills	92
INVESTIGATION,	
of, and report on accidents by certifying surgeons	45
Secretary of State may direct, of accidents	47
IRELAND,	
application of Act to	247
IRON MILLS,	
are non-textile factories	222, 264
report of accident in	42
exempted from provisions as to limewashing	5
meals may be allowed at different times of day in	74
employment for additional half-hour in, where male young persons	
are not employed during the night	86
male young persons of fourteen may work during the night in	89
IRON AND METAL TUBE WORKS,	
male young persons of sixteen may be employed during the night	
in certain	90, 91
IRON-ORE WASHING,	
male young persons of sixteen may be employed during the	
night in	91
IVORY,	
meals prohibited in places where the cutting, turning, polishing	
of, and bone, pearl shell, and snail shell is carried on	118, 120
JANUARY,	
the new Factory Act came into operation on the 1st day of, 1902	251
notice of holidays to be affixed during the first week in	67
JEWS,	
employment of young persons and women by	81, 82
of, by Jews on Sunday	81, 82
JOB DYEING,	
overtime, where carried on	82, 255
JUTE,	
manufacture, etc., of, constitutes a textile factory	222

KEYS,

	PAGE
particulars of work and wages to be given to piece-workers in making of	188

LABOURER,

young person who is a, engaged only in repairing machinery, etc., not within the Act	243
--	-----

LACE FACTORIES,

employment of male young persons above sixteen in	70
---	----

LACE WAREHOUSES,

are non-textile factories, or workshops	222, 266
---	----------

LADDER,

included in expression "plant" when used in process of loading, etc.	158
--	-----

LAPPING (*see* "Bleaching and Dyeing Works" at p. 263).**LATCHES,**

particulars of work and wages to be given to piece-workers in making of	188
---	-----

LAUNDRIES,

not defined	155
public laundries	155
hotel laundries	155
subject to certain provisions of Act	152
penalty for allowing wearing apparel to be cleaned in, where there is scarlet fever or small-pox	175
are "factories" if steam, water, or other mechanical power is used in aid of the laundry process	153
are "workshops" if no such power is used	153
period of employment of "children" in	152
young persons in	152
women in	152
continuous employment in, not to be for more than five hours, etc.	153
women may work "overtime" in	154
but not for more than three hours in any day	154
or on more than three days in any week, or thirty days in any year	154
occupier must give and affix notice of intention to work overtime	154, 157
children, young persons, and women employed in, to have same holidays as in other factories or workshops	153
provisions to be observed in steam laundries	154
provisions of Act do not apply to inmates of any prison, reformatory, industrial school, or other institutions subject to inspection under any Act other than Factory Act	154
nor to any institution conducted in "good faith" for religious or charitable purposes	155

LAUNDRIES (*continued*),

PAGE

nor to members of the same family dwelling there, where not more than two "outdoor" hands are employed	155
period of employment and times for meals in, may be varied before the beginning of employment on any day	153
meaning of "employment" with reference to	155
women prohibited from being employed in, within four weeks after confinement	154
<i>sed quære</i> as to "girls"	97
provisions of Truck Acts applicable to	157, 305
notices to be affixed in	153
employment on Sunday in	156
penalty for breach of provisions	154

LAVATORIES,

to be provided where lead, arsenic, etc., used	116
--	-----

LEAD,

provisions as to accidents apply to, poisoning	115
medical practitioners attending case of, poisoning, to send notice to chief inspector	114
written notice of every case of, poisoning, to be sent to the inspector and the certifying surgeon for the district	114
where, etc., used, lavatories to be provided	116

LEASE,

of bakehouse may be determined by court of summary jurisdiction	149
---	-----

LEGAL PROCEEDINGS 210-221**LETTER-PRESS PRINTING WORKS,**

are non-textile factories	222, 265
meals allowed at different times of day in	73, 74
overtime employment in	82, 255
male young persons may work during the night in	89, 90

LICENCE (see Prevention of Cruelty to Children Act, 1894, sec. 3, p. 337).**LIGHTER,**

when a wharf or factory	166
-----------------------------------	-----

LIMEWASHING,

provisions as to, in factories	2
of workshops and workplaces	8
Secretary of State may exempt any "class" of factories from factories which have been exempted from	4-7
of bakehouses, enforced by district councils	147
must be renewed every six months	147
evidence of failure to limewash	206
particulars as to, must be entered in general register	206

LIMITATION,

of time for summary proceedings for offences under Act	218
to cumulative fines	217

LINEN FACTORIES,	PAGE
and flaxmills certified dangerous	127
LISTS (<i>see also</i> Home Work),	
of outworkers to be kept	172
LITHOGRAPHIC PRINTING,	
meals not to be taken in factory or workshop in certain cases where, carried on	120
LOADING, UNLOADING, OR COALING,	
process of, included in word "factory"	158
machinery of plant used in, a factory	158
meaning of	166
LOAF SUGAR (<i>see</i> Sugar Factories),	
night employment of male young persons of sixteen in factories engaged in the refining of	89, 91
LOCAL AUTHORITIES (<i>see</i> District Councils).	
LOCAL GOVERNMENT BOARD,	
form of requisition for copy of certificate of birth in England and Wales prescribed by	208
LOCKS,	
particulars of work and wages to be given to piece-workers in making of	188
LOCOMOTIVE,	
expression "process" includes the use of any	241
LONDON,	
application of Act to	239
boroughs in	240
LONDON BUILDING ACT, 1894, sec. 164	239
LONDON COUNTY COUNCIL,	
take the place of district councils, in relation to the provision of means of escape from fire in the administrative county of London	35, 239
byelaws of, with respect to fire escapes	239
expenses of, in relation to fire escapes	239
LONDON GAZETTE,	
regulations as to dangerous trades to be published in	124
"standards" of proficiency, and due attendance, to be published in	109
notice of appointment of inspectors to be published in	195
LORD-LIEUTENANT OF IRELAND,	
any act authorized to be done, or consent required to be given by Board of Education, may be done and given by	247
LOSS OF LIFE (<i>see</i> Penal Compensation).	
LOST TIME,	
recovery of, in certain factories	87, 88

	PAGE
LUCIFER MATCH WORKS,	
certified dangerous	127
Special Rules for	376-381
are non-textile factories	222, 264
meals not to be taken in certain parts of	118
a child not to be employed in the dipping of	117
 MACHINE (<i>see</i> Self-acting Machine),	
liability of "owner" or hirer of a, where not the "occupier"	217
MACHINERY,	
meaning of expression	38, 39, 163
all dangerous parts of, must be securely fenced, etc.	163
need not be fenced when not in motion for a manufacturing process	22
court of summary jurisdiction has power to determine what are or are not "dangerous parts" of	22
has power to prohibit use of dangerous	37
may do so on <i>ex parte</i> application of inspector	37
expression, includes any "driving strap or band"	23, 38, 240
 MACHINE-RULING,	
overtime in factories, etc., where, carried on	82, 255
 MACHINE SHOPS,	
ceilings and tops of rooms of, exempted from limewashing	6
 MAJOLICA PAINTING ON EARTHENWARE,	
meals not to be taken in places where, carried on	118, 120
 MAKING,	
where the, etc., of any article constitutes a non-textile factory, or a workshop	223, 224
 MALE YOUNG PERSONS,	
employment of, above sixteen in lace factories	70
bakehouses	71
night employment of, in printing newspapers	92
of fourteen	89, 91
 MANILLA MIXTURE,	
mixing and casting of, certified dangerous	127
Special Rules for	269
 MANUAL LABOUR,	
where exercise of, constitutes a non-textile factory, or a workshop	223, 224
exercise by young person or child of, in a school, for purpose of instruction, not within Act	225
 MANUFACTURING PROCESSES,	
which constitute factories and workshops	222-231
 MANURE WORKS (<i>see also</i> Artificial Manures),	
exempt from provisions as to limewashing	5

MARBLE WORKS,

stone and, exempt from provisions as to limewashing	5
---	---

MARCH the 15th,

half of whole holidays or half-holidays to be allowed between, and 1st October every year	67
--	----

MARKET DAY

substitution of another day for Saturday in place where, is Saturday	79
--	----

MEALS,

times to be simultaneous, and employment during meal-times forbidden	65
exception as to	73
woman, young person, or child not to be allowed to remain in a room during meal-times	66
woman, young person, or child not to take meals in parts of glass works, lucifer match works, and earthenware works	78
time allowed for, deemed to be that specified in notice affixed	65
in textile factory	54, 55
time for, in non-textile factory	57, 60
in workshop	57, 60
in print works and bleaching and dyeing works	61
etc., in domestic factory or workshop	177
exception in case of overtime work	83

MEANS OF ESCAPE FROM FIRE (*see* Fire Escapes).**MEASURES** (*see* Weights and Measures).**MECHANIC,**

a young person who is a, engaged only in repairing machinery, etc., not within Act	243
---	-----

MECHANICAL POWER,

when use of, constitutes a factory, etc.	222-230, 263
meaning of	229

MEDICAL OFFICER OF HEALTH,

inspector of factories may take, with him into a factory or work- shop for the purposes of Act	13
district councils to act on certificate of	8
to report to district councils as to workshops and workplaces	207
of district council has all the powers of an inspector in relation to "retail" bakehouses	151
to give written notice to inspector when he becomes aware that any woman, young person, or child is employed in a "work- shop"	208

MEDICAL PRACTITIONERS,

attending case of lead, etc., poisoning, to send notice to chief inspector	114
penalty for not doing so	114
fees for each notice, 2s. 6d.	114

MELTING OR ANNEALING GLASS,	PAGE
female young person or child not to be employed where process of, carried on	117
MEN'S WORKSHOPS,	
definition of	242
exempted from certain provisions of Act	242
provisions which apply to	243
MERCURIAL POISONING,	
notice of cases of, and lead, arsenical, etc., to be sent	114
METAL BRONZING,	
prohibition of meals in part of factory or workshop where, carried on	118, 120
METAL AND INDIA-RUBBER WORKS,	
are non-textile factories	222, 265
METAL MOULDED, CAST, OR FOUNDED,	
parts of non-textile factories where, exempted from limewashing	5
METAL TRADE,	
a child not to be employed in part of factory or workshop where dry grinding in the, is carried on	117
METAL TUBE WORKS (<i>see</i> Iron and Metal Tube Works).	
MILK (<i>see</i> Condensed Milk).	
MILL-GEARING,	
every part of, must be securely fenced, etc.	21
meaning of	23, 241
need not be fenced when not in motion for a manufacturing process	22, 24
woman or young person not to clean, while in motion	28
MINES (<i>see</i> Pit Banks of Mines).	
MIRRORS (<i>see</i> Silvering Mirrors, etc.).	
MODIFICATION,	
of special rules or requirements	128
MOLTEN METAL,	
notice to be sent where accident caused by	41
MORNING AND AFTERNOON SETS,	
period of employment for child in, in textile factory	55
in non-textile factory	58
notice must be affixed specifying which sets children employed in	65
NAMES AND ADDRESSES,	
a notice of the, of prescribed inspector, and of the certifying surgeon to be affixed	205
but need not be affixed in "domestic" factory or workshop	179
of all persons employed as outworkers, or as contractors, to be kept	172

NEW RULES,

PAGE

Secretary of State may propose 128

NEWSPAPER PRINTING (*see also* Printing),

substitution of another day for Saturday in 78, 79

holidays, etc., to different sets on different days in 80

male young persons of sixteen may be employed for not more than
. . . two nights in a week in 92

but not for more than twelve hours continuously 92

NEW TRADES, &c.,

brought within provisions of the Act 158, 170, 266, 267

NIGHT,

fine for employing woman, young person, or child during the 212

employment of male young persons of fourteen during the 89, 91

of sixteen 90, 92

provisions with respect to meals, notices, etc., must be observed 89

male young persons employed during any part of the, must not be
employed during any part of the preced-
ing or succeeding twelve hours 89not to be employed on more than six nights in
any two weeks 89not to be employed on more than seven nights
in any two weeks in blast furnaces and
paper mills 89employed in day and night turns may work on
Saturday afternoon 90list of factories to which these exceptions apply and have been
extended 90, 91provisions as to "shifts" in case of employment of male young
persons of fourteen at 89

means the period between 9 P.M. and 6 A.M. 90

male young person of sixteen may be employed printing newspapers
for not more than two nights in a week 92but may not be so employed for more than twelve hours continu-
ously 92in glass works a male young person of fourteen may be employed
during the accustomed hours of the works, but not on Sunday 91

employment in blast furnaces or paper mills for seven nights 89

NIGHTWORK (*see* Night).**NON-TEXTILE FACTORY,**

definitions of 222, 223, 226, 230

period of employment, etc., for young persons and women in 57

period of employment for children in 58

restrictions on continuous employment of young persons and
women in 58

overtime in 82-85

exceptions as to limewashing in certain 4-7

NOTICE (<i>see also</i> Accidents),	PAGE
specifying the number of persons who may be employed in each room of a factory or workshop must be affixed	11
to be given by inspector to district council, of sanitary defects in factory or workshop	13
relating to special rules and requirements	126
occupier of factory, etc., must specify in, the period of employment, the times for meals, and the mode of employment of children	64, 65
by occupier of intention to conduct workshop on system of not employing children or young persons therein	61
domestic factory and workshop exempt from certain notices	179
of holidays to be affixed	67
written, of accidents causing death or bodily injury	41
penalty for not sending notice of accident	42
written, of every case of lead, phosphorus, or arsenical, etc., poisoning, to be sent to the inspector and certifying surgeon	114
every medical practitioner attending such cases to send	114
of prohibition of employment of young persons and children to be affixed in factory or workshop to which it applies	117
of prohibition of taking meals in certain factories and workshops to be affixed	119
required, before occupier can avail himself of any of special exceptions	94
of time lost, and cause thereof, to be given in case of recovery of lost time in factories driven by water-power	88
of occupation, etc., of factory or workshop to be given to inspector within one month	204
and when inspector receives such notice he must (so far as it relates to a workshop) forward it to district council	204
to be affixed at entrance of factory and workshop	205
of the name and address of inspector	205
of the name and address of the certifying surgeon for the district	205
of the clock (if any) by which period of employment and times for meals, etc., are regulated	205
NOTICE OF OBJECTION,	
to proposed special rules and requirements	126
to regulations for dangerous trades	121
NOTIFICATION,	
of certain diseases to chief inspector	114
NOVEMBER,	
four hours' spell in certain factories between, and March	72, 73
NUISANCE,	
factory to be kept free from any	1
if workshop or workplace a, proceedings may be taken under sec. 91 of Public Health Act, 1875	7, 315

NUISANCE,

	PAGE
where, not remediable under Factory Act, notice in writing to be given by inspector to district council	13
every workshop and workplace to be kept free from any	7

OBSTRUCTING,

an inspector in execution of his duties, etc.	199
penalty for	199

OCCUPIER,

may serve on chief inspector notice in writing that he objects to proposed special rules	126
must obtain and keep certificate of school attendance	107, 108
payment by, of sum for schooling of child, etc.	108
before availing himself of special exceptions must give notice	94
must enter in prescribed register and report to inspector, etc., respecting persons employed by him in pursuance of an exception	94
occupiers of docks, etc., are occupiers of a factory	158, 164, 166
must affix notices, etc.	205
fine for not affixing, etc., notices	205
liable to fine not exceeding £10 for not keeping factory or work- shop "in conformity with Act"	210
must keep general registers in a factory or workshop	205, 206
and send extracts when required	206
must pay fees of certifying surgeon in respect of examinations, etc.	201
may agree with certifying surgeons as to amount of fees	201
must pay scale fees if no agreement	201, 262
may exempt himself where some other person has committed offence for which, liable	215
name of "ostensible," may be inserted in information, etc.	219
must furnish "particulars" respecting wages in piece-work	182
may require an inspector to produce certificate of appointment	200
must keep lists of outworkers and contractors	172
must send copies to inspector	172
must on or before 1st February and 1st August in each year send to the district council copies of the lists.	173
of "tenement" factory exempt from certain provisions of Act	135, 136
of "domestic" factory, etc., ditto	177-179

OCTOBER 1st,

at least half of the whole or half-holidays to be allowed between March 15 and, in every year	67
--	----

OFFENCES (see also Fines),

prosecution of, and recovery of fines	217
limitation of time for proceedings with respect to	218
where committed by agent, servant, etc.	215

OIL (see Painted with Oil).

	PAGE
OILING,	
a woman, young person, or child engaged in, whether for wages or not, deemed "to be employed"	236, 237
OIL-SEED CRUSHING MILLS,	
night employment of male young persons of sixteen in	91
OPEN AIR,	
overtime exception extended to making of apparatuses in	84, 256
premises, etc., in, not excluded from definition of factory or work- shop by reason only of being in the	225
(See Rope Works).	
OPEN-AIR BLEACHING,	
overtime employment in Turkey red dyeing and	88
"OPEN FOR TRAFFIC,"	
meaning of, as applied to Sunday	82
ORANGE LEAD (<i>see also</i> Red Lead),	
manufacture of, certified dangerous	127
Special Rules for	349
ORDERS (<i>see</i> Special Orders),	
of Secretary of State made under repealed Acts still in force	250
ORNAMENTING,	
where the, of an article constitutes premises a non-textile factory, or a workshop	223, 224
OUTWORKERS (<i>see</i> Home Work).	
OVERCROWDING,	
factory not to be so overcrowded as to be dangerous, etc.	7
in workshops, dealt with by district councils	12
definition of "overcrowded"	11
cubic feet of space required and how measured	11, 12
OVERTIME	90-96
employment, of women, in non-textile factories and workshops, and warehouses	82
on perishable articles	84, 85
factories and workshops to which applies	85
on incomplete process	86
factories, etc., to which applies	86, 87
in factories driven by water	87, 88
conditions of such	88
employment of women for press of work	254-256
non-textile factories and workshops, etc., to which exception applies	83, 84
Secretary of State may allow, in certain other classes of non-textile factories, etc.	83, 85
class of factories, etc., to which, extended	85, 256
provisions as to, do not apply to domestic factories or workshops	177
provisions as to, do not apply to women's workshops	83

OVERTIME,

PAGE

none allowed in "textile" factories, or workshops, except in certain cases.	84
where, worked there must be cubic space of 400 feet for every person so working	11, 85
notice, etc., to be given and sent by occupier when he avails himself of exception as to	94
registers of	95
employment of women and young persons in Turkey red dyeing .	88
women may work, in laundries	154
but not for more than two hours in any day	154
or on more than three days in any week, or thirty days in any year	154
and occupier of laundry must give notice of intention, etc., to work	154

OWNER,

meaning of	9, 10, 241
liable for the provision of fire escapes	30
apportionment of expenses between, and occupier	30
of underground bakehouse may be liable for structural alterations	149
of tenement factory liable instead of the occupier for the observance of certain provisions of Act	135
or hirer of machine liable in certain cases	217

PACKING-UP GOODS,

overtime employment of women in, in process of polishing, cleaning, wrapping and, in a warehouse	82, 256
--	---------

PAINT, COLOUR, AND VARNISH WORKS,

exempted from provisions as to limewashing	5
--	---

PAINTED WITH OIL,

if factory has not been, or varnished, once at least within seven years, must be limewashed within every fourteen months	2
bakehouses must be, etc.	147

PAN,

notice of accident caused through a, or vat, to be given	41
--	----

PAPER COLOURING AND ENAMELLING,

meals prohibited in certain cases, where	118, 120
overtime exception extended to factories, etc., where	82, 256

PAPER MILLS,

are non-textile factories	222, 265
meals may be allowed at different times of day in	73, 74
employment for additional half-hour	86
night employment of male young persons in	89, 90

PAPER STAINING,

"works" are non-textile factories	222, 264
meals not to be taken in certain cases where, carried on	118, 120

	PAGE
PARENT,	
definition of	105, 241
must cause child employed in factory or workshop to attend some recognized efficient school	104
PARLIAMENT (<i>see</i> Special Orders).	
PARTICULARS OF WORK AND WAGES,	
to be given to piece-workers	182
Orders of Secretary of State with respect to	185-193
PAYMENT,	
by occupier, of sum for schooling of child	108
PAYMENT OF WAGES (<i>see</i> Truck Acts, 1831-1896).	
PEARL SHELL (<i>see</i> Ivory).	
PENAL COMPENSATION,	
to persons injured by want of fence to machinery, etc.	211
in addition to, there is also right of action	212
PENALTY (<i>see</i> Fines).	
PENS,	
particulars of work and wages to be given to piece-workers	192
PERCUSSION-CAP WORKS,	
are non-textile factories	222, 264
PERIOD OF EMPLOYMENT (<i>see</i> Employment).	
PERIODICAL RETURN,	
occupiers must send, of persons employed, to chief inspector	207
PERIODICALS (<i>see</i> Printing).	
PERISHABLE ARTICLES,	
overtime employment of women on	84, 85
PHOSPHOR BRONZE,	
mixing and casting of, certified dangerous	127
Special Rules for	369
PHOSPHORUS,	
Special Rules for use of white or yellow, in match making	376
provisions as to accidents apply to, poisoning	115
medical practitioners attending case of, poisoning, to send notice to chief inspector	114
written notice of every case of, poisoning, to be sent to the inspector and the certifying surgeon for the district	114
PHOTOGRAPHS,	
exceptions as to meals where printing of	73, 76
PIECE-WORKERS,	
particulars of work and wages to be given to	182
trades, etc., to which applies	185-193

PILLOW-LACE MAKING,	PAGE
when exercised in a private house or room by family dwelling	
therein, does not constitute a workshop within the Act . . .	180
PINAFORES,	
particulars of work and wages to be given to fine workers . . .	186
PIT-BANKS OF MINES,	
when non-textile factories, or workshops	222, 267
PITCH,	
factories where, used, exempted from limewashing	5
PLACE FROM WHICH WORK GIVEN OUT,	
occupier of, to keep lists of outworkers	172
inspectors of factories to enforce Truck Acts in	305
PLACES,	
which are non-textile factories and workshops	222, 263
employment prohibited in unwholesome	174
penalty for employment of persons in dangerous, etc.	174
forbidden for meals	118
PLANT,	
meaning of expression	39, 158, 163
power to make order as to dangerous	37
provisions of Act applicable to	37, 158
gangways and ladders used in loading, etc., ships included in	
expression	158
PLATE GLASS,	
holidays on different days for different sets where, made . . .	79, 80
PLAYING-CARD MAKING,	
meals not to be taken in certain cases where, carried on . . .	170
overtime employment of women in	82, 225
POISONING,	
notification of certain cases of	114
POISONOUS SUBSTANCE,	
where used, provisions as to lavatories and meals	116
POLISHING ON A WHEEL,	
prohibition of taking meals in places where, carried on . . .	118, 120
POOR LAW MEDICAL OFFICER,	
where, to act as certifying surgeon	201
meaning of, in Scotland	244
in Ireland	247
PORK PIES,	
overtime exception extended to places where made	256
POSTAL STATIONERY,	
overtime exception in places used for milling, gumming, etc., of	92, 256

POWER (<i>see also</i> Secretary of State),	PAGE
of Secretary of State to act in default of local authority . . .	12
of inspectors as to sanitary defects in factory or workshop re- mediable by district council	13
to prohibit or restrict employment in dangerous trade . . .	133
to make regulations for	120
of inspector to require surgical certificate of capacity for work .	103
of Secretary of State to require certificates of fitness for employ- ment in certain workshops	102
of Secretary of State to allow employment between 9 A.M. and 9 P.M. in certain cases	69
to direct full investigation in case of accidents	45
of Secretary of State to rescind orders as to special exception .	94
to make order as to dangerous factory or workshop	40
machinery, ways, works, or plant	37
of Secretary of State to treat separate branches as separate factories	232
POWERS,	
of inspectors of factories	196
(<i>See also</i> Inspectors of Factories).	
PREMISES,	
within the close or curtilage of factories and workshops . . .	223
or forming part of docks, wharves, quays, or warehouses . .	158
occupiers of certain, occupiers of a dock, etc.	158
on which machinery moved by power temporarily used for con- struction of building, included in word "factory"	166
"PRESCRIBED,"	
meaning of	241
PRESERVED FRUITS,	
ceilings, etc., where making of, carried on exempted from lime- washing	6
PRESS OF WORK OR ORDERS,	
overtime employment of women where	82, 254
PRESUMPTION,	
as to dangerous machinery	28
PREVENTION OF CRUELTY TO CHILDREN ACT, 1894, sec. 3. .	337
PREVIOUS DUE ATTENDANCE,	
standards of, defined	109-111
PRINTING (<i>see also</i> Newspaper Printing),	
substitution of another day for Saturday in printing of newspapers, periodicals, etc.	78, 79
holidays on different days to different sets in, ditto	80
PRINT WORKS (<i>see also</i> Bleaching and Dyeing Works),	
are non-textile factories	222, 263
ceilings of, exempted from limewashing	5
period of employment and time for meals in	61

PRINT WORKS,	PAGE
definition of	263
meals not to be taken in, where singeing is carried on	118, 119
meals at different times of day in cases of male young persons in certain parts of	73, 74
extension of employment for additional half-hour in	86
PRIVATE HOUSE OR ROOM,	
occupations of straw-plaiting, pillow-lace and glove-making in, does not constitute a "workshop"	180
making of articles in, does not constitute a workshop	180, 181
PRIVY,	
factory to be kept free from effluvia arising from	1
workshops and workplaces to be kept free from effluvia arising from	7
default in relation to, etc., not remediable under Factory Act, inspector of factories to give notice in writing to district council	13
Secretary of State to determine what is sufficient and suitable accommodation :	20
separate accommodation for use of each sex, etc.	20
PROCEDURE,	
for making regulations as to dangerous trades	121
PROCEEDINGS (<i>see</i> Legal Proceedings).	
PROCESS,	
of loading, etc., ships in docks, etc.	158
the expression, includes the use of any locomotive	241
processes constituting factories, etc.	222
PROFICIENCY (<i>see</i> Certificates of Proficiency).	
PROHIBITION,	
of use of dangerous machine, ways, works, plant	37
of Sunday employment	66
of employment of women and girls after childbirth	97
taking meals in certain parts of factories and workshops	118-120
notice of, to be affixed in factory or workshop	119
of employment of children under twelve	97
of employment of young persons and children in certain factories or workshops	117
notice of, to be affixed in factory or workshop to which applies	117
PROOF (<i>see</i> Age).	
PROSECUTION (<i>see</i> Legal Proceedings).	
PUBLICATION,	
of regulations for dangerous trades	124
of Special Orders of Secretary of State	203

PUBLIC HEALTH ACTS,

PAGE

provisions of, affecting factories and workshops 2, 3, 7-11, 14-16, 20,
31-35, 314-321

PUBLIC HEALTH ACT, 1875, secs. 38 and 91 314

PUBLIC HEALTH (LONDON) ACT, 1891, secs. 2 (1) (g), (2); and
25-28; 38 318

PUBLIC HEALTH ACTS (AMENDMENT) ACT, 1890, sec. 22 . . . 317

QUARRIES,

are non-textile factories, or workshops 222, 267
certified dangerous 127
more than twenty feet deep 339
provision of Factory Act as to accidents, do not apply to . . . 340

QUARRIES ACT, 1894 339

QUARRIES IN CORNWALL,

employment for additional half-hour in 86, 87
overtime employment of women in 82, 256
exception as to meals in 76
substitution of another day for Saturday in 79

QUARTER SESSIONS.

any person aggrieved by a conviction or order may appeal to . . 218

QUAYS,

provisions of Act applicable to 158
definition of 161, 165
what has been held to be a quay 161, 165

RAGS,

meals not to be taken in part of factory or workshop where, sorted,
dusted, or ground 118, 120

RAILWAY EMPLOYMENT (PREVENTION OF ACCIDENTS)

ACT, 1900, sec. 16 171

RAILWAY LINES AND SIDINGS,

certain provisions of Act apply to 170
where used in connection with a factory or workshop, etc., are
parts thereof 170

RECOGNIZED EFFICIENT SCHOOL,

meaning of 112, 247
attendance of children at 104, 105

RECORD,

of readings of thermometers in cotton cloth, etc., factories . . . 141
form of 261

RECOVERY OF LOST TIME (*see* Lost Time).**RED LEAD** (*see also* Orange Lead),

manufacture of, certified dangerous 127
Special Rules for 349

REFERENCE,

to district councils, to include reference to borough councils . . .	PAGE 240
--	-------------

REGULATIONS,

as to self-acting machine	26
of hours by public clock	65

REGULATIONS FOR DANGEROUS TRADES,

new provisions as to	120-124
power to make regulations for safety of persons employed in dangerous trades	120
procedure for making regulations	121
inquiries with regard to draft regulations	121
application of regulations	122
provisions which may be made by regulations	123
regulations to be laid before Parliament	123
breach of regulations	123
publication of	124
unrepealed provisions of Factory Act, 1891, as to	125-132
1895, as to	132-134
arbitration as to special rules	129, 131
power to prohibit or restrict employment in dangerous trades	134

REGISTERS (*see also* General Registers),

of workshops, to be kept by district councils	207
---	-----

REPAIR,

where, of an article constitutes premises a non-textile factory, or workshop	223, 224
definition of word as applied to buildings	169
saving for young persons engaged only in, of machinery, etc.	243
or alteration of dangerous machine	37
etc., of machinery required to be fenced	22

REPEAL,

of Factory Acts	250, 268, 269
orders etc., not repealed	250

REPORT,

certifying surgeons to send annual, to Secretary of State	200
medical officer of health to report to district councils and send copy of same to Secretary of State	207
of accidents	41

RESTRICTION,

on cleaning when machinery in motion	28
on period of employment of women, young persons, and children	51
on employment inside and outside factory or workshop on the same day	63

RETAIL BAKEHOUSES (*see* Bakehouses).**RETAIL SHOPS** (*see* Shop).

RETURNS,

PAGE

periodical, of persons employed 207

RIBBON,overtime exception extended to processes of warping, winding, or
filling as incidental to the weaving of 82, 256**RIBBON FACTORIES,**

five hours' spell in 72

ROOM,notice of number of persons who may be employed in each, of a
factory or workshop must be affixed 11
door of any, within factory or workshop not to be locked 36
occupations of straw-plaiting, pillow-lace, and glove making, in a
private, does not constitute such, a workshop 180
certain homework in private, does not constitute a workshop 180, 181
solely used for the purposes of sleeping therein, not to be deemed
part of a factory or workshop 224**ROPE WORKS,**are non-textile factories, or workshops 222, 266
overtime in, in parts where open-air process carried on 82, 255**RULES** (*see* Special Rules for Dangerous Trades).**SAFETY,**

provisions as to 21-41

SALE (*see* Article).**SALT,**

girls under sixteen not to be employed in making or finishing of 117

SANITARY CONVENIENCES,every factory and workshop to be provided with sufficient and
suitable 20
Secretary of State to determine what are sufficient, etc. 20
court of summary jurisdiction has no jurisdiction to decide as to
sufficiency of 16
provisions of Act as to, do not apply to the administrative County
of London 20
or to any place where sec. 22 of the P. H. Acts (Amendment) Act,
1890, is in force 20**SANITARY PROVISIONS** 1-21domestic workshops exempt from, of Factory Act 1
requirement of, as condition of special exceptions 93**SATURDAY,**period of employment on, in textile factory 53, 55
in non-textile factory 57, 59
in workshop 57, 59
for children in textile factory 55
workshop 59

SATURDAY,

	PAGE
employment by Jews on	82
employment in domestic factory or workshop on	177
substitution of another day for, in non-textile factories, etc.	78
factories, etc., where allowed	79
employment on, in Turkey red dyeing	79
of young persons and women by Jews on	81
special provision as to employment on	62

SAVING,

for young persons employed in repairs of machinery, etc.	243
--	-----

SCAFFOLDING,

building being constructed or repaired by means of, within the Act	167
what is a, is question of fact	169

SCARLET FEVER,

making of wearing apparel where there is	175
--	-----

SCHOOL ATTENDANCE CERTIFICATE,

occupier of factory or workshop must obtain	107
to be kept for two months after date	108
fine for employing child without obtaining	107

SCOTLAND,

application of Act to	242
---------------------------------	-----

SEASONS,

cases where overtime allowed at certain recurring	84, 255
---	---------

SEATS FOR SHOP ASSISTANTS ACT, 1899

seats to be provided for females in retail shops	312
penalty for not providing seats	312
Act to be read and construed as one with Shop Hours Acts	313

SECRETARY OF STATE,

may exempt factories from limewashing, etc.	2
factories, etc., exempted from	4-7
may modify the proportion of cubic feet of space	11
power of, to act in default of local authority	12
may order thermometers to be provided, etc.	17
may prescribe standard of sufficient ventilation	17
must determine what are sufficient sanitary conveniences	20
may direct full investigation of accidents	47
power of, as to special rules	125
may refer differences as to special rules, etc., to arbitration	126
may propose amendment or alteration of rules	126
may apply provisions as to notification, to other diseases than lead, phosphorus, etc., poisoning	115
may extend prohibition against taking meals in certain parts of factories and workshops	118
this power exercised	119

SECRETARY OF STATE,

PAGE

power to require certificate of fitness for employment of persons under sixteen in certain classes of workshops	102
may allow period of employment between 9 A.M. and 9 P.M. in certain cases	69
may substitute another day for Saturday	78
cases where power exercised	79
may extend exception as to overtime	83
factories, etc., where extended	254-256
may extend exception as to five hours' spell	73
cases where extended	73
may allow holidays on different days for different sets	79
cases where allowed	80
may certify manufacture, etc., carried on in "domestic" factory or workshop to be dangerous	179
may make regulations for dangerous trades, etc.	120, 121
direct inquiry as to draft regulations	121
where regulations annulled by Parliament may withdraw	123
may allow different meal times for different sets and employment during meal times	73
cases where allowed	75
may extend period of employment for additional half-hour	86
may extend overtime exception to preserve perishable articles	85
occupations to which extended	85
may allow factories driven by water-power to make up lost time	87
cases where allowed	88
may extend exceptions as to male young persons being employed during the night	90
list of factories to which extended	91
power to impose sanitary requirements as condition of special exceptions	93, 94
power to rescind orders as to special exceptions	94
provisions as to special orders of	203
may make rules for guidance of certifying surgeons	200
may annul the appointment, etc., of certifying surgeons	200
may treat separate branches as separate factories or workshops	232
cases where allowed	232-236
may extend exception as to exercise of handicrafts in domestic workshops	180
may assign to inspectors of factories, duty of seeing whether restrictions, etc., of any licence under sec. 3 of the Prevention of Cruelty to Children Act, 1894, are complied with, etc.	337

SEED CRUSHING MILLS,

night employment of male young persons in	89, 91
---	--------

SELF-ACTING MACHINE,

regulations as to	26
-----------------------------	----

SEPARATE FACTORY OR WORKSHOP,

a part of factory or workshop may be allowed to be a	224
--	-----

SERVICE,	PAGE
of notices, orders, requisitions, summons, documents	220
SESSIONS (<i>see</i> Quarter Sessions).	
SHAFTS (<i>see</i> Safety).	
SHELL (<i>see</i> Ivory).	
SHIFTS,	
provision as to, in night employment	89
SHIPBUILDING WORKS,	
exempted from limewashing	6
SHIPBUILDING YARDS,	
repairing ship in dock does not make dock a	267
are non-textile factories, or workshops	222, 267
SHIPS,	
machinery and plant used in the process of loading and unloading, or coaling, included in the word "factory"	158
definition of "ship"	158, 163
SHOP (<i>see</i> Shop Hours Acts, 1892-1895),	
substitution of another day for Saturday in non-textile factories and workshops in which any manufacturing process is carried on in connection with "retail," on same premises	78, 79
holidays, etc., on different days to different sets in ditto	79, 80
when a retail, is a "workshop" within Act	231
SHOP HOURS ACTS, 1892-1895	306-311
hours of employment for young persons in shops	306
definition of "young persons"	307, 309
notice of hours to be affixed	307
penalty for not affixing	307, 311
definition of "shop"	307, 309
temporary stall not a shop	307
fine for employing persons contrary to Acts	307
definition employment within	307
occupier of shop may exempt himself on conviction of actual offender	307
summary proceedings under	308
appointment of inspectors under	308
members of same family dwelling in part of shop exempted	309
persons wholly employed as domestic servants exempt	309
a page boy not exempt	309
salaries and expenses of councils in relation to	310
in Ireland	310
application of Acts to Scotland	310
Acts to be construed together	311
SIDINGS (<i>see</i> Railway Lines and Sidings).	

SILK,	PAGE
manufacture, etc., of, constitutes a textile factory	222
five hours' spell in, factories where the winding and throwing of raw, carried on	72, 73
SILVERING MIRRORS BY MERCURIAL PROCESS,	
child or young person not to be employed where, carried on . . .	117
SINGEING,	
meals not to be taken in part of print-works, bleach-works, or dye- works in which, is carried on	118, 119
SKINS,	
sorting of foreign, etc., certified dangerous	127
Special Rules for	382
SLEEPING PLACES,	
places not to be used as, in bakehouses	148
SLIDING DOORS (<i>see</i> Doors),	
provision as to	36
SMALL-POX,	
penalty for allowing wearing apparel to be made where there is . .	175
SNAIL SHELL (<i>see</i> Ivory).	
SOAP,	
ceilings, etc., of rooms where, and starch and candles manufactured exempted from limewashing	6
SORTING (<i>see</i> Skins).	
SPACE,	
person not allowed to be in the, between the fixed and traversing portions of a self-acting machine	26, 237
SPECIAL CASE,	
conviction or order not to be removed except for determination of . .	219
SPECIAL DAYS,	
for holidays	66
SPECIAL EXCEPTIONS,	
as to hours, and holidays	69-96
power to impose sanitary requirements as condition of	93
order as to such	94
power to rescind orders as to	94
notice, registers, etc., relating to	94
SPECIAL ORDERS,	
provisions as to, of Secretary of State	203
SPECIAL PROVISIONS FOR HEALTH	1-20
SPECIAL RESTRICTION (<i>see</i> Restriction).	
SPECIAL RULES	125
certified copies of, to be evidence	129

SPECIAL RULES FOR DANGEROUS TRADES,

	PAGE
manufacture of earthenware and china	342-349
red and orange lead works	349
white lead factories	350
manufacture of paints and colours, and in extraction of arsenic . .	355
works in which lead, arsenic, or antimony, used in enamelling iron plates	356
making transfers for earthenware and china	357
manufacture of explosives in which di-nitro-benzole is used . .	359
chemical works	361
in which bichromate, etc., of potassium, etc., is made	362
yellow lead	365
lead smelting works	366
works in which lead or arsenic is used in tinning or enamelling of iron hollow-ware	366
spinning and weaving of flax	367
factories, etc., in which yellow chromate of lead is used, or goods dyed with it are treated	369
mixing and casting of brass, and of certain other alloys . .	369
wool sorting	371
bottling of aerated water	372
vulcanizing india-rubber by means of bisulphide of carbon . .	373
wool-combing	374
lucifer-match factories in which white or yellow phosphorus is used	376
works in which lead or arsenic is used in tinning and enamelling of metal hollow-ware and cooking utensils	381
electric accumulator works	382
handling of dry and drysalted hides and skins imported from China, etc.	382
amendment of	128
arbitration on difference between Secretary of State and occupier as to	126

STANDARD OF PREVIOUS DUE ATTENDANCE 109-112**STANDARD OF PROFICIENCY,**

now regulated by order of Secretary of State, dated December 19, 1900	109, 110
--	----------

STARCH (*see* Soap).**STEAM (*see also* Mechanical Power),**

notice of accident caused by escape of	41
means to be taken for preventing escape of, in wet-spinning . .	116
parts of non-textile factories subject to influence of, evolved, exempted from limewashing	5

STEAM BOILERS,

must have proper safety valve, and steam and water gauge attached, and they must be maintained, etc.	24
---	----

STEAM BOILERS,

PAGE

must be examined by a competent person at least once in every fourteen months	24
report of every examination to be entered in general register of factory, etc., within fourteen days	24
these provisions do not apply to boiler of locomotive belonging to railway company	25

STEAM POWER (*see also* Mechanical Power),

use of, constitutes a "factory"	222
---	-----

STEEL CABLES, CHAINS, ANCHORS, AND GRAPNELS,

particulars of work and wages to be given to piece-workers in making of	186
---	-----

STONE WORKS (*see* Marble Works).**STORAGE OF ARTICLES,**

warerooms in non-textile factories used for, exempted from lime-washing	5
where, may constitute a warehouse within Act	162

STRAW HATS (*see* Hat Works),

employment between 9 A.M. and 9 P.M. in manufactories of, and bonnets	69, 70
---	--------

STRAW PLAITING,

where exercised in a private house or room by family dwelling therein does not constitute a workshop	180
--	-----

STRUCTURAL ALTERATIONS,

in case of provision of fire escapes	30, 33
in an underground bakehouse	149
expenses of	149
court of summary jurisdiction may make order as to	149

SUBSTITUTION,

by Secretary of State of another day for Saturday	78
cases where, has been allowed	79

SUGAR FACTORIES,

exempted from provisions as to limewashing, etc.	5
--	---

SUMMARY JURISDICTION (*see* Court of Summary Jurisdiction, Legal Proceedings).**SUNDAY,**

prohibition of employment of women, young persons, and children on	66
exceptions as to	66, 78, 81, 89
employment of Jews by Jews on	81

SURGEONS (*see* Certifying Surgeons).**SWEETMEAT,**

ceilings and tops of rooms where, made, exempted from limewashing, etc.	6
---	---

TABLE OF HUMIDITY,	PAGE
in cotton cloth factories	259
may be altered by Secretary of State	139
TANNERS,	
ceilings and tops of rooms where, carry on occupation, exempted from limewashing, etc.	6
TAR,	
factories where, used, exempted from limewashing	5
TEAGLE,	
must be securely fenced	21
TEA-LEAD,	
overtime exception extended to factories, etc., where, "rolling" is carried on	82, 256
TEMPERATURE,	
measures to be taken to secure, etc., reasonable, in each room where any person employed	17
in cotton cloth factories	139
in humid factories	144
to be regulated in laundries	154
TENEMENT FACTORY,	
definition of	223
all buildings within same close or curtilage to be treated as one building	223
steam boilers in	25
fire escapes in	31
regulations for dangerous trades in	122
"owner" instead of occupier liable for observance, etc., of certain provisions of the Act in	25, 31, 135, 136
liable to affix notices required	135
for limewashing, etc., of	135
supply of pipes, etc., for working fan in	135
provisions of Act which apply to	135-137
regulations as to grinding and cutlery in	137
validity of certificate of fitness in	138
TENEMENT WORKSHOP,	
definition of	224
steam boilers in	25
fire escapes in	31
regulations for dangerous trades in	122
TEXTILE FACTORY,	
definition of	222
periods of employment in	53-56
THERMOMETERS,	
Secretary of State may require to be provided	17

	PAGE
TILES,	
girls under sixteen not to be employed in making or finishing of .	117
TINNING,	
of hollow ware and cooking utensils certified dangerous	127
Special Rules for	366, 381
TIN STREAMS IN CORNWALL,	
overtime employment of women in	82, 256
substitution of another day for Saturday in	79
exception as to meals in	73, 76
employment for additional half-hour in	86, 87
TOBACCO FACTORIES,	
are non-textile factories	222, 265
TOOLS,	
deductions from wages for sharpening	291
(See Truck Acts, 1831-1896).	
TOPS OF ROOMS (<i>see</i> Ceilings).	
TOW,	
manufacture, etc., of, constitutes a textile factory	222
TRANSFERS FOR EARTHENWARE AND CHINA,	
Special Rules for making of	357
TRAVELLING OVENS,	
exception as to meals where bread, etc., baked by	73, 76
TRAVERSING CARRIAGE,	
of self-acting machine must not run out within a distance of	
eighteen inches from any fixed structure, etc.	26
penalty for allowing, to run out	27
TRIMMING FACTORIES,	
five hours' spell in	72
TRUCK ACTS, 1831 to 1896	271-305
definition of "artificer" within meaning of	271
employment within	271, 272
persons to whom Acts apply	271
wages to be paid in current coin	271
meaning of "wages"	272
contract illegal, null, and void cannot be sued upon	272
contracts within, must not contain stipulations as to how wages to	
be expended	273
payment in goods illegal	273
wages can be paid in bank-notes if artificer consents	273, 277
wages, how ascertained	273
deductions for sick fund	274
payment of wages in goods	274
by note or order for goods	274
finer and penalties treated as non-payment	274, 298-301
deduction of same as liquidated damages	274

TRUCK ACTS, 1831 to 1896,

	PAGE
payment by shares in a company illegal	274
recovery of wages where not paid in current coin	275
proceedings to recover wages	275
meaning of dispute	275
power to make order against co-partners	275, 279
set off for goods supplied not allowed	276
employer cannot make contract with workman as to spending wages at any particular shop	276
exceptions as to	281
no action by employer against workman for goods supplied on account of wages	276
where artificer becomes chargeable to parish, guardians may re- cover wages where not paid in coin	277, 295
penalties on employers entering into illegal contracts	278
employer may be relieved for acts of agents	278, 292
penalty for second offence	278
partner not to be liable for co-partner, but partnership property liable	279
convictions not to be quashed for want of form	280
particular exceptions as to generality of the law	281, 282
employers may advance money to artificers for certain purposes	283
definition of "contract"	283
Acts to be read together	287
application of 1831 Act to workman as defined by sec. 10 E. & W. Act, 1875	287
definition of "workman"	287
persons within Acts of 1831 and 1887	288
persons outside those Acts	288
advance of wages to workmen	289
saving for servants in husbandry	289
order for goods as a deduction from wages illegal	289
deduction for education	290
deduction for sharpening tools	291
audit of deductions	291
artificer to be paid in cash for articles made by him at home	291
penalty on employer or agent for contravention of 1887 Act	292
employer may exempt himself from penalty on conviction of actual offender	292
recovery of penalties	293
disqualification of justice	294
deductions or payments in respect of fines	298-300
for damaged goods	300
for materials	301
whether a fine is reasonable is for a court to decide	299
deductions are	302
penalties for contravention of 1896 Act	302
recovery of payment or deductions	300, 302
contracts within the Act of 1896 to be produced	303

TRUCK ACTS, 1831 to 1896,	PAGE
shop assistants within the Act of 1896	299
workmen or shop assistants entitled to copy of contract or notice .	303
penalty for not producing contract	304
contract exempt from stamp duty	304
saving as to illegal contracts and payments	304
Secretary of State may exempt from certain provisions of Act of 1896	304, 305
application of Acts to laundries and places from which work given out	305
duties of factory inspectors	305
Truck Acts to be construed together	305
TURKEY RED DYEING,	
women and young persons may be employed in, on Saturday up to 4.30 P.M.	79
when women and young persons may be employed in, for unlimited time	88
TYPE-FOUNDING,	
meals not to be taken in part of factory or workshop where, carried on	118, 120
UMPIRE (<i>see</i> Arbitration).	
UNDERGROUND BAKEHOUSES (<i>see</i> Bakehouses).	
UPHOLSTERY WORK,	
list of outworkers to be kept in business of	174
URINAL,	
factories to be kept free from effluvia arising from	1
workshops and workplaces to be kept free from any effluvia arising from	7
VALENTINE MAKING,	
overtime employment in	82, 255
VAPOURS,	
factories to be ventilated in such a manner as to render harmless all, gases, etc.	2
VARNISHED,	
factory not, or painted with oil, within seven years, must be lime- washed within every fourteen months	2
bakehouses must be, or painted in oil	147
VARNISH WORKS,	
exempted from limewashing	5
VAT,	
notice of accident caused through a, or pan, to be given	41

VENTILATION,

PAGE

sufficient, must be provided and maintained in every room of factory and workshop	17
Secretary of State may prescribe standard of sufficient	17
occupier of factory, etc., primarily liable for providing	18
but may apply to a court of summary jurisdiction for relief	18
provisions as to, by fan, etc., in factories and workshops where grinding, glazing, or polishing on a wheel is carried on	115
or where gas, vapour, etc., generated or inhaled by workers to injurious extent	115

VULCANIZING INDIA-RUBBER,

certified dangerous	127
Special Rules as to	373

WAGES (*see* Truck Acts, 1831-1896),

Weights and Measures Acts applied to weights used for ascertaining	194
particulars of, to be given to piece-workers	182-193

WALES,

appointment of inspectors for	195
---	-----

WAREHOUSES,

overtime allowed in, where persons are only employed in polishing, cleaning, wrapping, or packing-up goods	82, 255
not defined	161
provisions of Act applicable to	158
what are	161, 162, 165

WAREROOMS,

in non-textile factories used for storage of articles, exempted from limewashing, etc.	5
--	---

WASHING (*see* Laundries),

suitable, conveniences to be provided in certain dangerous trades	116
overtime employment in, bottles for preserving fruits	256

WATCH MOVEMENTS,

ceilings and tops of rooms where, manufactured, exempted from limewashing, etc.	6
---	---

WATER-CLOSET,

factory to be kept free from effluvia arising from	1
workshops and workplaces to be kept free from effluvia arising from	7

WATER POWER (*see also* Mechanical Power),

factories driven by, may be allowed to make up time lost through drought or floods	87
cases where allowed, and conditions	88

WATER SUPPLY,

powers of inspectors of factories as to	13
---	----

WATER-WHEEL.	PAGE
must be securely fenced	21
WAYS,	
meaning of expression	38
power to make order as to dangerous	37
WEARING APPAREL,	
must not be made, cleaned, or repaired in any dwelling-house or building where there is scarlet fever or small-pox	175
substitution of another day for Saturday where any article of, is made	79
holidays, etc., on different days to different sets where any article of, is made	80
overtime in factories, etc., where making of, carried on	83, 255
meals at different times of day in factories, etc., where, made	73, 75
WEATHER,	
overtime in certain factories, etc., where process, etc., liable to be spoiled by	82, 254, 255
WEAVING,	
of cotton cloth	138
Special Rules for, of flax	367
WEAVERS,	
particulars of work or wages to be given to	182
WEEK,	
meaning of	241
WEIGHTS AND MEASURES,	
inspection of, used in ascertaining wages	194
Acts in force relating to	194
WELSH LANGUAGE,	
regulations for dangerous trades to be posted up in	124
WET-SPINNING,	
restrictions as to employment in	116
WHARVES,	
provision of Act applicable to	158
definitions of	160, 164
what are	160, 164
WHEEL,	
the provisions as to fencing apply to every, of a machine which conveys the motive power	23
WHEEL-RACE,	
every, not otherwise secured, must be securely fenced	21
WHITE LEAD,	
meals not to be taken where, manufactured	118, 120
young person or child not to be employed in process of making	117
manufacture of, certified dangerous	127
Special Rules for	350

WHITE METAL,	PAGE
mixing and casting of, certified dangerous	127
Special Rules for	369
WHOLESALE TAILORING,	
particulars of work and wages to be given to piece-workers in . .	190
WINDOWS,	
works in which there are no glazed, exempted from limewashing, etc.	5
WOMEN,	
definition of woman	241
must not clean "mill-gearing" while machinery in motion . . .	28
must not work between the fixed and traversing parts of self-acting machine while in motion	26
period of employment, etc., for, in textile factories	53
non-textile factories	57
women's workshops	61
regulations as to meals of	65
not to be employed, etc., during meal-times	66
or girls must not be employed within four weeks after they have given birth to a child	97
special provision as to eight hours employment of	62
not to be employed on Sunday, except in certain cases	66
prohibition of taking meals in certain parts of factories and work- shops	118
employment and meals of, in print works, and bleaching and dyeing works	61
employment of, for additional half-hour	86
overtime employment of, in Turkey red dyeing and open-air bleaching	88
restriction of overtime employment of	83, 85
employment of, in certain flax scutch mills	92
in laundries	152-154
WOMEN'S WORKSHOPS,	
definition of	61
periods of employment in	61, 62
WOOD,	
parts of non-textile factories where unpainted or unvarnished, is manufactured, exempted from limewashing, etc.	5
WOOL,	
manufacture, etc., of, constitutes a textile factory	222
meals prohibited where, or hair, is sorted or dusted	118, 120
sorting, combing, etc., certified dangerous	128
Special Rules for sorting, combing, etc.	371, 374
WOOLLEN FACTORIES,	
particulars of work and wages to piece-workers	192
five hours' spell in	72, 73

	PAGE
WORKERS,	
particulars of work and wages to be given to	182-193
"WORKING FOR HIRE,"	
definition of, and employment	236
WORKMEN'S COMPENSATION ACTS, 1897 & 1900	385-400
notes and cases on certain provisions of	164, 169
WORKPLACE,	
sanitary provisions for	7-11
no definition of, in Factory Act or Public Health Acts	8
every, to be kept free from effluvia arising from any drain, etc.	7
WORKROOMS,	
exception as to employment in, of retail drapers	69, 70
WORKS,	
power to make order as to dangerous	37
meaning of expression	38
WORKSHOPS (<i>see</i> Men's Workshops, Women's Workshops),	
sanitary provisions for	7-11
must not be overcrowded	11
public health law applicable to	7-10, 13
power of Secretary of State as to sanitary defect in	12
inspectors	13-16
temperature in	17-19
ventilation in	17-19
drainage of floors in	19
accidents causing loss of life or bodily injury in	41-45
investigation of and report on	45, 47
inquest in case of death	46
employment in	57-96
women's	61
special provisions as to	62
inside and outside, on same day	63
notice fixing hours of, in	64
meal-times in	65
prohibition of Sunday employment in	66
definition of	223, 230, 266
Crown	231
branches of, may be treated as separate	232
have been	232-236
(<i>See also</i> Employment).	
WORSTED FACTORIES,	
particulars of work and wages to be given to piece-workers	182
WRAPPING-UP GOODS (<i>see</i> Packing-up Goods).	
YARN (<i>see</i> Bleaching and Dyeing Works at p. 263).	

YELLOW CHROMATE OF LEAD,

PAGE

use of, certified dangerous	127
Special Rules for	369

YELLOW LEAD,

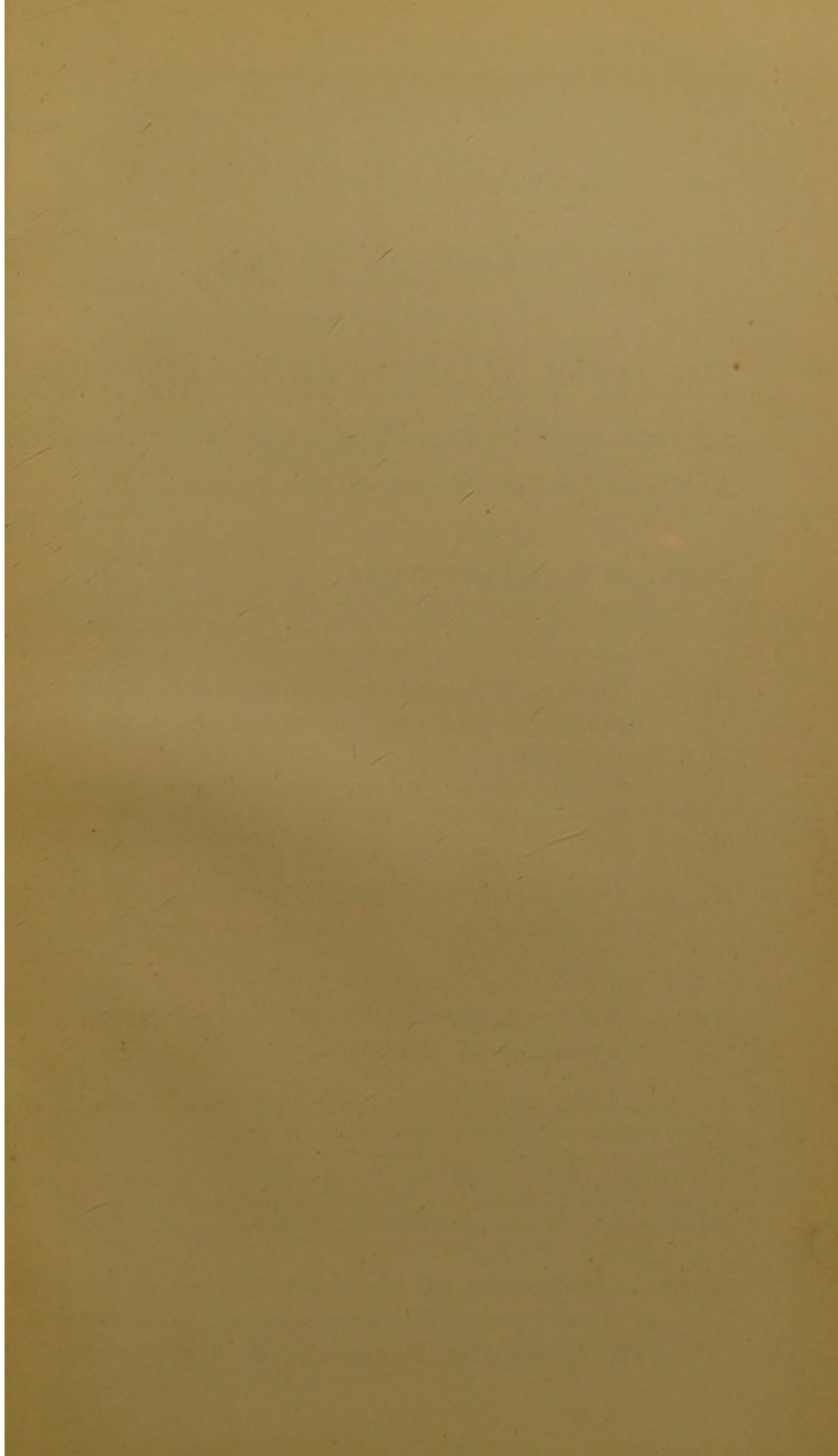
manufacture of, certified dangerous	127
Special Rules for	365

YELLOW METAL ROLLING MILLS (*see* Copper Mills).**YOUNG PERSONS,**

definition of	241
must not clean any "dangerous parts" of machinery while in motion	28
inspector has power to decide what are "dangerous parts"	28
must not work between the fixed and traversing part of self-acting machine while in motion	26
period of employment, etc., for, in textile factories	53
period of employment, etc., for, in non-textile factories, and workshops	57
period of employment in domestic factories and workshops	177
days to be allowed as holidays to	66
not to be employed, etc., during meal-times	65, 66
meal-times to be simultaneous	65
special provision as to employment on Saturday	62
not to be employed on Sunday, except in certain cases	66
male, may be employed at night	89, 91, 92
certificates of fitness for employment of	98
Secretary of State may require certificate of fitness for employment of, in "workshop"	102
prohibition of employment of, in certain factories and workshops	117
taking meals in certain parts of factories and workshops	118
employment and meals of, in print works and bleaching and dyeing works	61
overtime employment of, incomplete process	86
in Turkey red dyeing and open-air bleaching	88
engaged only in repairing machinery in, or any part of, a factory or workshop, not within Act	243

THE END.





KNIGHT & CO.'S

List of Forms

UNDER THE

FACTORY & WORKSHOP ACT, 1901.

Abstract of Provisions of the Act.

For Posting.

Per Hundred, 12s.

Ditto, in Pamphlet Form.

For Distribution among Occupiers of Factories and Workshops.

Per Hundred, 6s.

No. 1.—Notice by Local Authority to Occupier or Owner of Factory or Workshop to abate Nuisance.

With precedents printed on the Cover, showing the method of filling up the Notice to meet the requirements of Sections 2, 7, and 8.

In Books, with Counterpart, 6s. 6d.

No. 2.—Complaint to Justices by Local Authority of a Nuisance in Factory or Workshop.

Per Quire, 3s.

No. 3.—Information to Justices of Breach of Provisions of the Act.

Per Quire, 3s.

NOTE.—Each Quire of Forms 2 and 3 is supplied in a stout Envelope, upon which is printed precedents showing the method of filling up the Forms in respect of any Offences under Sections 2, 7, and 8, as regards Form No. 2; and Sections 2, 14 (1 and 2), 15, 97, 98, 99, 100, 101, 108, and 110, as regards Form No. 3, thus making these two Informations available for any Offence under the ACT, and obviating the necessity of keeping a number of different Informations.

No. 4.—Certificate of Medical Officer of Health, or Inspector of Nuisances, of Necessity for Whitewashing Factory, &c. (Section 2 (3).)

In Books, with Counterpart, 4s. 6d.

No. 5.—Notice to Occupier or Owner of Factory or Workshop to Whitewash the same.

In Books, with Counterpart, 4s. 6d.

No. 6.—Certificate by Local Authority that Factory or Workshop is Provided with Means of Escape in the case of Fire.

In Books, with Counterpart, 4s. 6d.

No. 7.—Notice to Owner of Factory or Workshop that the same is Not Provided with Means of Escape in the case of Fire.

In Books, with Counterpart, 6s. 6d.

No. 8.—Notice to Occupier of Factory or Workshop that Work Carried on therein is Injurious or Dangerous to persons employed therein.

In Books, with Counterpart, 4s. 6d.

No. 9.—Notice to Occupiers of Factory Prohibiting the Giving Out of Work to Person suffering from Infectious Disease.

In Books, with Counterpart, 6s. 6d.

No. 10.—Ditto, ditto, in the case of emergency, and after receipt of Certificate by Medical Officer of Health.

In Books, 6s. 6d.

Register of Factories and Workshops in District.

Arranged in two Divisions, the first portion relating to arrangements in respect of Escape from Fire in Factories and Workshops employing over 40 persons, and the latter portion forming a Permanent Register of all Workshops in the District, with columns for recording the Sanitary condition and dates of Inspection in each case.

Price, 15s.

Every District Council must now keep a Register of Workshops within its District.

