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REDGRAVE'S FACTORY ACTS

Ninth Edition

C.N. 12

FACTORY ACT, 1901.

(1 Edw. 7 Cap. 22.)

LIST OF FORMS

PUBLISHED BY

SHAW & SONS, Local Government Publishers,

6, 7, 8 and 9, FETTER LANE, LONDON, E.C.,

FOR THE USE OF

DISTRICT COUNCILS

In the discharge of their duties respecting

FACTORIES AND WORKSHOPS

UNDER THE

FACTORY ACT, 1901, and PUBLIC HEALTH ACTS.

The undermentioned Forms have been thoroughly revised by Messrs. H. S. SCRIVENER and C. F. LLOYD, Barristers-at-Law, and Editors of "*Redgrave's Factory Acts*," 8th Edition.

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Factory Act, 1901.

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49	Complaint by District Council for expenses of Limewashing *per quire*	3	0
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51	Information for not keeping Factory furnished with proper means of excape from fire... ... ... *per quire*	3	0
	Section 14, Sub-Section (2.)		
52	Notice of District Council to Owner to provide means of escape in case of fire ... ... *in books of* 50	4	6
53	Information for non-compliance with above Notice *per quire*	3	0
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54	Certificate of District Council as to suitability of Underground Bakehouse ... ... *in books of* 50	4	6
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57	Information for non-compliance with Order of District Council *per quire*	3	0
57*	Information do. do. by Two Members of Council *per quire*	3	0
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45	Notice by Medical Officer to Factory Inspector of employment of Children, &c., in Workshop ... . *per quire*	3	0

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THE FACTORY ACTS.

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THE

FACTORY ACTS,

BY THE LATE

ALEXANDER REDGRAVE, C.B.,

Her late Majesty's Chief Inspector of Factories, etc.

Ninth Edition.

BY

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

Of the Middle Temple and South Eastern Circuit, Barrister-at-Law;

C. F. LLOYD,

Of the Inner Temple and Midland Circuit, Barrister-at-Law.

Statutory Orders, Special Rules and Forms

REVISED BY

W. PEACOCK,

Of the Home Office.

LONDON:

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1902.

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Dedication of the First Edition.

TO THE RIGHT HONOURABLE

RICHARD ASSHETON CROSS, M.P.,

Secretary of State for the Home Department.

THIS EDITION OF THE ACT

WHICH CONSOLIDATES THE NUMEROUS AND VARYING REGULATIONS

HITHERTO IN FORCE,

AND WHICH, UNDER HIS GUIDANCE,

HAS LAID DOWN A COMPLETE CODE FOR REGULATING LABOUR,

AND PROMOTING SANITARY IMPROVEMENT

AND EFFICIENT EDUCATION,

IS, WITH HIS PERMISSION, MOST RESPECTFULLY INSCRIBED

BY HIS OBEDIENT SERVANT,

ALEX. REDGRAVE.

Whitehall, 1878.

PREFACE

TO THE NINTH EDITION.

THE passing of the consolidating and amending Act of 1901 has necessitated extensive alterations in this Work. The groundwork of the earlier Editions has been left untouched as far as possible; but a quantity of matter which has now become obsolete has been necessarily omitted. The decisions of the Courts in Scotland, some of which are of considerable importance, have been for the first time included in the notes, and a comparative Table of References has been added, showing at a glance what portion of the Act of 1901 corresponds to any given section of the older Acts.

The notes have been thoroughly revised and in many cases re-written, so as to bring them into accordance with the various changes in the law made by the passing of the new Act, and the Index has been enlarged.

The co-operation of Mr. PEACOCK has been confined to the revision of those parts of the Work which relate to the Statutory Orders of the Secretary of State, the Special Rules for Dangerous Trades, and the Forms under the Act.

H. S. SCRIVENER.
C. F. LLOYD.
W. PEACOCK.

4, *Crown Office Row*,
Temple,
March, 1902.

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THE FACTORY AND WORKSHOP ACTS.

INTRODUCTION (*a*).

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

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

(*a*) This Introduction, originally written by the late ALEXANDER REDGRAVE, Esq., C.B., is now slightly amended. The necessary alterations have been made in the original "Tabular Analysis" contained therein, and also in such portions of the matter as would otherwise be out of date, and a Comparative Table of Repealed Acts and Act of 1901 has been added.

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

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

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

While the Act of 1878 was essentially a consolidating Act, it maintained the great distinction which Factory Legislation has always observed in dealing with juvenile and female labour. That to which public attention was first called in 1802, was the labour in cotton

and woollen factories in which more than twenty persons were employed. It was not until power was employed to move spinning frames, and afterwards looms, that the evils of excessive labour became so painfully evident. Hence legislation first dealt with spinning and weaving factories moved by power; then with other cognate occupations in which steam or water power was used,—printworks, bleachworks, dyeworks, and lace factories. Next, in 1864, it was extended to certain occupations in which mechanical power might or might not be used; and, lastly, by the Acts of 1867 various enumerated trades were legislated for as factories, and all others as workshops. These later Acts, embracing within their far-extending definitions nearly every trade and occupation in the country, were necessarily incomplete and experimental. Exceptions and modifications were authorized which might possibly be requisite, rather than upon proof that they were indispensable, so that by the time the last of these several Acts had received the Royal assent there was a perfect chaos of regulations—all good in themselves when enacted—all having a direct purpose, which most of the trades have outlived, and which required constant care and consideration to prevent an application of them which would have imperilled that impartiality and that uniformity of administration which are absolutely essential to secure harmonious and cheerful co-operation.

It was assigned to a Royal Commission, in the latter part of the year 1875, to take all these statutes under

review, to consider their various enactments, modifications and exceptions, to take such evidence as might be thought requisite, and then to submit a proposition for bringing into harmony the incongruous mass of provisions which encumbered the statute book. The Commissioners set to work with the utmost activity, and took evidence upon all the points committed to them, both in London and in various manufacturing localities in England, Scotland, and Ireland. In February, 1876, their Report, with a volume of evidence, was laid before Parliament. The Report dealt exhaustively with the question; it traced out clearly and distinctly the course of legislation, the causes of the differences of regulations in different trades; it pointed out wherein some differences might cease, and others be mitigated, and by a series of resolutions laid down the groundwork for the consolidation of the various Acts.

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

That Act, and the Acts of 1883, 1889, 1891, and 1895, by which it was supplemented, dealt with five classes of works:

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

and enacted that special requirements should apply to—

Laundries,
Docks,
Wharves,
Quays,
Warehouses,
Buildings in construction ; and
Buildings of a certain height.

A "factory" may be shortly defined to be a place in which machinery used in a manufacturing process is moved by the aid of steam, water, or other mechanical power.

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

The term "Textile Factory" summed up a class of factories dealt with under the Acts prior to 1864, and the regulations affecting them continued the same as before as to hours of work and meals, and education of children, limewashing, holidays, etc., etc. In one

or two particulars the precise enactments of the old Factory Acts were varied and made applicable to all factories.

The term "Non-Textile Factory" was first applied to the occupations enumerated in the Acts of 1864 and 1867, whether using power or not, and included in addition practically all occupations (except those of the textile trades) in which mechanical power is used.

All places which would be non-textile factories if power were used therein were defined to be workshops.

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

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

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

Then other occupations came under review in which the proportion of women and children employed was not so large as in "Textile Factories," in some of which the labour was not so hard, and in others of which the attention and strain in waiting upon the moving power was not so continued or so uninterrupted. In

these the limits of the hours of work were somewhat relaxed, but the great principles of sanitary condition and education of the young were as rigidly required as in Textile Factories. These were the Non-Textile Factories.

The next class of works dealt with were those in which no power is used. They are called Workshops. In these the hours of work and meals, and education, were as strictly provided for as in Factories, but they were exempted from the operation of a good many provisions which applied to factories.

A class of workshop to which still fewer regulations were applied were women's workshops, *i.e.*, workshops in which no persons under the age of 18 are employed. In these Workshops the actual number of hours of work and of meals were made the same as in Non-Textile Factories, but with more elasticity of arrangement.

Another class of workshop was designated "Domestic Workshops." These are Workshops carried on in a private house, room, or place in which the only persons employed are members of the same family dwelling there. In these the number of hours of work and meals for children and young persons was the same as in Non-Textile Factories, but with more elasticity of arrangement; the education of children was the same. The employment of women in Domestic Workshops was unrestricted.

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

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

and others of a like nature to which the Secretary of State might extend the exemption. It also exempted from the regulations as to hours of labour and meals Flax Scutch Mills in which women only are employed intermittently, and for not more than six months in the year. It also exempted any handicraft exercised in a dwelling-house by the family dwelling there, at irregular intervals, and not furnishing the whole or principal means of living to the family.

It will be seen from this short statement, and an examination of the Acts themselves, that whereas all Acts prior to 1878 were based upon some special circumstances which were brought forward with respect to particular trades, the Act of 1878 was framed upon definite principles, deduced from former legislation. Thus, a defined meaning was given to the word "Factory," and a defined meaning, derived from definite circumstances, to the word "Workshop." The general enactments, the variations in these for Non-Textile Factories and Workshops, and the modifications of the general enactments, will be seen to have proceeded

from principles, and to have been systematised so that the reason for them can be traced out.

No sooner, however, had the Act of 1878 been passed than further extensions of the law relating to Factories and Workshops were found necessary. In 1883, 1889, 1891, 1895, and 1897 further Acts were passed, two of them, the Acts of 1891 and 1895, being of considerable importance and complexity. The result was to make the Factory Acts once more an intricate mosaic. It consequently became necessary to do over again the work that was done in 1878, and to consolidate in one homogeneous statute the scattered cloud of miscellaneous enactments contained in the five amending Acts and fit them into their places in the frame afforded by the Act of 1878. This was done by the Act of 1901, which is therefore a complete code of the law relating to Factories and Workshops.

The introduction of a consolidating Act afforded an opportunity for making a considerable number of amendments in the law, the more important of which are as follows :

SANITATION.

Power is given to the Secretary of State to order more air space where a workroom is used as a sleeping apartment (s. 3), and to direct thermometers to be kept in factories and workshops (s. 6).

Sufficient means of ventilation must be provided (s. 7).

Wet floors are to be drained (s. 8).

SAFETY.

Steam boilers are to be properly maintained and periodically examined (s. 11), and their use can be prohibited if dangerous (s. 17).

A child may not clean under moving machinery (s. 13).

Means of escape in case of fire must be maintained in repair (s. 14), and district councils may make byelaws as to means of escape from fire (s. 15).

EMPLOYMENT.

One hour is cut off the period of Saturday employment in textile factories (s. 24).

OVERTIME.

Overtime employment of women for press of work is forbidden on Saturdays (s. 49), and of women on perishable articles is reduced from five days a week to three, and from sixty days a year to fifty (s. 50).

FITNESS FOR EMPLOYMENT.

Children under the age of twelve may not be employed (s. 62).

A qualified certificate of fitness may be granted (s. 64).

EXCEPTIONS AND ADDITIONS.

The processes of fish and fruit preserving, which were formerly not within the Acts, are now brought within them with certain exceptions (s. 41).

The Secretary of State may vary the period of employment of women and young persons employed in creameries (s. 42), and he may exempt from the Act any factory or workshop working on a Government contract (s. 150).

DANGEROUS AND UNHEALTHY INDUSTRIES.

Meals are forbidden in workrooms where there is poisonous dust, etc. (s. 75).

New procedure is provided for making regulations for dangerous trades (ss. 80—85).

TENEMENT FACTORIES.

The provision as to the owner being substituted for the occupier now applies to all tenement factories and is

not restricted to cases where the occupier pays a less rent than £200 a year.

The whole building is to be deemed one factory or workshop for the purposes of the provisions as to means of escape in case of fire (s. 14).

Power is given to occupiers to affix their own notices (s. 87).

BAKEHOUSES.

Underground bakehouses must not be used unless certified by the district council to be suitable (s. 101).

RAILWAY SIDINGS.

The Act is applied to certain railway sidings used in connection with factories (s. 106).

HOME WORK.

Lists of outworkers are to be sent to the district council (s. 107).

District councils may give notice to occupiers that premises where home work is done are unwholesome (s. 108).

Home work is prohibited in places where there is infectious disease (s. 110).

The Act is applied to domestic factories and workshops where dangerous processes are carried on as though they were ordinary factories or workshops.

NOTICES, REGISTERS AND RETURNS.

A new register called the general register is to be kept in every factory and workshop (s. 129).

The periodical return of persons employed is to be made to the Chief Inspector of Factories at times directed by the Secretary of State (s. 130).

District councils are to keep registers of workshops (s. 131).

Medical officers of health are to report annually to the district councils and to the Secretary of State on the administration of the Act in workshops and workplaces (s. 132).

DEFINITIONS, ETC.

Electrical stations are declared to be non-textile factories (Sched. 6, Part I.), and dry-cleaning, carpet-beating and bottle-washing works in which power is used are declared to be non-textile factories (Sched. 6, Part II.).

The name "men's workshops" is given to workshops conducted on the system of not employing any woman, young person, or child therein (s. 157).

A new term, "domestic factory," is created (s. 115).

A definition is given of the term "continuous employment" (s. 156).

EDUCATION.

Certificates of proficiency and due attendance are no longer required in Scotland owing to the passing of the Education (Scotland) Act, 1901, by which other provisions for exemption are substituted (s. 159).

TABULAR ANALYSIS OF THE REGULATIONS OF THE FACTORY AND WORKSHOP ACT, 1901, AND OF THE APPLICATION OF THEM TO THE DIFFERENT CLASSES OF WORKS.

TABULAR ANALYSIS OF THE REGULATIONS OF THE FACTORY TO THE DIFFERENT

Regulations to be observed in Textile Factories.	
SANITARY	
Sects. 1, 3.—Every factory, except a domestic factory, to be kept in a cleanly state, free from effluvia, etc., to be well ventilated, not to be overcrowded, and to be limewashed once in fourteen months, unless painted in oil once in seven years, when it must be washed once every fourteen months.	
Sect. 6.—A reasonable temperature must be maintained - - -	
Sect. 7.—Sufficient ventilation must be maintained - - - -	
Sect. 8.—All wet floors must be drained - - - - - - - -	
Sect. 9.—Sanitary conveniences for both sexes compulsory - - -	
Sect. 74.—Where dust, etc. inhaled to an injurious extent, ventilation by a fan shall be provided. The owner and not the occupier is liable for the observance of these provisions in tenement factories.	
Sect. 76.—A child, young person, or woman not to be employed in wet spinning, unless means are taken to prevent their being wetted, and to prevent the escape of steam.	
Sects. 90—96.—Proper temperature must be maintained, and humidity controlled in humid factories, and certain special requirements must be complied with.	

AND WORKSHOP ACT, 1901, AND OF THE APPLICATION OF THEM TO CLASSES OF WORKS.

Corresponding Regulations to be observed in	
Non-Textile Factories.	Workshops.
PROVISIONS.	
The same as Textile - - - - - -	The same.—s. 2. Enforceable by sanitary authority instead of inspector. Limewashing not compulsory, but can be made so.
The same - - - - - - - - -	The same.
The same - - - - - - - - -	The same.
The same - - - - - - - - -	The same.
The same as Textile - - - - - -	The same. See above.
The same as Textile. In laundries which are factories fan is required.—s. 103.	The same.
Sect. 75.—In certain dangerous trades lavatories must be provided, and workers must not take meals in workrooms.	The same.
Section 78.—Meals must not be taken in certain parts of works.	The same.
Bakehouses to be limewashed once in six months, or where painted in oil, to be washed once in six months.—s. 99. No part of bakehouse to be used as sleeping apartment.—s. 100. No place underground to be used as a bakehouse unless it was so used before January 1st, 1896. Special sanitary regulations provided.	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

SAFETY AND

Sect. 10.—Hoist or Teagle, steam-engine, water-wheel, engine worked by water, mill-gearing, etc., and dangerous machinery, to be securely fenced.

Sect. 11.—All steam boilers to be maintained in proper condition with proper valves, etc.

Sect. 13.—Employment of a child or young person in cleaning machinery or under machinery in motion, and of young person in cleaning dangerous machinery in motion, and of young person or woman cleaning mill gearing in motion, prohibited.

Sect. 12.—Employment between fixed and traversing parts of a self-acting machine forbidden, with limitations as to position of self-acting machine.

Sects. 14, 15.—Sufficient means of escape from fire to be provided and maintained in the case of factories.

Sect. 16.—Doors to open outwards, and not to be fastened - - -

Sect. 17.—Use of dangerous machine may be prohibited - - - -

Sect. 18.—Dangerous or unhealthy workplace may be closed - - -

Sect. 19.—Notice of accidents to be sent to the inspector—
If fatal, or so serious as to prevent work for five hours on any one of three days after the accident.
To the certifying surgeon—
If fatal, or caused by machinery moved by power, or vat or pan, or explosion, unless the accident comes within section 63 of the Explosives Act.

Sect. 20.—The certifying surgeon to report the same to the inspector -

Sect. 136.—If any person suffer bodily injury from neglect of employer to observe any provision of this Act, a penalty of £100, which may be applied by the Secretary of State for the benefit of the injured person, is provided.

Sect. 79.– Secretary of State may require regulations to be adopted in case of dangerous incidents of employment.

Sect. 78.—Notice to be given to inspector of cases of lead, etc. poisoning or anthrax.

THE FACTORY AND WORKSHOP ACT, 1901—*continued.*

Corresponding Regulations to be observed in	
Non-Textile Factories.	Workshops.
ACCIDENTS.	
The same as Textile - - - - - -	None.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	None.
The same as Textile - - - - - -	None.
The same as Textile - - - - - -	The same (including men's workshops).
The same as Textile - - - - : -	The same.
The same as Textile (applicable to docks, wharves, quays, warehouses, certain buildings, and certain railway sidings).	The same.
The same as Textile.	The same (including men's workshops).
The same as Textile (applicable to docks, wharves, quays, warehouses, certain buildings, and certain railway sidings).	The same (including men's workshops).
The same as Textile - - - - - -	The same (including men's workshops).
The same as Textile (applicable to docks, quays, warehouses, etc., as above).	The same (including men's workshops).
The same as Textile - - - - - -	The same (including men's workshops).
The same as Textile - - - - - -	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

EMPLOYMENT AND

YOUNG PERSONS

Sect. 24.—The period of employment, inclusive of meal hours, shall be either between 6 A.M. and 6 P.M., or between 7 A.M. and 7 P.M.

Sect. 24.—On Saturday, when work commences at 6 A.M.,—

If not less than one hour be given for meals, manufacturing processes must cease at NOON, and all other work at 12.30 P.M.

If less than one hour be given for meals, manufacturing processes must cease at 11.30 A.M., and all other work at NOON.

On Saturday, when work commences at 7 A.M., manufacturing processes must cease at 12.30 P.M., and all other work at 1 P.M.

THE FACTORY AND WORKSHOP ACT, 1901—*continued.*

Corresponding regulations to be observed in	
Non-Textile Factories.	Workshops.
MEAL HOURS.	
AND WOMEN.	
Sect. 26.—The same as Textile and also between 8 A.M. and 8 P.M.	The same, but where young persons and children are not employed women may work for a period of 12 hours taken between 6 A.M. and 10 P.M., and eight hours between 6 A.M. and 4 P.M. on Saturdays.
Sect. 36.—The Secretary of State may authorize the period of employment to be between 9 A.M. and 9 P.M.	The same.
Sect. 26.—All work must cease at 2 P.M. - -	The same.
Sect. 26.—All work must cease at 3 P.M. - -	The same.
Sect. 26.—When work begins at 8 A.M., or at 9 A.M., work may continue on Saturdays until 4 P.M.	The same.
Sect. 54.—When working in day and night shifts, the Saturday Half-holiday is not compulsory for male young persons of the age of fourteen and upwards.	
Sect. 44.—In Turkey red dyeworks, work may continue on Saturday until 4.30 P.M.	
Sect. 43.—The Secretary of State is authorized under certain circumstances to substitute another day for the Saturday Half-holiday.	The same.
Sect. 30.—Where the hours of work have not exceeded eight on any day in any one week, they may be extended to eight hours on Saturday.	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

EMPLOYMENT AND

YOUNG PERSONS

Sect. 47.—If the occupier of a factory be of the Jewish religion, and close his factory on Saturday until sunset, he can employ young persons and women until 9 P.M. on Saturday.

Sect. 48.—If the employer is a person of the Jewish religion, and closes his factory on Saturday, he may employ a Jewish young person or woman on Sunday as if it were Saturday.

Sect. 24.—All young persons and women must have two hours for meals during the period of employment, of which one hour must be given before 3 P.M.

On Saturday, at least half an hour must be given - - - -

A young person or woman not to be employed for more than four hours and a half without an interval of half an hour, except in the factories named in s. 39 and others added thereto by order of the Secretary of State, where they may work continuously for five hours.†

CHILDREN.

Sect. 25.—Children are to be employed either in morning and afternoon sets, or on alternate days.

The period of employment for a child on the alternate day system is the same as for a young person.

In the morning and afternoon set system :

Sect. 25.—Children in the morning set must cease work at the dinner hour, but not later than 1 P.M.

Sect. 25.—Children in the afternoon set begin at the end of the dinner-time, but not earlier than NOON.

THE FACTORY AND WORKSHOP ACT, 1901—*continued.*

Corresponding regulations to be observed in	
Non-Textile Factories.	Workshops.
MEAL HOURS—*continued.*	
AND WOMEN—*continued.*	
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
Sect. 26.—One hour and a half must be given, of which one hour must be given before 3 P.M.	The same.
Sect. 26.—The same as Textile - - - -	The same.
Sect. 26.—Not to be employed more than five hours without an interval of half an hour.	The same.
Sect. 103.—In laundries, young persons to be employed only twelve hours a day, and sixty hours a week; women to be employed only fourteen hours a day, and sixty hours a week.	The same.
CHILDREN.	
Sect. 27.—The same as Textile - - - -	The same.
Sect. 27.—The same as for a young person - -	The same.
Sect. 27.—The same as Textile - - - -	The same.
Sect. 27.—The same as Textile - - - -	The same.
Sect. 27.—The period of employment in an afternoon set must end at 2 P.M.	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

EMPLOYMENT AND

CHILDREN—*continued.*

Sect. 25.—A child shall not be employed on Saturday in two successive weeks, nor on Saturday in any week, if on any other day in the week he has worked more than five hours and a half.

Sect. 25.—Children working on alternate days may work as young persons, but must not work on two successive days, nor on the same days in two successive weeks.

Sect. 25.—When a child is employed as a young person, he must have the same intervals for meals as a young person.

Sect. 25.—A child not to be employed more than four hours and a half without an interval of half an hour, except in the factories named in s. 39, and others added thereto by the Secretary of State, where he may work continuously for five hours.

HOLIDAYS.

Sect. 35.—Every child, young person, and woman shall be allowed the following holidays :—

The whole of Christmas Day, the whole of Good Friday, and of every Bank Holiday; but the occupier may substitute another whole holiday or two half holidays for any of these. At least half of the holidays or half holidays must be between March 15th and October 1st.

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

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

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

THE FACTORY AND WORKSHOP ACT, 1901—*continued.*

Corresponding Regulations to be observed in	
Non-Textile Factories.	Workshops.
MEAL HOURS—*continued.*	
CHILDREN—*continued.*	
Sect. 27.—A child shall not be employed in two successive weeks in a morning set, or in two successive weeks in an afternoon set, and the change must be made on Saturday.	The same.
Sect. 27.—The same as Textile:—Provided that children can only work on alternate days if two hours are allowed for meals.	The same.
Sect. 27.—The same as Textile - - - -	The same.
Sect. 27.—A child shall not be employed more than five hours without an interval of half an hour for a meal.	The same.
Sect. 103.—In laundries, children not to be employed more than ten hours a day, and thirty hours a week.	The same.
HOLIDAYS.	
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

HOLIDAYS—*continued.*

Sect. 35.—In Scotland, two whole holidays and eight half holidays must be given.

In Ireland, Christmas Day and any two of the following days, viz., the 17th of March, or Good Friday, or Easter Monday or Easter Tuesday must be given, and six half holidays.

EDUCATION

Sect. 68.—The parent of a child shall cause such child to attend a recognised efficient school, which may be selected by himself.

A child when employed in a morning or afternoon set shall attend school for one school attendance on each day of every week during any part of which he may be employed.

A child when employed on alternate days must attend school for two school attendances on each alternate day.

Attendance at school must be made between 8 A.M. and 6 P.M. -

A child is not required to attend school on Saturdays, or on any holiday or half-holiday in pursuance of this Act.

Non-attendance from sickness, etc., etc., excused - - - -

When there is not a certified school within two miles of the child's residence, the child may attend some other school, temporarily approved by an inspector.

THE FACTORY AND WORKSHOP ACT, 1901—*continued.*

Corresponding Regulations to be observed in	
Non-Textile Factories.	Workshops.
HOLIDAYS—*continued.*	
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
Sect. 45.—The Secretary of State is authorized to permit the holidays or half holidays under certain conditions to be given to different sets on different days.	The same.
Sect. 54.—When working in day and night shifts it is not compulsory to give holidays or half holidays to male young persons.	The same.
OF CHILDREN.	
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

EDUCATION

Sect. 68.—A child who has failed to attend school regularly cannot be employed the following week unless the deficient attendances be made up.

Sect. 69.—The occupier shall obtain certificates from a schoolmaster of the school attendance of the children employed in his factory, and keep such certificates for two months, and produce the same to the inspector.

Sect. 70.—The school managers may apply in writing to an occupier to pay the school fees, not exceeding 3*d*. per week, or one-twelfth of the wages of a child, which the occupier may deduct from the wages of the child.

Sect. 71.—When a child of thirteen has obtained a certificate of proficiency either of having passed the prescribed standard, or of having attended school the prescribed number of attendances, he is deemed to be a young person.

CERTIFICATES OF FITNESS

Sect. 63.—A person under sixteen shall not be employed for more than seven, or if the certifying surgeon resides more than three miles from the factory, thirteen working days, unless the occupier has obtained from the certifying surgeon a certificate in the prescribed form of the fitness for employment of such person.

Sect. 64.—A certificate of fitness shall not be given unless a certificate of birth be produced, or other proof of real age.

Sect. 67.—When an inspector considers any person under sixteen unfit to work he may give notice to the occupiers, and the person shall not be employed more than seven days unless certified by the certifying surgeon to be fit for work.

Sect. 64.—An inspector may annul a certificate of a certifying surgeon if certificate of age of the person named therein was not produced, if he think the person under the age named in the certificate.

THE FACTORY AND WORKSHOP ACT, 1901—*continued.*

Corresponding Regulations to be observed in	
Non-Textile Factories.	Workshops.
OF CHILDREN—*continued.*	
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - -	The same.
FOR EMPLOYMENT.	
The same as Textile - - - - - -	Sect. 66.—Certificates of fitness are unnecessary, but the Secretary of State may require them to be obtained in workshops. Sect. 65.—The occupier may require the certifying surgeon to grant certificates as if his workshop were a factory.
The same as Textile - - - - - -	Not applicable at present in workshops.
The same as Textile - - - - - -	
The same as Textile - - - - - -	

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

CERTIFICATES OF FITNESS

Sect. 63.—When a child becomes a young person a fresh certificate of fitness must be obtained.

Sect. 64.—A certificate of fitness shall only be granted on personal examination.

Sect. 64.—The same certificate of fitness may be valid for all the factories in the occupation of the same occupier in the district of the same certifying surgeon ; and in a tenement factory for employment in any part thereof.—s. 89.

Sect. 64.—A certifying surgeon shall examine persons only at the factory where such persons are employed, unless the number of children and young persons is less than five, or unless specially allowed by an inspector.

Sect. 122.—Certifying surgeons to be appointed by an inspector - -

Sect. 124.—Fees to be paid to a certifying surgeon - - - - -

Sect. 123.—Where there is not a certifying surgeon within three miles, the Poor Law medical officer to act as certifying surgeon.

REGULATIONS AS

Sect. 33.—All children, young persons, and women to have the times allowed for meals at the same periods of the day.

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

THE FACTORY AND WORKSHOP ACT, 1901—*continued.*

Corresponding Regulations to be observed in	
Non-Textile Factories.	Workshops.
FOR EMPLOYMENT—*continued.*	
The same as Textile - - - - - -	Not applicable at present in workshops.
The same as Textile - - - - - -	
The same as Textile - - - - - -	
The same as Textile - - - - - -	
The same as Textile - - - - - -	
The same as Textile - - - - - -	
The same as Textile - - - - - -	
TO MEAL TIMES.	
The same as Textile, but not to apply to the factories named in s. 40.	
The same as Textile, but not to apply to the factories named in s. 40.	
Sect. 40.—The Secretary of State authorized to extend these modifications in certain cases.	The same.
Sect. 78.—Meals are not to be taken in certain parts of glassworks, lucifer match works, and earthenware works; and the Secretary of State has power to prohibit meals being taken in places injurious to health.	The same

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

PROHIBITIONS

Sect. 62.—A child shall not be employed under the age of twelve years -

Sect. 34.—A child, young person, or woman shall not be employed on Sunday.

OVERTIME AND

Sect. 37.—Male young persons of sixteen years of age may be employed in lace factories between 4 A.M. and 10 P.M. under certain conditions.

Sect. 47.—If the occupier be of the Jewish religion and keep his factory closed on Saturday both before and after sunset, he may employ the young persons and women one hour on every other week day, but not before 6 A.M. or after 9 P.M.

Sect. 52.—Secretary of State may authorize employment of young persons and women to recover lost time in water mills at the rate of one hour per day, for not exceeding ninety-six days in case of drought, and not exceeding forty-eight days in case of flood.

Sect. 58.—The Secretary of State, where cleanliness, etc., is deficient, may by order direct the adoption of special means as a condition of any exceptional employment.

THE FACTORY AND WORKSHOP ACT, 1901—*continued.*

Corresponding Regulations to be observed in	
Non-Textile Factories.	Workshops.
OF EMPLOYMENT.	
The same as Textile - - - - - -	The same.
The same as Textile—except as respect male young persons in Blast Furnaces and Paper Mills.—s. 54.	The same.
Sect. 77.—A child or young person is not to be employed in the silvering of mirrors by the mercurial process, or the making of white lead.	The same.
A child or female young person is not to be employed in melting or annealing glass.	
A female under sixteen is not to be employed in brick-making or salt-making.	The same.
A child is not to be employed in dry-grinding in the metal trades, or where lucifer-match dipping is carried on.	
NIGHTWORK.	
Sect. 38.—Male young persons of sixteen years of age may be employed in bakehouses between 5 A.M. and 9 P.M. under certain conditions.	The same.
The same as Textile - - - - - -	The same.
The same as Textile.	
The same as Textile - - - - - -	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

OVERTIME AND

Sect. 59.—Where an exception has been authorized, and it is found to be injurious to health, the Secretary of State may by order rescind such exception.

THE FACTORY AND WORKSHOP ACT, 1901—*continued.*

Corresponding Regulations to be observed in	
Non-Textile Factories.	Workshops.
NIGHTWORK—*continued.*	
The same as Textile - - - - - -	The same.
Sects. 49, 50.—Women may be employed for fourteen hours, including two hours for meals, between 6 A.M. and 8 P.M., or between 7 A.M. and 9 P.M., or between 8 A.M. and 10 P.M. in the works named in Sched. 2, for not more than three days in a week and thirty in a year; and in the works named in s. 50, for fifty days in a year; and the Secretary of State is authorized to extend these provisions to other Non-Textile Factories under certain conditions.	The same.
Sect. 51.—If a process be incomplete at the end of the period of employment in the works named in s. 51, children, young persons, and women may be employed for thirty minutes beyond the period of employment, provided the hours of work do not exceed the hours of work allowed by law, and the Secretary of State is authorized to extend these provisions under certain conditions.	The same.
Sect. 53.—Young persons and women may be employed so far as is necessary to prevent damage from spontaneous combustion in Turkey red-dyeing, and from atmospheric influence in open-air bleaching.	None.
Sect. 54.—Male young persons of fourteen years and upwards may be employed on day and night shifts in the factories named in Sched. 6, Part I., and the Secretary of State is authorized to permit the employment of male young persons of sixteen years of age in night shifts.	The same.
Sect. 56.—Male young persons of sixteen years of age may be employed at night in newspaper offices on two nights in a week, but not for more than twelve hours continuously.	The same.

TABULAR ANALYSIS OF THE REGULATIONS OF

Regulations to be observed in Textile Factories.

OVERTIME AND

MISCELLANEOUS

Sects. 32, 128.—Notice to be hung up of times of work and meals :— Abstract of Act. Names of inspectors and certifying surgeons. Clock by which hours of work are regulated. Number of persons allowed in each room.

Sect. 60.—Notice of special exception to be hung up, and notice to be sent to inspector. When working overtime under special exception, same to be entered in the general register.

Sect. 129.—General register to be kept of employment, limewashing, accidents, special exceptions, etc.

Sect. 32.—Hours of work to be regulated by a public clock - - -

Sect. 152.—Any person in a factory while machinery is in motion or while a manufacturing process is carried on deemed to be employed, unless the contrary be proved.

Sect. 127.—Occupier of factory to send notice to inspector within one month of commencing to work a factory.

Sect. 117.—Inspectors of weights and measures authorised to examine weights and measures used for checking wages, etc.

Sect. 116.—Particulars of work and wages to be given to piece workers.

THE FACTORY AND WORKSHOP ACT, 1901—*continued.*

Corresponding Regulations to be observed in	
Non-Textile Factories.	Workshops.
NIGHTWORK—*continued.*	
Sect. 55.—Male young persons of fourteen years and upwards may be employed in glassworks according to the accustomed hours of the works under certain conditions.	The same.
Sect. 103.—In laundries women may work fourteen hours a day on three days of the week, on thirty days of the year.	The same.
REGULATIONS.	
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.
The same as Textile - - - - - -	The same.

COMPARATIVE TABLE OF REPEALED ACTS AND ACT OF 1901.

The following table is designed to show at a glance the sections of the Act of 1901 *corresponding to each section of the Repealed Acts. It must be borne in mind that in a great many instances modifications have been introduced, and the comparison must, therefore, not be taken to be more than a general one.*

Act of 1878.	Act of 1901.	Act of 1878.	Act of 1901.
Section.	Section.	Section.	Section.
3	1.	31 *Repealed by Act of* 1891.	
4	5.	32	20, 124.
5	10.	33	1.
6, 7, 8 *Repealed by Act of* 1891.		34	99.
		35	100.
9	12, 13.	36	74.
10	23.	37	76.
11	24.	38	77.
12	25.	39	78.
13	26.	40	28.
14	27.	41	66.
15	26.	42 *Repealed by Act of* 1895.	
16	111, 115.		
17	33.	43	36.
18 *Repealed by Act of* 1891.		44	37.
		45	38.
19	32.	46	43.
20 *Repealed by Act of* 1891.		47	44.
		48	39.
21	34.	49	45.
22	35.	50	47.
23	68.	51	48.
24	69.	52	40.
25	70.	53	49.
26	71.	54	51.
27	63, 64.	55	53.
28	65.	56	50.
29	67.	57	52.
30	63, 64.	58	54.

ACT OF 1878.	ACT OF 1901.	ACT OF 1878.	ACT OF 1901.
Section.	Section.	Section.	Section.
59	56.	83	137.
60	55.	84	138.
61	29, 111.	85	139.
62	57.	86	140.
63	58.	87	141.
64	59.	88	143.
65	126.	89	144.
66	60.	90	145.
67	118.	91	146.
68	119.	92	147.
69 *Repealed by Act of* 1891.		93	149, 150.
		94	152.
70	121, 139.	95	72.
71	123.	96	156.
72	122.	97	114.
73	64.	98	114.
74	124.	99	142.
75	127.	100	41, 158.
76	32.	101	1.
77	129.	102	161.
78	128.	103 (*spent*).	
79	148.	104	134, 159, 160.
80	117.	105	159.
81	135.	106	160.
82	136.	107	161.

ACT OF 1883.	ACT OF 1901.	ACT OF 1883.	ACT OF 1901.
Section.	Section.	Section.	Section.
1, 2, 3, 4, 5, 6 *Not re-enacted.*		11, 12 *Repealed by Act of* 1891.	
		13	49, 50.
7, 8, 9, 10 *Repealed by Act of* 1891.		14	25, 27.
		15	97.
		16	98.
		17	102.
		18	102, 153, 154.
		19	159.
		20	160.

ACT OF 1889.	ACT OF 1901.	ACT OF 1889.	ACT OF 1901.
(Cotton Cloth.)		*(Cotton Cloth.)*	
Section.	Section.	Section.	Section.
4	90.	10	93.
5	90.	11	93.
6	91.	12 *Repealed by Act of* 1891.	
7	92.		
8	93.	13	95.
9	7.		

ACT OF 1891.	ACT OF 1901.	ACT OF 1891.	ACT OF 1901.
Section.	Section.	Section.	Section.
1	4.	20	134.
2	5.	21	111.
3	2, 125, 133.	22	21.
4	2.	23	118.
5	1.	24 *Repealed by Act of* 1895.	
6	10.		
7	14.	25	119.
8	79, 80, 81, 82.	26	127.
9	85.	27	107.
10 *Not re-enacted.*		28	119, 135, 137.
		29	146.
11	86.	30	147.
12	86.	31	149.
13	29.	32	41.
14	60.	33	159.
15	30.	34	35.
16	35.	35	159, 160.
17	61.	36	102.
18	62.	37	115, 156.
19	122.	38	Sched. 6, Pt. I.

ACT OF 1895.	ACT OF 1901.	ACT OF 1895.	ACT OF 1901.
Section.	Section.	Section.	Section.
1	3.	8	13.
2	18.	9	12.
3	5.	10	14, 16.
4	17.	11	14.
5	108.	12 *Not re-enacted.*	
6	109.		
7	10.	13	136.

ACT OF 1895.	ACT OF 1901.	ACT OF 1895.	ACT OF 1901.
Section.	Section.	Section.	Section.
14	49, 50, 54, 55, 58.	34	130.
15	129.	35	9.
16	31.	36	26, 27.
17	35.	37	49.
18	19.	38	54.
19	21.	39	151.
20	129.	40	116.
21	22.	41	127.
22	103.	42	107.
23	104, 105.	43	129.
24	87, 149.	44	127.
25	88.	45	119.
26	89.	46	122, 124.
27	99, 100, 101.	47	126.
28	79.	48, 49 *Obsolete.*	
29	73.	50	141.
30	75.	51	120.
31	96.	52	160.
32	6.	53	156, 161.
33	74.		

ACT OF 1897.	ACT OF 1901.
(*Cotton Cloth.*) *Not re-enacted.*	—

THE FACTORY ACTS.

THE FACTORY AND WORKSHOP ACT, 1901.

(1 Edw. 7, c. 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.

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

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

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

(c.) It must not be so overcrowded (*d*) 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 (*e*) 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.

(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 (*f*).

(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) (*g*) 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 (*h*) grant to that class of factories or parts thereof a special exception that the said provisions shall not apply thereto (*i*).

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

This section is a re-enactment with slight modifications of the provisions of ss. 3 and 33 of the repealed Act of 1878, as amended by ss. 3 and 5 of the repealed Act of 1891.

(*a*) **Application.**—There is a slight variation here from the repealed provisions. Sections 3 and 33 applied to "every factory." The present enactment applies to "every factory as defined by this Act, except a domestic factory," and the change is necessitated by the creation of a new term—"domestic factory." Under the old Acts, a separate class of workshops, "domestic workshops," was recognised, but there was no corresponding term, "domestic factories." It has now been recognised that certain kinds of domestic employment may be of such a nature as to bring the premises in which the employment is carried on within the definition of a factory, and accordingly, domestic workshops and domestic factories are separately defined and provided for. See ss. 111—115, *post*. "Factory" is defined by s. 149, *post* (*q.v.*).

(*b*) **Cleanliness.**—*I.e.*, the provisions of sub-s. (3), *infra*, must be complied with, unless a special exception has been granted under sub-s. (4).

(*c*) **Sanitary conveniences.**—The provision of sufficient and suitable accommodation in the way of sanitary conveniences is dealt with by s. 9, *post*.

(*d*) "**Overcrowding**" is defined in s. 3, *infra*.

(*e*) **Ventilation.**—Further provisions relating to ventilation are contained in ss. 6, 7, and 74, *post*, pp. 14, 15 and 102.

(*f*) **Non-application of Public Health Act, 1875.**—Section 91 of the Public Health Act, 1875, contains provisions relating to cleanliness, ventilation, and overcrowding in factories, workshops, and workplaces, which are similar to the provisions of this section, and are enforceable under that Act by the sanitary authority for the district in which the factory, workshop,

or workplace is situated. It is, however, the intention of the legislature that as far as factories (speaking generally) are concerned, their supervision, in the matter of cleanliness, ventilation, and overcrowding, shall be in the hands of the factory inspector, and not of the local sanitary authority, and accordingly this sub-section provides that s. 91 of the Public Health Act, 1875, shall not apply "to any factory to which this section applies," *i.e.*, to any factory as defined by the Act except a domestic factory. On the other hand, the immediate supervision of workshops (again speaking generally) as regards cleanliness, etc., is retained in the hands of the local sanitary authority by virtue of s. 2, *infra*, power being nevertheless given to the factory inspector by ss. 4 and 5 to interfere, in certain events, where the duties of the local authority are not satisfactorily performed. See further, as to this, ss. 2, 4, 5, *post*, and the notes thereto.

(*g*) **Special exceptions.**—*I.e.*, special exceptions granted by the Secretary of State under sub-s. (4) below. It may be observed that whereas limewashing and washing are rendered compulsory by this section in all factories except domestic factories, and factories specially exempted by order of the Secretary of State, they are not compulsory in the first instance in the case of workshops, although they can be made so on the certificate of a medical officer of health or inspector of nuisances. See s. 2 (3) below, and the notes thereto. For limewashing of bakehouses, see s. 99, *post*, and for whitewashing of cotton cloth factories, s. 94.

(*h*) **Special Orders.**—See s. 126, *post*.

(*i*) **Factories exempt from limewashing.**—Under the last clause of s. 33 of the repealed Act of 1878, of which sub-s. (3) of this section of the present Act is the re-enactment, the Secretary of State made an order dated November 16th, 1895 (which by s. 161 (2), *post*, continues to have effect as if made under this Act), whereby the following exemptions from limewashing and washing were granted :

SCHEDULE A.

The exemption of 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 herein-after mentioned :

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

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

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

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

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

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

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

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

Provided also, as to Schedule B.—

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.

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.

A further order was issued, dated Feburary 8th, 1896, exempting in like manner—

Shipbuilding works,
Gun factories,
Engineering and machine shops:

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 s. 3 of the said Act (replaced by s. 1 of the Act of 1901).

(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 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 part of a factory.

And a draft of a proposed order, to come into operation on April 1st, 1902, has been issued, exempting in like manner—

Electric generating works, and
Frame dressing rooms of lace factories or lace warehouses,

with provisos similar to those in the order of February 8th, 1896.

(*k*) **Penalty.**—By s. 135 the maximum penalty for not keeping a factory in conformity with the Act is £10, and for a second or subsequent offence within two years of the last conviction, £1 for each offence is the minimum penalty, and the occupier of the factory is the person liable. But, in the case of tenement factories, by s. 87 (*q.v.*) the owner (whether he is also one of the occupiers or not) is liable instead of the occupier, for the observance and punishable for the non-observance of the provisions of this section. This section is also applied to laundries in which steam, water, or other mechanical power is used by s. 103, *post*. Special sanitary regulations for bakehouses are made by ss. 97—102, *post*.

2. *Sanitary condition of workshops and workplaces.*] —(1.) The provisions of section ninety-one of the Public Health Act, 1875 (*a*), with respect to a factory,

workshop or workplace not kept in a cleanly state, or not ventilated (*b*), or overcrowded (*c*), shall apply to every factory, workshop and workplace, except any factory to which the last preceding section applies (*d*).

(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 (*e*).

(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 (*f*).

(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 (*g*) 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.

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

The last preceding section dealt with the sanitary condition of factories. This section, which is substantially a reproduction of

s. 4 of the repealed Act of 1891, deals with the sanitary condition of workshops, and is therefore complementary to s. 1. It specifically applies the provisions of s. 91 of the Public Health Act, 1875, to workshops, and thereby places their supervision in the hands of the district councils. It also adds certain provisions not contained in s. 91 of the Public Health Act, 1875, of a similar kind to those enforceable by the inspector in the case of factories. In the case of workshops in London, the provisions of the Public Health (London) Act, 1891, replace the provisions of this section. Crown factories and workshops alike are under the supervision of the inspector (s. 150).

The net result is that the sanitary regulations of s. 1 (relating to factories) and of this section (relating to workshops) are nearly identical, the main difference being that while limewashing and washing are compulsory in factories other than domestic factories, unless a special exemption is granted, they are not compulsory in the first instance in workshops or domestic factories, though they can be made so upon the certificate of a medical officer of health or inspector of nuisances. Furthermore, the supervision of the sanitary condition of a factory is in the hands of the factory inspector, while that of a workshop is in the first instance given to the local authority, provision being nevertheless made by ss. 4, 5, *post*, whereby the inspector may interfere in certain events, if the local authority fail in the due performance of their duties. The provisions of this section are applied to laundries in which mechanical power is not used by s. 103, *post*.

(*a*) **Public Health Act, 1875.**—Section 91 of the Public Health Act, 1875, which is fully set out in the Appendix, *post*, contains the same provisions as those of s. 1 (1) (a), (c) and (d), *supra*, and enacts that a factory, workshop, or workplace in which they are not observed shall be deemed to be a nuisance liable to be dealt with summarily. On being informed of the existence of a nuisance (s. 94), the local authority are to serve a notice upon the offender, or, if he cannot be found, upon the owner or occupier of the premises requiring the nuisance to be abated, and they may, under certain circumstances, abate it themselves. If the notice is not complied with (s. 95), or is likely to recur, the local authority may summon the person upon whom the notice was served before a justice, and the justice (s. 96) may then order the nuisance to be abated and prohibit its recurrence, and may also impose a penalty of £5 and costs. If the notice or order is not obeyed (s. 98), the offender is liable to a penalty of 10*s*. a day during his default, and the local authority may abate the nuisance themselves and recover the cost summarily from the offender.

In Scotland, the Public Health (Scotland) Act, 1897, and in Ireland the Public Health (Ireland) Act, 1878, replace the Public Health Act, 1875. See ss. 159, 160, *post*.

(*b*) **Ventilation.**—Further provisions as to ventilation are contained in ss. 6, 7, *infra*, and 74, p. 102, *post*.

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

(*d*) **Application.**—The last preceding section applies to "every factory as defined by this Act except a domestic factory," and therefore apparently the only factory to which this section can apply is a domestic factory. There are certain places, docks, wharves, etc., buildings in course of construction, and railway sidings (ss. 104—106), which are not "factories as defined by this Act," but to which certain provisions are applied as if they were factories. Those provisions, however, do not include the provisions relating to health, and therefore as regards sanitary matters, cleanliness, etc., these places are not factories at all, and cannot be intended to be referred to here.

(*e*) **Sanitary Conveniences.**—This provision, corresponding to s. 1 (1) (b), *supra*, is not contained in s. 91 of the Public Health Act, 1875, and is therefore specially enacted here. The provision of sufficient and suitable accommodation in the way of sanitary conveniences is dealt with by s. 9, *post*, and also by the following sections of the Public Health Acts: (1) Section 38 of the Act of 1875, or alternatively s. 22 of the Public Health Act, 1890; for the Act of 1890 being an adoptive Act, the effect of its adoption is to substitute for s. 38 of the Act of 1875 s. 22 of the Act of 1890. (2) Section 38 of the Public Health (London) Act, 1891. These sections of the Public Health Acts are set out in the Appendix, pp. 362—366, *post*.

(*f*) **Limewashing.**—As has been already pointed out, this sub-section contains the only matter in which there is a substantial variation between the sanitary regulations applicable to factories and those applicable to workshops. Limewashing and washing are compulsory in the former, except in the case of those specially exempted; in the latter they are not compulsory at the outset, but can be made so under this sub-section. It may be noted also that where the district council decide that limewashing or washing is necessary they may give the requisite notice either to the owner or the occupier of the workshop, whereas in the case of a factory (other than a tenement factory), the occupier alone is liable. For the corresponding expressions to "district council," "medical officer of health," etc. in the application of this Act to Scotland or Ireland, see ss. 159, 160, *post*.

(*g*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

(*h*) **Workshops in London.**—The Public Health (London) Act, 1891, contains provisions (including provisions as to limewashing and washing) which are practically identical with those

of s. 91 of the Act of 1875, as amplified by this section (see Appendix, *post*), and consequently it is unnecessary to apply this section to workshops in London.

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

(2.) Provided that the Secretary of State may, by special order (*d*), 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 (*e*).

(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.

This section defines the overcrowding prohibited by ss. 1 and 2 in factories and workshops respectively, by fixing the minimum proportion the amount of cubic feet of space contained in a room must bear to the number of persons employed therein, and gives to the Secretary of State power to vary that proportion in certain circumstances. Sub-sections (1), (2) and (4) reproduce s. 1 of the repealed Act of 1895. Sub-section (3) is a new provision.

(*a*) **Overcrowding in factories.**—See s. 1 (1) (c), *supra*.

(*b*) **Overcrowding in workshops.**—See s. 91 of the Public Health Act, 1875, in the Appendix, *post*, p. 363.

(*c*) **Overtime.**—See ss. 49—53, *post*, pp. 70—76.

(*d*) **Special Order.**—See s. 126, *post*, p. 180.

(*e*) **Workshop used as sleeping place.**—The power given to the Secretary of State by this sub-section is new. It should be noted that it does not extend to domestic workshops which are defined in s. 115, *post*. It has been exercised by an order dated January 17th, 1902, which fixes the proportion at 400 cubic feet.

4. *Power of Secretary of State to act in default of local authority.*]—(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, authorise 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 a reproduction in more concise language of s. 1 of the repealed Act of 1891. In the repealed section laundries and workshops conducted on the system of not employing women, young persons, or children therein (now described by the less cumbersome title of men's workshops) were specifically included. This is now unnecessary because the provisions of this Act relating to health are applied to laundries by s. 103, while in the case of men's workshops the parts of the Act which do not apply are enumerated in s. 157, and this section is not included in the excepted parts. This section, therefore, applies to laundries and men's workshops without their being specially mentioned. It empowers the inspector, if so authorised by the Secretary of State, to interfere and usurp the functions of the local sanitary authority if they fail in the performance of the duties assigned to them by s. 2, *supra*.

5. *Powers of inspector as to sanitary defects in factory or workshop remediable by sanitary authority.*] —(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 (*a*), 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.

(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 is a combination of ss. 4 of the Act of 1878 and 2 of the Act of 1891, as amended by s. 3 of the Act of 1895. Its effect is to ensure the proper carrying out of the provisions of the Public Health Acts with regard to sanitary conveniences in cases where the Factory Act does not apply; for the inspector, even if he be powerless to act himself in the first instance in the case of any matter which is properly within the province of the district council, can bring the matter before their notice, and then, if they do not attend to it within a month, can take proceedings himself.

(*a*) **Matters remediable under Public Health Acts.**—Such a case would arise, for instance, in a workshop in which the provisions of s. 2 (2), *supra*, had not been complied with, or in factories or workshops to which the provisions of s. 9, *infra*, do not apply. See sub-s. (4) of s. 9 and the notes thereto.

In *Tracey* v. *Pretty*, [1901] 1 Q. B. 444; 70 L. J. Q. B. 234, it was held that when an inspector takes proceedings under this section in an urban district the justices have no jurisdiction to inquire into the suitability or sufficiency of the sanitary accommodation existing at the factory or required by the inspector, but are bound to inflict a penalty if the notice has not been complied with. The court expressed an opinion that if the factory owner is dissatisfied with the notice he may appeal to quarter sessions under s. 7 of the Public Health Act, 1890 (53 & 54 Vict. c. 59), and there raise the question of the sufficiency of the accommodation.

The same rule would apply if the proceedings were taken by the sanitary authority.

This applies only to districts in which Part 3 of the Public Health Act, 1890, has been adopted, and to the administrative county of London. In all other districts the Secretary of State is to determine what accommodation is to be deemed suitable and sufficient. See s. 9 (2), *post*.

6. *Temperature in factories and workshops.*]—(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.

(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 (*a*).

Section 32 of the repealed Act of 1895 provided that adequate measures must be taken for securing and maintaining a reasonable temperature in each room, etc., but 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. Subsection (2) is also a new provision. The section does not apply to men's workshops (s. 157, *post*, p. 215).

(*a*) **Penalty.**—By s. 135 the maximum penalty for not keeping a factory or a workshop in conformity with the Act is £10. A second or subsequent offence within two years of the last conviction is punishable with a fine of not less than £1 for each offence, the occupier of the factory or workshop being the person liable. This section is applied to laundries by s. 103, *post*. It should be noted that the provisions of this section, though they relate to health, are enforceable in workshops by the inspector, and not by the district council.

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

(2.) The Secretary of State may, by special order (*a*), 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 (*b*) 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 (*c*).

(4.) If the occupier (*d*) 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 is practically a new provision. Under the old Acts, provision was made for ventilation by a fan or other mechanical means in cases where dust, etc., was generated to an injurious extent, and the enactment is kept alive by s. 74 of this Act, while the Cotton Cloth Factories Act, 1889 (52 & 53 Vict. c. 62), made

the admission every hour of a specified amount of fresh air compulsory in cotton cloth factories in which humidity was artificially produced. This section enables the Secretary of State to prescribe a standard of sufficient ventilation in any class of factory or workshop (including laundries) in which he thinks the establishment of such a standard to be necessary.

(*a*) **Special order.**—An order made on February 4th, 1902, provides that the means of ventilation to be provided and maintained in every textile factory, not being a cotton cloth factory, in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and in which special rules or regulations with respect to humidity are not for the time being in force, shall be such as to supply during working hours not less than 600 cubic feet of fresh air per hour for each person employed.

(*b*) **Supersession of other provisions.**—See ss. 90, 91, *post*, pp. 118, 119.

(*c*) **Penalty.**—The maximum penalty for not keeping a factory in conformity with the Act is £10, and for every second or subsequent offence within two years of the last conviction the penalty must be not less than £1 for each offence, the occupier being the person liable. (See s. 135.) For penalties in respect of nuisances under the Public Health Acts, and the procedure for recovering them, see note (*a*) to s. 2, *ante*, p. 8.

(*d*) **Occupier.**—The occupier is the person who is punishable for non-compliance with an order made under this section. This sub-s. (4) gives him a right to claim contribution from the owner for expenses incurred by him in bringing the premises occupied by him into conformity with any order so made, but not for any fine incurred by him for the breach thereof.

8. *Drainage of floors.*]—(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.

(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 (*a*).

This is also a new provision. It does not apply to men's workshops (s. 157, *post*, p. 215).

(*a*) **Penalty.**—See note (*c*) to s. 7, *supra*, and s. 135, *post*.

9. *Sanitary conveniences in factories and workshops.*] —(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 (*a*).

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

Sub-sections (1) and (3) of this section reproduce s. 35 of the repealed Act of 1895. Sub-section (2) is a new and important provision giving the Secretary of State power to define "sufficient and suitable accommodation." Sub-section (4) is new so far as it excepts the administrative county of London from the operation of this section, but places where the Public Health Act, 1890, is in force, were excepted under the old Acts. The section does not apply to men's workshops (s. 157, *post*, p. 215).

(*a*) **Penalty.**—See s. 135, *post*, p. 187. Laundries are included in the provisions of this section by s. 103. It should be observed that this section, like s. 6, *supra*, is directly enforceable (except in the cases excepted by sub-s. (4)) by the inspector in workshops as well as in factories, although a sanitary provision.

(*b*) **Exception of administrative county of London.**—The Public Health (London) Act, 1891, contains, in s. 38, similar provisions to those of this section ; see Appendix, *post*. The effect of this exception, therefore, is simply to assign the duty of seeing that there is sufficient accommodation in factories, etc., in London, to the local authority instead of to the inspector. It may be observed, however, that the inspector has still power to interfere, by virtue of s. 5, *supra*, where the local authority do not perform their duty satisfactorily. It may also be observed that under the Act of 1891, either the owner or the occupier may be proceeded against, and that the penalty is higher.

(*c*) **Exception of places where Public Health Act, 1890, is operative.**—The Public Health Act, 1890, contains in s. 22 (see Appendix, *post*), provisions similar to those of this section, and of s. 38 of the Act of 1891. It is an adoptive Act, and therefore the effect of this exception is to assign the duty of seeing that there is sufficient accommodation in manufacturing premises to the local authority, wherever the Act has been adopted. Here again, however, the inspector has the power of interfering, under s. 5, *supra*, where the local authority make default. The penalty under the Act of 1890, is the same as under the London Act, and proceedings may be taken against either the owner or the occupier.

It should be noted that even where neither the Act of 1890 nor the London Act is in force, the local authority have still powers of supervision in matters of sanitary accommodation, where persons of both sexes are employed by virtue of s. 38 of the Public Health Act, 1875 (see Appendix, *post*). It would seem, therefore, that in these instances, there is a power of supervision vested in the inspector under s. 9, *supra*, and a similar power vested in the local authority under s. 38 of the Public Health Act, 1875. The last-named section is wider in its application, and includes "any house used or intended to be used as a . . . building in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade, or business." It therefore covers a number of cases which are not within the Factory Act. The penalty, as in the case of the other two Public Health Acts above mentioned, is also higher than under the Factory Act, and either the owner or the occupier may be made liable. On the other hand, the section only applies where persons of both sexes are employed.

(ii.) SAFETY.

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

(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 (*a*) ; 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 (*b*) 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 (*c*).

This section is a reproduction of s. 5 of the repealed Act of 1878, as amended by s. 6 (2) of the repealed Act of 1891 and s. 7 (1) of the repealed Act of 1895.

(*a*) **Fencing of engines.**—In the case of *Johnson* v. *Richardson* (unreported ; in the Queen's Bench Division, June 4th, 1896) it was held under the sub-section which is here re-enacted that the gear-wheels of the governor of a steam-engine must be fenced, notwithstanding the fact that the engine, as a whole, was fenced by a barrier running all around it.

(*b*) **Dangerous machinery.** — By s. 156 the expression "machinery" is defined as including every driving strap or band. The expression "mill-gearing" is defined in the same section (*q.v.*).

The words "all dangerous parts of the machinery," which were added by the Act of 1891, are important. Before the Act of 1891 there was an absolute obligation to fence only in the case of mill-gearing, *i.e.*, the portion of the machinery by which power was transmitted, while with regard to the rest of the machinery if the inspector notified any part of it to be dangerous and the occupier disputed his decision, the question whether it was dangerous or not was to be determined by arbitration. Now the obligation to fence extends to all dangerous machinery; see *Redgrave* v. *Lloyd*, [1895] 1 Q. B. 876; 64 L. J. M. C. 155; 72 L. T. 565; 43 W. R. 527; 59 J. P. 293, in which the word "machinery" used here was held to include all the operative machinery in a factory, and not only machinery *ejusdem generis* with mill-gearing. The question whether machinery is dangerous or not is a question of fact for the magistrate to determine in each case.

The case of *Hindle* v. *Birtwistle*, [1897] 1 Q. B. 192; 66 L. J. Q. B. 173; 76 L. T. 159; 45 W. R. 207; 61 J. P. 70, is also an important decision upon the construction to be put upon this section. It was there held that the enactment applies to all machinery from which, in the ordinary course of working it, danger may reasonably be anticipated, although such danger may arise by reason only of careless working or of external causes.

It may be observed that this sub-s. (c.) differs slightly from its two predecessors, (a.) and (b.), in that the machinery of the kind described in sub-s. (c.) need not be fenced if it is as safe as it would be if fenced, whereas the particular kinds of machinery described in sub-ss. (a.) and (b.) must be fenced in any case; and therefore it is no defence to say that such machinery is safe without fencing. See *Doel* v. *Sheppard* (1856), 5 E. & B. 856; 25 L. J. Q. B. 124.

(*c*) **Penalty.**—The maximum penalty for not keeping a factory in conformity with the Act is £10, with a minimum penalty of £1 for every second or subsequent offence within two years of the last conviction. See s. 135, *post*. The occupier is the person liable; but see s. 142, *post*, which makes the owner or hirer of a machine liable in certain cases. Also in the case of tenement factories, by s. 87, *post* (*q.v.*), the liability is transferred to the owner (whether he is also one of the occupiers or not), except as regards machinery supplied by the occupier. This portion of the Act, relating to safety, is applied to laundries in which machinery is used by s. 103, *post* (*q.v.*).

Provisions with regard to self-acting machines will be found in

s. 12, *post*. See also s. 13 as to cleaning machinery in motion, and s. 17 as to use of a machine in such a condition as to be dangerous.

11.—*Steam boilers.*]—(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 (*a*).

(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 (*b*), and he shall register the report referred to in this section.

This is a new provision. For prohibition of the use of a dangerous boiler, see s. 17, *post*.

(*a*) **Penalty.**—See note (*c*) to s. 10, *supra*, and s. 135, *post*; but note that in the case of tenement factories the provisions of sub-s. (6) of this section, *infra*, apply instead of s. 87.

(*b*) **Owner substituted for occupier.**—These words are presumably intended to apply only in the case of tenement factories, though they are perhaps capable of meaning that for the purposes of this section the owner is to be substituted for the occupier in every case.

12.—*Regulations as to self-acting machines.*]—(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 (*a*) 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 (*b*).

The first sub-section down to the words "employment or otherwise" and the second sub-section are the re-enactment of sub-ss. (1) and (2) respectively of s. 9 of the former Act of 1895. The proviso in sub-s. (1) relating to cotton and woollen spinning machines is new. Sub-section (3) reproduces the third paragraph of s. 9 of the old Act of 1878. For prohibition of the use of dangerous machinery, see s. 17, *post*.

(*a*) **Allowed.**—In *Crabtree* v. *Fern Spinning Co., Limited*, [1901] 85 L. T. 459; 50 W. R. 167, a young person was cleaning a self-acting machine. The machine was stopped with the traversing part on the outward run, and the young person entered the space between the fixed and traversing parts. When he had been there some time the foreman, thinking that he was no longer there, started the machine, and so caused his death. Lord ALVERSTONE, C.J., and DARLING and CHANNELL, JJ., held that the words "must not be allowed" in s. 12, *ante*, p. 22, are not equivalent to "must be prevented," and that under the circumstances the occupiers of the factory had not infringed the law, since the foreman had no idea that the young person was within the space referred to in the sub-section when he started the machine.

(*b*) **Penalty.**—The penalty for not keeping a factory in conformity with the Act is contained in s. 135, *post*, and for employment contrary to the Act in s. 137. See also note (*c*) to s. 10, *supra*. It may be noted that under the old Acts the penalty for employment contrary to their provisions related only to children, young persons and women, and that therefore, although the enactment corresponding to sub-s. (2), *supra*, applied to "a person employed in a factory," no penalty could be imposed if such person were a male adult. This defect has now been remedied by the substitution of the words "any person" in the penalty clause (s. 137) for the words "a child, young person or woman" in the corresponding section (s. 83) of the Act of 1878. With regard to the fencing of machinery, see s. 10, *supra*, and the cleaning of machinery, s. 13, *infra*.

13.—*Restrictions on cleaning when machinery is in motion.*]—(1.) A child (*a*) 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 (*b*),

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

(2.) A young person (*d*) must not be allowed to clean any dangerous part of the machinery in a factory while the machinery is in motion (*c*) 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 (*e*) as are so notified by an inspector to the occupier of the factory.

(3.) A woman (*f*) 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 (*c*) 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 (*g*).

Sub-section (1), (b) of this section is a new provision. The remainder of the sub-section is a reproduction of the first paragraph of s. 9 of the Act of 1878.

Sub-section (2) reproduces s. 8 of the Act of 1895, and sub-s. (3) the second paragraph of s. 9 of the Act of 1878. For prohibition of use of dangerous machinery, see s. 17, *post*.

(*a*) **Child.**—The expression "child" is defined in s. 156, *post*.

(*b*) **Machinery.**—See note (*b*) to s. 10, *supra*.

(*c*) **Machinery in motion.**—In *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, which was decided under s. 9 of the repealed Act of 1878, it was held that this provision is not limited to cleaning the moving parts of a machine ; but that if the machinery as a whole is in motion it is not permissible to clean any part of it, even though the actual part so cleaned is at rest.

(*d*) **Young person.**—The expression "young person" is defined in s. 156, *post*.

(*e*) **Burden of proof.**—The effect of this provision is to cast upon the occupier the burden of proving that the machinery is not in fact dangerous, and it is probable that a wider meaning would be given to the word "dangerous" in this section than was put upon it in the cases decided under s. 10, *supra*.

(*f*) **Woman.**—The expression "woman" is defined in s. 156, *post*.

(*g*) **Penalty.**—See s. 137, *post*, and note (*c*) to s. 10, *supra*. With regard to self-acting machines and the fencing of machinery, see ss. 10, 12, *supra*.

14. *Provision of means of escape in case of fire.*]—(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 (*a*) 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 (*b*); 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 (*c*).

(2.) With respect to all factories and workshops to which the foregoing provisions of this section do not apply (*d*) 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 (*e*) of the factory or workshop a notice in writing specifying the measures necessary for providing such means of escape as aforesaid and requiring him (*f*) 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 (*g*) 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 sub-section, 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 to this Act (*h*) 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 (*i*), 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 (*k*), and if it is not so maintained the factory or workshop shall be deemed not to be kept in conformity with this Act (*b*).

(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 (*l*).

(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 part of their expenses of the general execution of the Public Health Act, 1875 (*m*) ; and

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

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

Sub-section (1) of this section reproduces s. 7 (1) of the Act of 1891 as amended by s. 10 (4) of the Act of 1895, with slight modifications. Sub-ss. (2)—(4) re-enact sub-s. (2) of the Act of 1891 as amended by s. 11 of the Act of 1895. Sub-section (5) reproduces s. 10 (5) of the Act of 1895.

Sub-sections (6) and (7) are new provisions.

Sub-section (8) reproduces s. 7 (3) of the Act of 1891.

(*a*) **Escape from fire.**—The Act of 1891 contained the words "on the storeys above the ground floor" after the words "is provided."

(*b*) **Penalty.**—See s. 135, *post*. Note that means of escape from fire having once been provided (whether by the occupier under sub-s. (1) or the owner under sub-s. (2)), the liability for their maintenance is upon the occupier, except in the case of tenement factories (sub-s. (7)).

(*c*) **Details of means of escape.**—The last sentence of this sub-section is new.

(*d*) **Other factories and workshops.**—*I.e.*, factories and workshops of which the construction was commenced before the dates specified in sub-s. (1).

(*e*) **Owner.**—It is to be observed that the owner is the person who is made liable under this sub-section. See, however, the provisions of sub-s. (4), *infra*. See also sub-s. (7) with regard to tenement factories.

(*f*) **Rights of third parties.**—The owner cannot be compelled to carry out works which would infringe the rights of third parties. Thus, in *London County Council* v. *Lewis* (1900), 69 L. J. Q. B. 277 ; 82 L. T. 195 ; 64 J. P. 39, the owner of a building let the upper floors to different persons on lease, and businesses were carried on there of such a kind as to render those floors non-textile factories. The lower floors were let on lease to other persons as warehouses. The county council served a notice on the owner to construct a staircase through the lower floors to the upper ones. The Queen's Bench Division held that the lower floors were not part of a factory, and that there was no jurisdiction to compel the owner to do anything which would be an encroachment on the tenants of the lower floors.

(*g*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

(*h*) **Arbitration rules.**—See p. 224, *post*.

(*i*) **Powers of inspector.**—See s. 5, *supra*, and the notes thereto.

(*k*) **Maintenance of means of escape.**—This sub-section is a new and very necessary addition to the provisions of the older Acts. It enacts that means of escape from fire having been duly provided under the foregoing sub-sections, they shall be maintained in good condition, etc.

(*l*) **Owner substituted for occupier.**—See note (*b*) to s. 11, *supra*.

(*m*) **Expenses.**—*I.e.*, out of the rates. See s. 207 (urban councils), and ss. 229, 230 (rural councils) of the Public Health Act, 1875.

15. *Byelaws for means of escape from fire.*]—Every district council shall, in addition to any powers which they possess with reference to the 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 (*a*), shall apply to any byelaws so made.

This is a new provision. Sub-section (1) of s. 10 of the Act of 1895 empowered a court of summary jurisdiction to make an order, at the instance of an inspector, for the provision of moveable fire-escapes, but this enactment has not been kept alive, and in its place a more general power has been given to district councils to make byelaws providing such means of escape from fire as may be best suited to the needs of the locality.

(*a*) **Byelaws.**—The sections referred to prescribe the manner in which byelaws are to be made, confirmed, and proved, and authorise the local authority to impose penalties which are not to exceed £5 for each offence, and 40*s.* a day for a continuing offence.

16. *Doors of factory or workshop to open from inside.*]—(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 (*a*).

This section reproduces s. 10 (2), (3) of the Act of 1895. It does not apply to men's workshops (s. 157, *post*, p. 215).

(*a*) **Penalty.**—See s. 135, *post*, p. 180.

17. *Power to make order as to dangerous machine.*]—(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 (*a*) used in a factory or workshop (including a steam boiler used for generating steam (*b*)) 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.

(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 (*a*) 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 (*a*) shall be liable to a fine not exceeding forty shillings a day during the contravention.

☞ This section is a reproduction, with certain alterations, of s. 4 of the Act of 1895. It supplements the provisions as to dangerous machinery contained in ss. 10—13, *ante*, and is applied by ss. 104—106 to docks, etc., buildings and railways. It does not apply to men's workshops (s. 157, *post*, p. 215).

(*a*) "**Ways, works, machinery or plant.**"—These words are substituted for "any machine" in the Act of 1895. They are reproduced from s. 1 of the Employers' Liability Act, 1880 (42 & 43 Vict. c. 42). See Appendix, *post*, p. 331.

(*b*) **Steam-boiler.**—The words in parentheses are also new. For other provisions as to steam boilers, see s. 11, *ante*, p. 21.

18. *Power to make order as to unhealthy or dangerous factory or workshop.*]—(1.) A court of summary juris-

diction 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 authorised 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 (*a*).

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

This section is a reproduction of s. 2 of the Act of 1895, with certain necessary verbal alterations.

(*a*) **Powers of Inspector.**—This sub-section is somewhat obscure. Its effect apparently is that in the case of a workshop or a domestic factory the inspector cannot take proceedings under this section unless the district council have made default in the performance of their duties under s. 91 of the Public Health Act, 1875, or the corresponding sections of the other Public Health Acts. See ss. 1, 2, 4, 5, *supra*. It should, however, be observed that district councils have apparently no power under the Public Health Acts to obtain an order of the kind mentioned in this section.

(iii.) ACCIDENTS.

19.—*Notice of accidents causing death or bodily injury.*]—(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 (*a*),

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 (*b*), 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.

(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 (*e*) not exceeding five pounds.

This section is a reproduction of s. 18 of the Act of 1895.

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

Upon the occurrence of an accident, it is the duty of the occupier to send notice thereof to the inspector for the district, and if the accident causes loss of life, or is caused by machinery moved by steam, water, or other mechanical power, or through a vat, etc., filled with hot liquid or molten metal, or by explosion or escape of gas, steam, or metal, notice shall be sent to the certifying surgeon for the district, unless notice is required by s. 63 of the Explosives Act to be sent to a Government inspector.

If a certifying surgeon be obstructed in making an investigation, the penalty will be the same as for obstructing an inspector. For "powers of inspector," see s. 119, *post*, p. 172.

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

Further, by ss. 103—106, it is enacted that the provisions of this Act with respect to notice of accidents, and the formal investigations into them, shall have effect as if (1) laundries (s. 103); (2) docks, wharves, quays, and warehouses, and certain machinery (s. 104); (3) buildings in construction by the aid of mechanical power (s. 105); and

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

(b.) Any building exceeding thirty feet in height, in which more than twenty persons, not being domestic servants, are employed for wages (s. 105);

were included in the word "factory," and as if, in the first of the two latter cases, 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; and also (5) certain railway lines and sidings used in connection with a factory, etc.

Section 129 (*q.v.*), makes the further provision that the occupier shall keep a register of all accidents occurring in his

factory or workshop, and that the certifying surgeon shall at all times have inspection of this register, under pain of a penalty of £5. Extracts from the register must also be sent to the inspector as required.

(*a*) "**Ordinary work.**" — The words are important. They give effect to the decision in *Lakeman* v. *Stevenson* (1868), L. R. 3 Q. B. 192; 37 L. J. M. C. 58; 18 L. T. 539; 16 W. R. 509, in which it was held that where an injured person came back to work temporarily upon something which was not his ordinary work, and could not in fact do his ordinary work, he was "prevented from returning to his work" within s. 22 of 7 & 8 Vict. c. 15, one of the numerous Acts which were consolidated in the repealed Act of 1878.

(*b*) **Explosives Act, 1875.**—See Appendix, *post*, p. 361.

(*c*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

20. *Investigation of and report on accidents by certifying surgeon.*]—(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.

(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.

This section is a reproduction of the first two paragraphs of s. 32 of the Act of 1878.

21. *Inquest in case of death by accident in factory or workshop.*]—(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 proceedings, 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.

This section is a reproduction of sub-s. (3) of s. 22 of the Act of 1891, as supplemented by s. 19 of the Act of 1895. It does not apply to men's workshops (s. 157, *post*, p. 215).

22. *Power to direct formal investigation of accidents.*]—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 :

(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.

This section is in effect a re-enactment of s. 21 of the Act of 1895. It is, however, taken practically *verbatim* from ss. 45 and 46 of the Coal Mines Regulation Act, 1887 (50 & 51 Vict. c. 58).

PART II.

EMPLOYMENT.

(i.) HOURS AND HOLIDAYS.

23. *Restrictions on period of employment of women, young persons and children.*]—A woman, young person or child shall not be employed (*a*) in a factory or workshop except during the period of employment hereinafter mentioned.

This section is a reproduction of s. 10 of the Act of 1878.

(*a*) **Definitions.**—For definition of "employment," see s. 152, *post*, p. 210, and for definition of "woman," "young person," and "child," see s. 156 (1), *post*, p. 212. For penalty, see s. 137, *post*, p. 190.

24. *Hours of employment in textile factories—young persons and women.*]—With respect to the employment of women and young persons in a textile factory, the following regulations shall be observed (*a*) :

(1.) The period of employment (*b*), 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 (*c*).

This section is a reproduction of s. 11 of the Act of 1878 with the following differences :—In sub-s. (3) (a) the words "at noon" and "half-past twelve o'clock" have been substituted for "one o'clock" and "half-past one o'clock." In sub-s. (3) (b) the words "half-past eleven o'clock" and "noon" are substituted for "half-past twelve" and "one." In sub-s. (4) the words "half-past twelve o'clock" and "one o'clock" have been substituted for "half-past one" and "two o'clock."

(*a*) **Definitions.**—The expressions "woman" and "young person" are defined by s. 156, *post*, and "textile factory" by s. 149. Print works and bleaching and dyeing works, though declared to be non-textile, have the same hours of employment as textile factories except that continuous work for five hours without a meal is permitted in them. See s. 28, *post*, p. 46.

(*b*) **Exceptions.**—The only exceptions to the above are :

Continuous employment for five hours (s. 39).

Recovery of lost time in water-mills (s. 52).

Employment on Saturday and overtime in factories of Jewish occupiers (s. 47).

Employment of male young persons above sixteen in lace factories (s. 37.)

A definition of "employment" as regards children, young persons, and women is given in s. 152, *post*, p. 210.

(*c*) **Further restrictions.**—By s. 31, *post*, p. 49, 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.

Penalty.—See s. 137, *post*, p. 190.

25. *Hours of employment in textile factories—children.*]—With respect to the employment of children (*a*) in a textile factory, the following regulations shall be observed (*b*) :

(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 continously for more than four hours and a half without an interval of at least half an hour for a meal (*c*).

This section is in effect a reproduction of s. 12 of the Act of 1878 as amended by s. 14 of the Act of 1883.

(*a*) **Definitions.**—The expression "child" is defined in s. 156, *post*, p. 212, and "textile factory" by s. 149, *post*. p. 200.

(*b*) **Exception.**—The only exception to the above is continuous employment for five hours in certain factories (ss. 28, 39, *post*, pp. 46, 59).

(*c*) **Further restrictions.**—A child shall not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop.

Penalty.—See s. 137, *post*, p. 190.

26. *Hours of employment in non-textile factories and workshops—young persons and women.*]—With respect to the employment of women and young persons in a non-textile factory (*a*) and a workshop, the following regulations shall be observed :

(1.) The period of employment, except on Saturday, shall (save as is in this Act specially excepted) (*b*) 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) (*c*) 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 (*d*).

This section is in effect a re-enactment of ss. 13 and 15 of the Act of 1878, as amended by s. 36 of the Act of 1895. Prior to the Act of 1895, authority to work between 8 a.m. and 8 p.m. on the first five days of the week, and from 8 a.m. to 4 p.m. on Saturday, was restricted to certain scheduled non-textile factories and workshops, and to others to which the modification had been granted by the Secretary of State ; it is now applicable to all non-textile factories and workshops. Employment between 9 a.m. and 9 p.m. may be allowed by the Secretary of State in certain cases. See s. 36, *post*, p. 55.

The regulations of this Act with respect to the employment of

women are, by s. 57, *post*, p. 80, not to apply to women employed under certain conditions of work in flax scutch mills.

(*a*) **Definitions.**—The expression "non-textile factory" is defined in s. 149, *post*, p. 200, and "woman" and "young person" in s. 156, *post*, p. 212.

(*b*) **Exceptions.**—The exceptions are: Print works, bleaching and dyeing works (s. 28); women's workshops (s. 29); factories and workshops mentioned in special orders of Secretary of State (s. 36); employment of male young persons above sixteen in bakehouses (s. 38); employment upon fish and fruit preserving (s. 41), and in creameries (s. 42); factories and workshops occupied by Jews; and the regulations with regard to overtime in certain cases (ss. 42—53 inclusive); also the employment of male young persons on night-work in certain cases (ss. 54—56). Laundries do not come within this section (see s. 103, *post*, p. 135).

(*c*) **Exceptions as to Saturday employment.**—These are the same as in note (*b*), *supra*, with the addition of the special provision for the eight hours employment of women and young persons in s. 30, *infra*, and the Saturday employment of women and young persons in Turkey red dyeing in s. 44. As to substitution of another day for Saturday, see s. 43.

(*d*) **Penalty.**—See s. 137, *post*, p. 191.

27. *Hours of employment in non-textile factories and workshops—children.*]—With respect to the employment of children in a non-textile factory and a workshop, the following regulations (*a*) 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 is a re-enactment of s. 14 of the Act of 1878, as amended by s. 14 of the Act of 1883, and s. 36 (3) of the Act of 1895, with one exception. By one clause of s. 36 (3) of the Act of 1895, the period of employment for a child in an afternoon set on Saturday might end at four o'clock in the afternoon, provided that the period of employment for women and young persons was from 8 a.m. to 8 p.m. This provision has not been re-enacted, and now a child employed in an afternoon set cannot, subject to the exceptions mentioned below, be employed later than 2 p.m.

(*a*) **Exceptions.**—These are employment in certain non-textile and factories and workshops mentioned in an order of the Secretary of State under s. 36, and overtime employment on incomplete processes (s. 51).

28. *Hours of employment in print works and bleaching and dyeing works.*]—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.

This section is a reproduction of s. 40 of the repealed Act of 1878.

Print works, bleaching and dyeing works are declared by s. 149 to be non-textile factories, and are subject to all the provisions, including the length of spell, affecting such works; the periods of employment, however, are the same as in textile factories. See the two last preceding sections.

29. *Special provisions as to employment in women's workshops.*]—(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—

(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.

The first sub-section of this section reproduces s. 13 of the Act of 1891, and sub-s. (2) reproduces the last paragraph but one of s. 61 of the Act of 1878.

30. *Special provision as to eight hours employment of women and young persons.*] — 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.

This section reproduces s. 15 of the Act of 1891.

31. *Restriction on employment inside and outside factory or workshop on same day.*]—(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.

(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.

(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 (*a*), 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 (*a*), except during the period of employment fixed by the occupier and specified in a notice (*b*) 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 (*c*).

The section reproduces the first five sub-sections of s. 16 of the Act of 1895. Sub-section (4), (b) is, however, a new provision.

(*a*) **Shop.**—By s. 3 (2) of the Shop Hours Act, 1892 (Appendix, *post*, p. 367), a young person may not be employed to the shopkeeper's knowledge, first in a factory or workshop, and afterwards in a shop, for a longer period than that for which a young person may be employed in a factory or workshop. The above section extends that provision to the case of women also if the person who employs them in the factory or workshop is also their employer in the shop.

The section deals with fetching or taking out work, and errands connected with the business of the factory or workshop, and also with work at home. But for it, extra work might be done outside the factory or workshop which would not be reckoned in the period of employment in the factory or workshop.

(*b*) **Notice.**—See s. 32, *infra*.

(*c*) **Penalty.**—See s. 137, *post*, p. 190.

32. *Notice fixing hours of employment, etc.*]—(1.) The occupier of every factory and workshop may fix within the limits allowed by this Act (*a*) and shall, subject to any special exceptions (*b*) 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 (*c*) 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.

The first three sub-sections of this section reproduce s. 19 of the repealed Act of 1878. Sub-section (4) reproduces s. 76 of the same Act.

(*a*) **Limitation.**—*I.e.*, the employment, etc., specified in the notice must be of the kind allowed by the Act.

(*b*) **Exceptions.**—By s. 87, if the factory is a tenement factory, the owner (whether or not he is a person in occupation) is, instead of the occupier, made liable for non-observance of this provision, but it is further provided that the occupier may affix his own notices if he pleases (see p. 114, *post*).

The occupier of a domestic factory or workshop is not required to affix notices. See s. 111 (4), *post*, p. 156.

By s. 151 the Secretary of State is empowered to order, with respect to any class of factories or workshops, that separate branches of the same factory or workshop may be treated as if they were separate factories or workshops; and orders have been issued by which the separate branches of certain factories and workshops named therein may, so far as regards the employment of children, young persons, and women, be treated as if they were separate factories or workshops in accordance with the powers given by the section. See the notes to s. 151, *post*, p. 206.

(*c*) **Public clock.**—As to urban authorities' powers to provide public clocks, see s. 165 of the Public Health Act, 1875 (38 & 39 Vict. c. 55).

Penalty.—The penalty for not affixing notices is contained in s. 128 (2), *post*, p. 182.

33. *Meal times to be simultaneous, and employment during meal times forbidden.*]—With respect to meals the following regulations shall (save as in this Act specially excepted (*a*)) be observed in a factory and workshop:

(1.) All women, young persons and children employed 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.

This section is a reproduction of s. 17 of the Act of 1878.

(*a*) **Exceptions.**—This section does not apply to domestic factories or workshops (see s. 111), or to the occupations referred to in s. 40, an exemption which the Secretary of State has authorised to be extended to other occupations.

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

This section is a reproduction of s. 21 of the Act of 1878.

(*a*) **Exceptions.**—Young persons and women of the Jewish religion may, under certain circumstances, work on Sundays (see ss. 47 and 48), and male young persons working day and night by relays in blast furnaces and paper mills may also work on Sundays (see s. 54). But by s. 55 young persons cannot be employed in glass works on Sundays.

35. *Annual holidays and half holidays.*]—(1.) Subject to any special exceptions made by or in pursuance of this Act (*a*), 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 (*b*), 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 sub-section 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*) ;

(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 (*c*).

(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 (*c*) not exceeding five pounds.

The whole of the provisions of the repealed Acts with regard to holidays over the whole of the United Kingdom are now collected in this one section, which is a combination of s. 22 of the Act of 1878, ss. 16, 33, 34 of the Act of 1891, and s. 17 of the Act of 1895.

(*a*) **Exceptions.**—These provisions do not apply to male young persons employed in day and night sets (s. 54), or to domestic workshops (s. 111). For the Secretary of State's power to give different sets of children, young persons and women holidays at different times in non-textile factories and workshops, see s. 45, *post*, p. 67.

(*b*) **Bank holidays.**—*I.e.*, Easter Monday, the Monday in Whitsun week, the first Monday in August, and December 26th, if a week day, otherwise the 27th. See Bank Holidays Act, 1871 (34 & 35 Vict. c. 17), and the Holidays Extension Act, 1875 (38 & 39 Vict. c. 13).

(*c*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

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

36. *Employment between 9 a.m. and 9 p.m. in certain cases.*]—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.

This section reproduces s. 43 of the Act of 1878. The enactment is necessary to provide for the customs in some trades in which work never begins before 9 a.m., but it does not permit children to be employed after 8 p.m.

The exception authorised by this section is allowed only in th following factories and workshops, and subject to the followin conditions :

1. Workshops in which the curing of fish is carried on (by order dated December 20th, 1882).
2. Factories in the metropolis in which bookbinding is carried on between the first day of September and the last day of February following, subject to the condition that there shall be a cubic space of at least 400 feet for every young person and woman employed under the exception (by order dated January 12th, 1884).
3. Workrooms in connection with draper's retail establishments within the boroughs of Manchester and Salford ; subject to the same condition (by order dated April 15th, 1884.)
4. Factories and workshops for the manufacture of straw hats and bonnets ; subject to the conditions, (1) that there shall be a cubic space of at least 400 feet for every young person and woman employed after 8 p.m., and (2) that neither young persons nor women be employed under any circumstances after 9 p.m. (by order dated April 27th, 1887).

37. *Employment of male young persons above* 16 *in lace factories.*]—(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 (*a*), 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 (*a*), 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 (*a*), 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 is a re-enactment of s. 44 of the Act of 1878.

(*a*) **Ordinary period of employment.**—See sub-s. (2), *infra*, and s. 24, *ante*, p. 38.

38. *Employment of male young persons above* 16 *in bakehouses.*]—(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:

(a) Where he is employed on any day before the beginning or after the end of the ordinary period of employment (*a*), 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 employment (*a*), 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 (*a*), 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 is a reproduction of s. 45 of the Act of 1878. It formerly contained a provision permitting the Secretary of State under certain circumstances to authorise the employment of male young persons above sixteen in bakehouses as though they were no longer young persons, but this provision has not been re-enacted.

(*a*) **Ordinary period of employment.**—See sub-s. (2), and s. 26, *ante*, p. 42.

39. *Five hours' spell in certain textile factories.*]—(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 (*a*). 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 (*b*).

This section reproduces s. 48 and Sched. 3, Part VII. of the Act of 1878. The further extension permissible in the case of hosiery factories under sub-s. (3) is new.

(*a*) **Extension.**—By order, dated December 20th, 1882, this exception has been extended to--

Hosiery factories,

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

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

(*b*) **Hosiery Factories.**—No order to this effect has as yet been made.

40. *Different meal times for different sets, and employment during meal times.*]—(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

(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 (*a*), extend both or either of those exceptions accordingly.

This section reproduces s. 40 and Sched. 3, Part II. of the Act of 1878.

(*a*) **Extension.**—By order dated December 20th, 1882, exceptions (a) and (b) have been extended to—

(a) textile factories wherein female young persons or women employed in a distinct department in which there is no machinery commence work at a later hour than the men and other young persons, subject to the condition that all in the same department shall have their meals at the same time ;

(b) non-textile factories and workshops wherein is carried on the making of wearing apparel ;

(c) non-textile factories and workshops wherein there are two or more departments or sets of young persons, subject to the condition that all in the same department or set shall have their meals at the same time ;

(d) the following non-textile factories and workshops, viz :— Dressing floors, tin streams, china clay pits, and quarries, in the county of Cornwall ;

and by order, dated February 24th, 1887, to non-textile factories wherein is carried on the making of bread and biscuits by travelling ovens.

Also by order dated May 1st, 1896, exemption (a) has been extended 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 showing 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.

Also by order dated July 20th, 1899, exceptions (a) and (b) have been 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.

Also by order dated September 6th, 1899, exceptions (a) and (b) have been 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.

41. *Special exceptions as to fish and fruit preserving.*] —(1.) The provisions of this Act as to period of employ-

ment, times for meals and holidays shall not apply to young persons and women engaged—

(a) in processes in the preserving and curing of fish (*a*) 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

(b) in the process of cleaning and preparing fruit (*a*) 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.

The sections of the former Acts corresponding to sub-s. (1) of this section are s. 100 (2) of the Act of 1878, and s. 32 of the Act of 1891. It should be noted that the former Acts exempted the processes named from all the provisions of the Factory Acts, whereas the exemption is now limited to young persons and women, and to the provisions as to period of employment, times for meals, and holidays. The power given by sub-s. (1) (b), to the Secretary of State to impose conditions is entirely new, as is also the whole of sub-s. (2). The result is that these processes are now subject to all the provisions of the Factory Acts, except those specially excepted above. It should also be specially noted that children are no longer within the exception.

(*a*) **Fish and fruit preserving.**—Care must be taken not to confuse these exceptions with the provisions of s. 50, *post* (*q.v.*), which allow women to work a certain amount of overtime upon the processes (*inter alia*) of making preserves from fruit, and

preserving or curing fish. The processes to which this section (s. 41) applies, are those which are immediately necessary to prevent the decomposition of the fish or fruit.

42. *Special exceptions as to creameries.*]—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 is a new provision. Care must be taken not to confuse this section with the provisions of s. 50, *post* (*q.v.*), which allow women to work a certain amount of overtime upon the process (*inter alia*) of making condensed milk, and also by order dated August 18th, 1893, the processes of preparing cream and making butter and cheese.

43. *Substitution of another day for Saturday.*]—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, authorising the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop some other day for Saturday, and in 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 authorise the

substitution of some other day for Saturday in respect of some of the young persons therein employed (*a*).

This section reproduces s. 46 of the Act of 1878. The provision at the end of the section with regard to newspaper printing offices is, however, new.

The authority given to the Secretary of State to permit the substitution of another day for the Saturday half-holiday dates back to 1867, and has been used extensively. In provincial towns in which Saturday is the market day, it is absolutely necessary for many non-textile factories and workshops to be open on Saturdays for repairs, etc. In manufacturing towns, Saturday is the textile factory half-holiday, when people flock in from the neighbouring villages, and it would not be possible to close all the non-textile factories and workshops; and in some parts of the metropolis the Saturday afternoon is the principal purchasing part of the week, when it would not be possible to close milliners' and other shops.

This exception, it should be noticed, is only applicable to non-textile factories and workshops. It has been granted by order dated December 20th, 1882, to—

(a) non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time tables, or of law or parliamentary proceedings;

(b) non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connection with a retail shop on the same premises;

(c) non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food;

(d) non-textile factories and workshops in places in which the market day is Saturday, or in which a special day has been set apart for weekly half-holiday;

(e) dressing floors, tin streams, china clay pits, and quarries, in the county of Cornwall.

(*a*) **Special Order.**—An order, dated February 3rd, 1902, authorises the occupier of every non-textile factory in which is carried on the printing of newspapers, to substitute some other day for Saturday in respect of some only of the young persons employed therein, subject to the condition that a list of the young persons in respect of whom another day is substituted, shall be kept constantly affixed in the factory.

44. *Saturday employment in Turkey red dyeing.*]—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.

This section reproduces s. 47 of the Act of 1878.

45. *Holidays on different days for different sets.*]—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 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 authorising the occupier of any such factory or workshop to allow all or any of the annual whole holidays or half-holidays (*a*) 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 section reproduces s. 49 of the Act of 1878. In trades which are carried on in connection with retail shops, the carrying out of the enactment which requires all the young persons and women to have their holidays on the same days would cause great inconvenience and loss. The Secretary of State exercised the authority given him under the Act of 1867 to permit different sets of hands to have holidays on different days, and it is continued by this Act.

This exception is only applicable to non-textile factories and workshops. It has been authorised by order dated December 20th, 1882, in—

(a) non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time tables, or of law or parliamentary proceedings ;

(b) non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connection with a retail shop on the same premises ;

(c) non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food ;

(d) non-textile factories in which is carried on the manufacture of plate glass.

(*a*) **Holidays.**—See s. 35, *ante*, p. 53.

46. *Employment inside and outside on the same day.*] —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*) a factory or workshop on the same day, he may, by special order (*b*), grant to that class of factories or workshops or parts thereof such special exception as may be necessary.

This section reproduces sub-s. (6) of s. 16 of the Act of 1895.

(*a*) **Inside and outside employment.** — See s. 31, *ante*, p. 49.

(*b*) **Special Order.**—No such order is at present in force.

47. *Hours and holidays in factory or workshop of Jewish occupier.*] — 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 reproduces the first two sub-sections of s. 50 of the Act of 1878. It applies to cases in which the occupier is of the Jewish religion, and in which he causes his religious observances to extend to the persons not necessarily of the Jewish religion, who are employed in the factory or workshop.

48. *Sunday employment of Jews in factory or workshop of Jewish occupier.*] — 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 opened for traffic (*a*) on Sunday ; and

(2.) The occupier must not avail himself of the exception authorising the employment of women and young persons on Saturday evening or for an additional hour during any other day in the week (*b*).

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 reproduces s. 51 of the Act of 1878. It applies to those cases in which both the occupier and the persons employed are of the Jewish religion. When work is carried on on Sundays

under this section, it must cease at the same hour as is compulsory on Saturdays.

(*a*) **"Open for traffic."** — In *Goldstein* v. *Vaughan*, [1897] 1 Q. B. 549 ; 66 L. J. Q. B. 380 ; 76 L. T. 262 ; 45 W. R. 399 ; 61 J. P. 227, the appellant, who was of the Jewish religion, was the occupier of a workshop. He made arrangements with his customers to do certain work at certain prices upon certain articles sent to him. The workshop was closed on Saturday, and was open on Sunday in order that the articles in question might be sent from and fetched to his workshop, in pursuance of contracts previously made, and for no other purpose whatsoever : —*Held*, that he did not keep his workshop open for traffic on Sunday within the meaning of this section.

(*b*) **Exception.**—*I.e.*, the exceptions allowed in s. 47, *supra*.

Overtime.

49. *Overtime employment of women for press of work.*]—(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 morning 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 (*a*), 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 authorised by this exception and that such employment will not injure the health of the women affected thereby, he may, by special order (*b*), extend this exception to those factories or workshops or parts thereof.

This section reproduces s. 53 and Sched. 3, Part III., proviso (b) of the Act of 1878, as amended by s. 13 of the Act of 1883, and ss. 14 and 37 of the Act of 1895.

By s. 3 (i), *ante*, a cubic space of 400 feet is required for every person working overtime.

By s. 151 (which relates to the carrying on of different departments of work in the same factory or workshop as if they were separate factories or workshops), the Secretary of State has made orders that different departments of factories and workshops in which overtime may be worked by women, may be treated, so far as regards the employment of women upon overtime work, as if each department were a separate factory or workshop subject

to certain conditions which are fully set out in the notes to s. 151 (*q.v.*).

It must be observed that no overtime can be worked in textile factories, except in water-mills under s. 52, in warehouses under Sched. 2 (4), and in the case of persons of the Jewish religion under s. 47.

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

As to the notices required by this Act to be sent to an inspector, and as to the notice required to be exhibited in the factory or workshop, see s. 60, *post*, p. 82.

(*a*) *Post*, p. 227.

(*b*) **Special Order.**—See notes to Sched. 2, *post*, p. 228.

50. *Overtime employment of women on perishable articles.*]—(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 (*a*); or

(b) the process of preserving or curing fish (*a*); or

(c) the process of making condensed milk (*b*).

(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 authorised by this exception and that such employment will not injure the health of the women employed, he may, by special order (*c*), extend this exception to those factories or workshops or parts thereof.

This section is a reproduction of s. 56 and Sched. 3, Part V. of the Act of 1878, as amended by s. 13 of the Act of 1883, and s. 14 of the Act of 1895, with the following alterations: Three days have been substituted for five in sub-s. (1) (b), and fifty days for sixty in sub-s. (1) (c).

(*a*) **Fruit and fish preserving.**—This provision must not be confused with s. 41, *ante*, which allows unlimited overtime where there is immediate danger of decomposition.

(*b*) **Condensed milk.**—This provision must not be confused with s. 42, *ante*, which gives the Secretary of State power to vary the times of employment of women and young persons employed in creameries.

(*c*) **Special orders.**—By order dated August 18th, 1893, this provision has been extended to non-textile factories, in which are carried on the occupations of preparing cream and making butter and cheese.

51. *Overtime employment on incomplete process.*]—(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 (*a*), be employed for a further period not exceeding thirty minutes (*b*) :

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 (*c*) extend this exception accordingly.

This section reproduces s. 54, and Sched. 3, Part IV. of the Act of 1878.

(*a*) *I.e.*, under ss. 43, 47, *supra*.

(*b*) **Extra half-hour.**—The half-hour extra work can only be taken at the end of the day's work, not at meal times.

(*c*) **Special Order.**—The provisions of this section have been extended by order dated December 20th, 1882, 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 :

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

52. *Overtime employment in factories driven by water.*] —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 (*a*), 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 regard 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.

This is a reproduction of s. 57 of the Act of 1878.

The power to recover time lost in water-mills originally extended to all factories, but was repealed as regards textile factories by the Act of 1874. By the Act of 1878 it was restored in its present form, for all factories, textile as well as non-textile.

(*a*) **Special Order.** — This exception has been granted by order dated December 20th, 1882, to—

Factories in which water power *alone* is used to move the machinery, upon the following additional 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 twelve months previously :

(b) for the recovery of time lost from the stoppage of the factory by drought, for more than ninety-six days in any period of twelve months ;

(c) for the recovery of time lost from the stoppage of the factory by floods, for more than forty-eight days in any period of twelve months.

(5.) This special exception will not authorise the employment of children.

53. *Overtime employment in Turkey red dyeing and open-air bleaching.*]—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.

This section reproduces s. 55 of the Act of 1878 with this difference, that under the repealed Act overtime might be worked on any day, including Saturday.

This, with the exception of ss. 41 (*ante*, p. 63), and 158 (*post*, p. 216) is the only enactment which permits the employment of young persons or women for an unlimited time. The causes are purely accidental ; the work cannot be of very long duration, and in the ordinary course of events is only exceptional.

Night Work.

54. *Night employment of male young persons of fourteen.*]—(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—

(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 (*a*) ; and

(b.) The provisions of this Part of this Act with respect to the allowance of times for meals (*b*) 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, letter-press 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 (*c*).

(2.) The provisions of this Act with respect to the period of employment on Saturday (*d*) 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 (*e*), 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 is a combination of s. 58 and Sched. 3, Part VI. of the Act of 1878 as amended by s. 14 (4) and s. 38 of the Act of 1895.

(*a*) See s. 32, *ante*, p. 50.

(*b*) See ss. 26, 33, and 40, *ante*, pp. 42, 52, 60.

(*c*) *Post*, p. 237.

(*d*) See s. 26, *ante*, p. 42.

(*e*) **Special Order.**—By order dated November 16th, 1895, this exception has been extended to—

Oil and 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.

55. *Night employment of male young persons of* 14 *in glass works.*]—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 :

(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.

This section re-enacts s. 60 of the Act of 1878 as amended by sub-ss. (6) and (7) of s. 14 of the Act of 1895.

56. *Night employment of male young persons of* 16 *in printing newspapers.*]—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.

This section corresponds to s. 59 of the Act of 1878 as amended by sub-s. (5) of s. 14 of the Act of 1895, with this difference, that the old proviso merely prohibited a young person from being employed for more than twelve hours "continuously." The effect is that now every period of twelve hours' work must be preceded and followed by a period of twelve hours' rest.

It was found to be necessary under the Factory Act, 1867, to authorise the employment of male young persons of sixteen in provincial newspaper offices, upon the nights preceding the day of publication. This section enacts directly that which was formerly legal under an order of the Secretary of State.

Intermittent Employment.

57. *Exemption for certain flax scutch mills.*]—(1.) The regulations of this Act with respect to the period of employment for women shall not apply to flax scutch mills (*a*) 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 (*a*) 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.

This section re-enacts s. 62 of the Act of 1878.

(*a*) **Flax Scutch Mills** are declared to be non-textile factories. See Sched. 6, Part I. (19), *post*, p. 240.

Supplemental.

58. *Power to impose sanitary requirements as condition of special exceptions.*]—(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 (*a*), 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.

This section is a reproduction of s. 63 of the Act of 1878, as amended by s. 14 (3) of the Act of 1895, with the exception that

sub-s. (1) (b) formerly applied only to young persons, and not to women.

(*a*) **Special Order.**—On December 20th, 1882, the Secretary of State ordered that 400 cubic feet of air space should be provided for women working overtime, under s. 49, *ante*, p. 70. The order originally extended to young persons, but this part of it was repealed by s. 14 (1) of the Act of 1895. So far as regards factories, this is now of no practical importance, since the ground is completely covered by s. 3 (1), *ante*, p. 10. But with respect to the workshops covered by the order (*i.e.*, those mentioned in Sched. 2, *post*, p. 227, and the notes thereto), the position seems to be as follows:—If women are working overtime under s. 49, and the proper amount of air space is not provided, two remedies are available against the occupier: (1) He can be prosecuted for overcrowding under s. 91 of the Public Health Act, 1875, by the local authority, and can be fined £5; (2) he can be prosecuted by the factory inspector under s. 60 (5) of this Act, *post*, for not keeping his workshop in conformity with the Act, and can be fined £10.

59. *Power to rescind orders as to special exceptions.*]—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.

This section re-enacts s. 64 of the Act of 1878.

60. *Notices, registers, etc., relating to special exceptions.*]—(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 (*a*) 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 (*b*), 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 sub-section 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.

The first five sub-sections of this section re-enact s. 66 of the Act of 1878, as amended by s. 14 of the Act of 1891, and s. 14 (1) of the Act of 1895. Sub-section (6) is a new provision.

The section does not apply to domestic workshops and factories (see s. 111, *post*, p. 154), unless a dangerous process is carried on therein (s. 112).

(*a*) **Notice.**—The following are the notices required to be given to the inspector, and to be hung up in the works before any exceptional working will be legal:

In the case of a textile factory—

Employment of male young person of sixteen in lace factories between 4 a.m. and 10 p.m. (s. 37).

Continuous employment for five hours (s. 39).

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

Exemption under authority of Secretary of State from lime-washing (s. 1 (4)).

When the period of employment is between 9 a.m. and 9 p.m. (s. 36).

Recovery of lost time in water-mills (s. 52).

In the case of a textile or non-textile factory or workshop—
Employment of children, etc., during meal hours (s. 40).
Employment inside and outside a factory or workshop on same day (s. 46).
The occupier, being of the Jewish religion, working on Saturday afternoon (s. 47).
The occupier, being of the Jewish religion, not working on Saturday afternoon, but working one hour per day overtime (s. 47).
The occupier, being of the Jewish religion, employing Jewish persons on Sundays (s. 48).
In the case of a non-textile factory or workshop—
Notice as to eight hours employment on Saturdays (s. 30).
Employment of male young persons of sixteen in bakehouses between 5 a.m. and 9 p.m. (s. 38).
Employment of male young persons of sixteen in bakehouses as male adults (s. 38).
Employment upon fish and fruit preserving (s. 41), but see special terms in s. 41 (2).
Employment in creameries (s. 42).
Substitution, under authority of Secretary of State, of another day for the Saturday half-holiday (s. 43).
Employment of young persons and women until 4.30 p.m. on Saturdays in Turkey red dye works (s. 44).
Permission, under authority of Secretary of State, for different holidays to be given to different sets (s. 45).
Employment of women overtime for press of work (s. 49).
Employment of women overtime in preserving perishable articles (s. 50).
Employment of children, etc., for thirty minutes' overtime (s. 51).
Employment of young persons and women to prevent damage in Turkey red dye works and open-air bleach works (s. 53).
Employment of male young persons in night shifts (s. 54).
Employment of male young persons, according to accustomed hours, in glassworks (s. 55).
Employment of male young persons of sixteen at night in newspaper printing offices (s. 56).

The following are the notices to be given to the inspector, but which need not be affixed :

In the case of a factory—
In flax scutch mills, notice of intention to conduct mill on the system of not employing either children or young persons therein (s. 57).
In the case of a workshop—
Notice of non-employment of children or young persons.

(*b*) **Exception.**—*I.e.*, in the cases mentioned in s. 41, *ante*, p. 63.

(iii.) FITNESS FOR EMPLOYMENT.

61. *Prohibition of employment of women after child-birth.*]—An occupier of a factory or workshop (*a*) shall not knowingly allow a woman or girl to be employed therein within four weeks after she has given birth to a child.

This section re-enacts s. 17 of the Act of 1891.

(*a*) **Laundries.**—The section is extended by s. 103 (1) (f), *post*, p. 135, to laundries.

62. *Prohibition of employment of children under twelve.*—A child under the age of twelve years must not be employed in a factory or workshop (*a*) unless lawfully so employed at the commencement of this Act.

This section reproduces s. 18 of the Act of 1891, with the exception that the minimum age has been altered from eleven to twelve.

(*a*) **Laundries.**—This provision is extended by s. 103 (1) (f), *post*, p. 135, to laundries.

63. *Certificates of fitness for employment of young persons under* 16 *and children in factories.*]—(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 (*a*) for the district resides more than three miles from the factory, thirteen work days, unless the occupier of the factory has obtained a certificate, in the prescribed form, of the fitness of the young person or child for employment in that factory.

(2.) When a child becomes a young person (*b*), 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.

Sub-section (1) of this section reproduces the first paragraph of section 27 of the Act of 1878, and sub-ss. (2) and (3) reproduce the last two paragraphs of s. 30 of that Act.

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

Certificates of fitness are not required to be produced in workshops. The occupier is, therefore, directly responsible that the persons whom he employs are not under the prescribed ages, and it is the more incumbent upon him to require certificates of birth to be obtained. The occupier of a workshop may, however, if he thinks fit, obtain certificates of fitness for his own satisfaction (s. 65, *infra*), and the Secretary of State has power, by s. 66, to extend the provisions of these sections to workshops. It may also be noted that by s. 67 an inspector may in the special cases mentioned in that section require a certificate of capacity in workshops as well as in factories.

(*a*) **Certifying surgeon.** — For appointment of certifying surgeons, their duties, etc., see ss. 122—124, *post*, pp. 176—178. By the Factory Act, 1844, a certificate might be granted by any surgeon, under certain conditions, but by this section it can only be granted by the duly appointed certifying surgeon. When no certifying surgeon has been appointed, the poor law medical officer may act in England (s. 123); the medical officer under the Public Health Act in Scotland (s. 159 (3)), and the dispensary doctor in Ireland (s. 160 (6)).

(*b*) **Young person.**—See the definitions of "child" and "young person" in s. 156, *post*.

64. *Regulations as to grant of certificate of fitness.*]— 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 (*a*) for the district.

(2.) The certificate must not be granted except upon personal examination (*b*) 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 (*c*) or other sufficient evidence (*d*), 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 (*e*) 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 (*e*) (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 (*f*), 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-ss. (1) and (4) of this section reproduce the last paragraph of s. 27 of the Act of 1878 ; sub-ss. (2), (3), and (10) reproduce s. 73 of the same Act ; sub-ss. (7), (8), and (9) reproduce the first three paragraphs of s. 30 of the same Act ; and sub-ss. (5) and (6) are new provisions.

(*a*) **Certifying surgeon.**—For appointment of certifying surgeons, their duties, etc., see ss. 122—124, *post*, pp. 176—179.

(*b*) **Personal examination.**—Provision for special inquiries and re-examination of children and young persons by certifying surgeons is made by s. 122 (5), *post*, p. 177.

(*c*) **Certificate of birth.**—A certificate of birth (on payment of a fee of sixpence) may be procured for children or young persons under the age of sixteen years by the provisions of s. 134, *post*, p. 185.

The certifying surgeon had originally to grant a certificate of *age*. This duty is no longer cast upon him. The age of the person must be proved by a certificate of birth, or in the case of the non-registration of birth, by some equivalent proof. The certificate of birth being produced, the certifying surgeon has then to certify that the person presented to him is fit for employment in the words used in this section. In those cases in which a certificate of birth has not been produced, if an inspector considers a child or young person for whom the certifying surgeon has granted a certificate of fitness to be under the age alleged, he may annul such certificate. See sub-s. (9), *infra*. As to what shall be considered a certificate of birth, see also sub-s. (8).

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

(*e*) **Powers of certifying surgeon.**—See s. 119, *post*, p. 172.

(*f*) **Application to Ireland.**—See s. 160 (3), *post*, p. 220.

65. *Power to obtain certificates of fitness for employment in workshops.*]—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.

This section re-enacts s. 28 of the Act of 1878.

66. *Power to require certificates of fitness for employment in certain workshops.*]—(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 (*a*), 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 (*a*), rescind the order of extension, without prejudice to the subsequent making of another order.

This section re-enacts s. 41 of the Act of 1878.

(*a*) **Special order.**—No special order has as yet been made.

67. *Power of inspector to require surgical certificate of capacity for work.*]—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.

This section reproduces s. 29 of the Act of 1878. Note that this special provision for certificates of capacity to work in certain cases applies both to factories and workshops.

PART III.

EDUCATION OF CHILDREN.

68. *Attendance at school of children employed in factory or workshop.*]—(1.) The parent of a child (*a*) employed in a factory or workshop shall cause that child to attend some recognised efficient school (*b*) (which school may be selected by the parent), as follows:

(a.) The child, when employed in a morning or afternoon set (*c*), 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 (*d*), 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 (*e*), 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 (*f*) 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 recognised efficient school (*b*) which the child can attend, attendance at a school temporarily approved in writing by an inspector, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at

a recognised efficient school until such recognised efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the 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 (*g*).

(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 recognised efficient schools.

This section reproduces s. 23 of the Act of 1878.

Before a child is taken into employment in a factory or workshop the occupier must take care to ascertain that the educational requirements of the school board of the district in which the child lives have been complied with. By s. 4 of the Elementary Education Act, 1880 (Appendix, *post*, p. 350), as amended by s. 6 of the Elementary Education Act, 1900, every person who takes into his employment a child over ten and under fourteen years old before that child has obtained a certificate of having reached the standard of education fixed by a byelaw in force in the district, is liable to a penalty of 40*s*., and the duty of enforcing this provision is imposed upon the factory inspector by s. 7 of the Elementary Education Act, 1876 (Appendix, *post*, p. 349). The employer must, therefore, take care that the requirements of the Elementary Education Acts, as well as of this Act, are complied with.

In Scotland, by the Education (Scotland) Act, 1901, s. 2, no child under fourteen may be employed except in any casual employment, unless he has obtained a certificate of exemption from the obligation to attend school. A child over twelve may, however, be employed casually without such certificate up to 9 p.m. in summer, and 7 p.m. in winter.

(*a*) **"Parent" and "child."**—These words are defined in s. 156 (1), *post*, p. 212. In case of default the parent is liable to a penalty under s. 138 (2), *post*, p. 192.

(*b*) **"Recognised efficient school"** is defined in s. 72 (1), *post*, p. 100. In the case of Scotland and Ireland, see ss. 159 (1), and 160 (1), *post*. By paragraph (iii.) the inspector may temporarily approve a school in localities where there is no certified efficient school, attendance at which will be legal.

(*c*) **Morning or afternoon set.**—See ss. 25 and 27, *ante*, pp. 40, 44.

(*d*) **Alternate day system.**—See ss. 25 and 27, *ante*, pp. 40, 44.

(*e*) **Definition of "attendance."**—The attendance required is defined to be "the attendance of a child at a morning or afternoon meeting of a school during not less than two hours of instruction in secular subjects" (London and Edinburgh Gazettes of 31st December, 1878; Dublin Gazette of 4th March, 1879).

(*f*) **Holidays.**—See s. 35, *ante*, p. 53.

(*g*) *I.e.*, if a child, having missed an attendance in one week, makes up for it by an extra attendance in the week following, it may legally be employed in such week after the lost time has been made up.

69. *Obtaining of school attendance certificate by occupier.*]—(1.) The occupier of a factory or workshop in which a child (*a*) 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 recognised efficient school attended by a child a certificate (according to the prescribed (*b*) form and directions) respecting the attendance of the child at school in accordance with this Act.

(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 (*c*).

(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.

This section reproduces s. 24 of the Act of 1878.

(*a*) **Child.**—For definition of "child," see s. 156, *post*, p. 212.

(*b*) **Prescribed.**—The certificate of school attendance is to be in such form as is prescribed by the Secretary of State (see s. 156, *post*, p. 213.

Penalty.—See s. 137, *post*, p. 190.

70. *Payment by occupier of sum for schooling.*]—The persons who manage a recognised efficient school (*a*) attended by a child employed in a factory or workshop or some person authorised 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.

This section reproduces s. 25 of the Act of 1878. The words in parentheses are new; but the effect of the section is not altered. In *Dundee School Board* v. *Gilroy* (1899), 1 F. 909, a school board which voluntarily provided books for the scholars, attempted to recover the cost from the employers of such of the children as were employed in factories or workshops. The court dismissed the action, stating that the intention of the legislature was that the employer was only to be liable for such payments as the child or its parents could legally be compelled to make.

(*a*) **Recognised efficient school.**—For definition, see s. 72 (1), *post*, p. 100.

71. *Employment as young person of child of thirteen on obtaining educational certificate.*]—(1.) When a child of the age of thirteen years has obtained from a person authorised 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 (*a*) as is mentioned in this section, that child shall be deemed to be a young person for the purposes of this Act.

(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 (*b*), 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 reproduces s. 26 of the Act of 1878.

By the Factory Act, 1874, a certificate of a standard of proficiency was required only in textile factories, and by the Elementary Education Act, 1876, a similar standard was required in regard to non-textile factories and workshops. This was applicable only to England and Wales, and consequently this section created no new regulation in England and Wales. It was, however, entirely new for Scotland and Ireland. The certificate may be either of a standard attained after examination, or of a certain number of attendances at a certified efficient school, an enactment similar to the general provisions of the Elementary Education Act, 1876.

(*a*) **Certified efficient school.** — For definition, see s. 72, *infra*.

(*b*) **Standards of proficiency and attendance.**—The standards for England and Wales fixed by order of the Secretary of State for the Home Department, with the consent of the Education Department, and dated December 19th, 1900, are as follows :

(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 ss. 4—8 of the regulations of the Board of Education, dated April 23rd, 1900 (*now superseded by Regulations dated March* 21*st*, 1901).

(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 ss. 9—11 of the Regulations of the Board of Education, dated April 23rd, 1900 (*now superseded by Regulations dated March* 21*st*, 1901).

The fifth standard is as follows :

Reading :

To read a passage from some standard author, a reading book, or a history of England.

Writing :

Writing from memory the substance of a short story read out twice ; spelling, handwriting, and correct expression to be considered.

Copy books to be shown.

Arithmetic (Scheme A.) :

Practice, bills of parcels, and single rule of three by the method of unity.

Addition and subtraction of proper fractions, with denominators not exceeding twelve.

Common weights and measures ; or

Arithmetic (Scheme B.) :

Vulgar fractions (simple fractions only).

Practice.

Bills of parcels.

Common weights and measures ; also

Short exercises in mental arithmetic.

For Scotland, standards were formerly fixed by an order of the Secretary of State for the Home Department, dated February 15th, 1879, but that order was rescinded by another order dated February 1st, 1886, and ss. 6, 7 of the Education (Scotland) Act, 1883, were substituted for it. These sections have been in their turn repealed by the Education (Scotland) Act, 1901, and the only enactments relevant to this section (s. 71) are contained in that Act, the effect of which is that children between twelve and fourteen may be exempted from school attendance for such time and upon such conditions as the school board shall think fit, subject to the supervision of the Education Department. See s. 159 (7), *post*, p. 216.

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

The standard of proficiency for the purposes of s. 26 of the Factory Act, 1878 (now s. 71 of the Factory Act, 1901), shall be the standard in reading, writing, and elementary arithmetic, prescribed by order of the Lord-Lieutenant in Council, bearing date the 11th day of August, 1876, made under and pursuant to the provisions of the Factory Act, 1874, or any higher standard which may be attained by the child.

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

Reading :

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

Writing :

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

Arithmetic :

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

The standard of previous due attendance for the purposes of s. 26 of the Factory Act, 1878 (now s. 71 of the Factory Act, 1901), is that shown in the following table.

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

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

72. *Definitions of "certified efficient school," and "recognised efficient school."*]—(1.) In this Act—

The expression "certified efficient school" (*a*) 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 "recognised efficient school" (*b*) 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 recognised 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 recognised by him as giving efficient elementary education.

This section re-enacts s. 95 of the Act of 1878.

(*a*) **Certified efficient school.**—For definition in Scotland and Ireland, see ss. 159 (1), 160 (1), *post*, pp. 216, 219.

(*b*) **Recognised efficient school.**—For definition in Ireland, see s. 160 (2), *post*, p. 220.

PART IV.

DANGEROUS AND UNHEALTHY INDUSTRIES.

(i.) Special Provisions.

73. *Notification of certain diseases contracted in factory or workshop.*]—(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 sub-section has been previously sent) send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering and shall be entitled, in respect of every notice sent in pursuance of this section, to a fee of two shillings and sixpence, to be paid as part of the expenses incurred by the Secretary of State in the execution of 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 (*a*) 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 (*b*), 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.

This section is a reproduction of s. 29 of the Act of 1895, with the exception of the words "mercurial poisoning," which were added by an order of the Secretary of State under sub-s. (4), but are now incorporated in the section itself.

(*a*) **Fine.**—Recoverable summarily (s. 144, *post*, p. 196).

(*b*) **Special order.**—No order, except the one referred to above, has as yet (March 1st, 1902) been made under this section.

74. *Provision as to ventilation by fan in certain factories and workshops.*]—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 (*a*), 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 (*b*).

This section re-enacts s. 36 of the Act of 1878 as amended by s. 33 of the Act of 1895. It does not apply to men's workshops (see s. 157, *post*, p. 215).

(*a*) **Injurious extent.**—It was held in *Hoare* v. *Ritchie*, [1901] 1 Q. B. 434 : 70 L. J. Q. B. 279, that it is only necessary to show that dust, etc., exists in such quantity as must necessarily be injurious to health in the long run. No evidence of actual injury to health need be adduced.

(*b*) **Penalty.**—See s. 135, *post*, p. 187. Section 87 (1) (iv.), *post*, p. 114, provides that the owner shall be liable in a tenement factory instead of the occupier for the observance of the provisions of this section so far as the section requires the supply of pipes or other contrivances for working the fan or other means for that purpose.

75. *Lavatories and meals in certain dangerous trades.*] —(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 (*a*).

Sub-sections (1) and (3) of this section reproduce s. 30 of the Act of 1895. Sub-section (2) in form is new, but clauses to the same effect were generally inserted in the special rules made for various dangerous trades under s. 8 of the Act of 1891. See notes to s. 79, *post*, p. 107. The section does not apply to men's workshops (see s. 157, *post*, p. 215).

(*a*) **Penalty.**—See s. 135, *post*, p. 187. It may be observed that the sanitary provisions of this Part of the Act relating to dangerous trades are enforceable by the inspector in workshops as well as in factories.

76. *Restrictions as to employment in wet-spinning.*]—(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 (*a*).

This section re-enacts s. 37 of the Act of 1878.

(*a*) **Penalty.**—See s. 135, *post*, p. 187, and note (*a*) to s. 75, *supra*.

77. *Prohibition of employment of young persons and children in certain factories and workshops.*]—(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*),

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 a child must not be employed.

(3.) In a factory or workshop in which there is carried on—

(a) the making or finishing of bricks (*b*) 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*),

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.

This section re-enacts s. 38, and Sched. 1 of the Act of 1878, as amended by s. 18 of the Act of 1891.

(*a*) Special rules are in force in these trades, and are set out in

the Appendix, *post*, pp. 258, 265. See also the notes to s. 79, *post*, p. 108.

(*b*) **Finishing bricks.**—In a glazed brick factory the bricks were first baked in a kiln, then carried by hand to a dipping shed, where they were dipped in glaze, and then carried by hand to the oven. Girls under sixteen were employed in carrying the bricks, and also, occasionally, in dipping them :—*Held*, that the whole process was one of finishing bricks and that the girls were illegally employed (*Squire* v. *Stanley* (1901), 84 L. T. 535).

78. *Prohibition of taking meals in certain parts of factories and workshops.*] — (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 in which the work of grinding, cutting or polishing is carried on ; and

(c) in the case of lucifer-match works (*a*), 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 (*a*), 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 (*b*).

(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 (*c*), 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.

This section re-enacts s. 39 and Sched. 2 of the Act of 1878.

(*a*) Special rules are in force in these trades and also in the trades marked with the letter (a) in the order set out in note (*c*), *infra*. They are set out in the Appendix, *post*, pp. 258 *et seq.* See also the notes to s. 79, *infra*.

(*b*) **Penalty.**—See s. 137, *post*, p. 190.

(*c*) **Special order.**—This prohibition has been extended to the following by order, dated March 23rd, 1898 :

The parts of textile factories in which the process of gassing is carried on.

The parts of print-works, bleaching-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 (a).
Sorting, dusting, or grinding rags.
Fur-pulling.
Grinding, glazing, or polishing on a wheel.
Brass-casting (a), type-founding.
Dipping metal in aquafortis or other acid solution.
Metal-bronzing.

Majolica painting on earthenware (a).
Cleaning and repairing catgut.
Cutting, turning, or polishing bone, ivory, pearl-shell, snail-shell.
Manufacturing chemicals (a) or artificial manures.
Manufacturing white lead (a).
Lithographic printing.
Playing-card making.
Fancy box making.
Paper staining.
Almanac making.
Artificial flower making.
Paper colouring and enamelling.
Colour making (a).
} if and when dry powder or dust is used.

(ii.) REGULATIONS FOR DANGEROUS TRADES.

79. *Power to make regulations for safety of persons employed in dangerous trades.*]—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 (*a*) as appear to him to be reasonably practicable and to meet the necessity of the case.

This section, and ss. 80 to 85 inclusive, correspond to ss. 8, 9, and 10 of the Act of 1891, as amended by ss. 12, 24 (3), and 28 of the Act of 1895; but the procedure has been considerably altered. It should be noted that the above mentioned sections of the older Acts are preserved by s. 161 and Sched. 7, Part II. of this Act until a date to be fixed by order of the Secretary of State, the object being to preserve the old enactments and the special rules made thereunder until fresh regulations are made under this Act. For the nature of the alterations in the procedure, see the notes to the succeeding sections. This part of the Act may be applied to docks, etc., buildings and railways (ss. 104—106, *post*, pp. 139—146).

(*a*) The following processes have been certified by the Secretary of State to be dangerous or injurious to health, namely :

By order dated May 9th, 1892—Processes in—
The manufacture of white lead.
The manufacture of paints, colours, and in the extraction of arsenic.
The enamelling of iron plates.

By order dated June 2nd, 1892—Processes in—
The manufacture of lucifer matches, except such as are made with red or amorphous phosphorus.

By order dated December 24th, 1892—Processes in—
The manufacture of earthenware.
The manufacture of explosives in which di-nitro benzole is is used.
Chemical works.
Quarries.

By order dated January 2nd, 1894—Processes in—
The manufacture of red, orange, or yellow lead.
Lead smelting.
The tinning and enamelling of iron hollow-ware.
Electric accumulator works.

By order dated January 3rd, 1894—Processes in—
Flax mills and linen factories.

By order dated June 19th, 1894—Processes in—
The tinning and enamelling of metal hollow-ware and cooking utensils.

By order dated April 9th, 1895—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.

By order dated January 1st, 1896—Processes in—
The mixing and casting of brass, gun metal, bell metal, white metal, delta metal, phosphor bronze, and manilla mixture.

By order dated July 23rd, 1896—
The process of sorting wool, goat-hair, or camel-hair, and the processes incidental thereto.

By order dated September 11th, 1896—
The process of bottling aerated water and the processes incidental thereto, including the examining and labelling of the bottles.

By order dated December 1st, 1896—
The process of vulcanizing india-rubber by means of bi-sulphide of carbon, and the processes incidental thereto.

By order dated April 2, 1898—

The process of sorting foreign hides and skins, and dry East Indian hides and skins, and the processes incidental thereto.

By order dated May 7th, 1898—

The manufacture and decoration of earthenware and china.

By order dated August 3rd, 1898—

The dusting of colours on adhesive surfaces for the purpose of making transfers for use in the manufacture or decoration of earthenware and china.

By order dated December 17th, 1898—

The process of glazing bricks with the use of lead.

By order dated November 28th, 1899—

The processes of sorting, willeying, washing, combing and carding wool, goat-hair, and camel-hair, and processes incidental thereto.

The "Special Rules" which have been established and are now in force in the factories or workshops in which the above processes are carried on will be found fully set out in the Appendix, *post*, pp. 258—304.

80. *Procedure for making regulations.*]—(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.

(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 herein-after provided.

This and the next section are new provisions. The procedure is almost entirely different from that under the old Acts, which is contained in s. 8 and Sched. 1 of the Act of 1891 (see pp. 246, 249, *post*), the main difference being that in case of objection to the proposed regulations, a public inquiry is substituted for a private arbitration between the Secretary of State on the one hand, and any individual occupier of a factory or workshop on the other.

81. *Inquiries.*]—(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.

(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.

This is a new provision ; see the notes to s. 80, *supra*.

82. *Application of regulations.*]—(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 (*a*), 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 (*b*) 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.

Sub-section (1), (2) of this section are new. The corresponding sections of the older Acts are s. 24 (3), and s. 28 of the Act of 1895. They will be found on pp. 253, 254, *post*. Sub-s. (3) is a re-enactment of s. 8 (7) of the Act of 1891, *post*, p. 247.

(*a*) **Certificate of danger.**—See s. 79, *supra*, p. 107.

(*b*) **Tenement factories and workshops.**—For definition, see s. 149, *post*, p. 200, and for provisions, s. 87, *post*, p. 114.

83. *Provisions which may be made by regulations.*]—Regulations made under the foregoing provisions of this Act may, among other things,—

(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 (*a*); 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.

Provision (a) is substantially the same as the first part of s. 28 (1) of the Act of 1895 (see p. 254, *post*). Provisions (b), (c) are new.

(*a*) **Certificate of danger.**—See s. 79, *supra*, p. 107.

84. *Regulations to be laid before Parliament.*]—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.

This provision resembles the latter part of s. 28 (1) of the Act of 1895 (*post*, p. 254), but is much more elaborate.

85. *Breach of regulations.*]—(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 (*a*) 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.

(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 (*a*) not exceeding two pounds ; and the occupier of the factory or workshop shall also be liable to a fine (*a*) 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.

This section re-enacts s. 9 (1) of the Act of 1891 (*post*, p. 248), but the fine for a continuing offence is new.

(*a*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

86. *Publication of regulations.*]—(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 (*a*) 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 (*a*) not exceeding five pounds.

(6.) Regulations for the time being in force under this Act shall be judicially noticed.

Sub-sections (1) and (6) of this section are new. Sub-sections (2), (3), (4) and (5) re-enact s. 11 of the Act of 1895.

(*a*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

PART V.

SPECIAL MODIFICATIONS AND EXTENSIONS.

(i.) TENEMENT FACTORIES.

87. *Duties of owner of tenement factory.*]—(1.) The owner (*a*) (whether or not he is one of the occupiers) of a tenement factory (*b*) 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—

(i) the cleanliness, freedom from effluvia, overcrowding and ventilation of factories, contained in section one of this Act (*c*), 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 (*d*) ;

(ii) the fencing of machinery and penal compensation for neglect to fence machinery (*e*) in a factory, except so far as relates to such parts of the machinery as are supplied by the occupier ;

(iii) the notices (*f*) 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 (*g*) or other means for that purpose ; and

(v) the affixing of an abstract and notices (*h*) 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 (*i*) 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 (*k*) and section ninety-four of this Act (*l*) or of any order of the Secretary of State with respect to ventilation (*m*).

(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 authorised to be served on or taken in relation to the occupier, is hereby required or authorised (as the case may be) to be served on or taken in relation to the owner.

Sub-sections (1), (2) and (4) of this section correspond to sub-ss. (1), (4), and (5) of s. 24 of the Act of 1895. Sub-section (3) and the proviso at the end of sub-s. (1) are new. The effect of the section is to place tenement factories for certain purposes in a class by themselves, or, in other words, to create a distinction in law as well as in fact between tenement factories and others. Originally as regards the occupier of a factory, his duties and liabilities were the same whether his factory stood by itself or formed one of several factories grouped together within one building or within the same close or curtilage for the purpose of sharing in a common supply of mechanical power. Now, if his factory is one of the latter class, he is exempt from certain liabilities imposed upon occupiers by the various provisions above enumerated which are transferred to the owner of the whole building. Additional liabilities are imposed upon owners of tenement factories by the next section (*q.v.*).

The section formerly applied only in the case of occupiers paying a rent of £200 a year or less, but this restriction has been repealed.

Note that the section does not apply to tenement workshops.

(*a*) **Owner.**—For definition, see s. 156, *post*.

(*b*) **Tenement factory.**—For definition, see s. 149, *post*, p. 201.

(*c*) **Cleanliness, etc.**—*Ante*, p. 1.

(*d*) **Limewashing.**—*I.e.*, sub-s. (3) of s. 1, *ante*, p. 2.

(*e*) **Fencing of machinery, etc.**—Sections 10, *ante*, p. 18, and 136, *post*, p. 188.

(*f*) **Notices.**—Section 32, *ante*, p. 50.

(*g*) **Ventilation by fan.**—Section 74, *ante*, p. 102.

(*h*) **Abstract, etc.**—Section 128, *post*, p. 181.

(*i*) **Dangerous premises.**—Section 18, *ante*, p. 30.

(*k*) *Ante*, p. 15.

(*l*) *Post*, p. 123.

(*m*) **Ventilation.**—Section 7, *ante*, p. 15.

88. *Regulations as to grinding of cutlery in tenement factory.*]—(1.) Where grinding is carried on in a tenement factory (*a*), the owner (*b*) of the factory shall be responsible for the observance of the regulations set forth in the Third Schedule to this Act.

(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 (*c*) 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 (*d*), 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 (*e*).

This section re-enacts s. 25 of the Act of 1895, with the exception pointed out in note (*c*) below.

(*a*) **Tenement factory.**—For definition, see s. 149, *post*, p. 201.

(*b*) **Owner.**—For definition, see s. 156, *post*, p. 213.

(*c*) The words in the Act of 1895 were "grinding *or* cutlery."

(*d*) **Penalty.**—See s. 135, *post*, p. 187.

(*e*) **Textile factory.**—For definition, see s. 149, *post*, p. 200.

89. *Certificate of fitness in tenement factory.*]—A certificate of the fitness (*a*) 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.

This section re-enacts s. 26 of the Act of 1895. It obviates the necessity for each individual occupier to obtain a fresh certificate for the same young person or child.

(*a*) **Certificate of fitness.**—See ss. 63, 64, *ante*, pp. 86, 87.

(ii.) COTTON CLOTH AND OTHER HUMID FACTORIES.

90. *Temperature and humidity.*]—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 (*a*) 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 section re-enacts ss. 4, 5 of the Cotton Cloth Factories Act, 1889.

(*a*) *Post*, p. 232.

91. *Power to alter table of humidity.*]—The Secretary of State may by order repeal or vary the table in the Fourth Schedule to this Act (*a*), and substitute any new or amended table therefor :

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 (*b*) 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 (*a*).

This section re-enacts s. 6 of the Cotton Cloth Factories Act, 1889.

(*a*) *Post*, p. 232.

(*b*) **Notice of humidity.**—See s. 93, *infra*.

92. *Employment of thermometers.*]—(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 standardised 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 (*a*) ;

(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 (*a*) ;

(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.

This section reproduces s. 7 of the Cotton Cloth Factories Act, 1889, with one alteration, namely, that in sub-s. (2) (b) the thermometers are now required to be read thrice daily instead of twice, the added time being the first one.

This provision was, however, included in an order dated February 2nd, 1898, and made by the Secretary of State under the repealed Cotton Cloth Factories Act, 1897.

(*a*) *Post*, p. 234.

93. *Notices and inspections where humidity is artificially produced.*]—(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 (*a*).

(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-section (1) of this section reproduces s. 8; sub-s. (2) reproduces s. 10, and sub-s. (3) reproduces s. 11 of the Cotton Cloth Factories Act, 1889.

(*a*) **Prescribed Form.**—The order of the Secretary of State dated February 2nd, 1898, referred to in the notes to the last preceding section prescribed the following form:

FORM OF INSPECTOR'S REPORT.

Name of Occupier .
Address of Factory .

Rooms used.	Process carried on.	Number of Operatives.	Cubic Feet in Room.	Carbonic Acid in parts per 10,000.	General State of		
					Temperature.	Humidity.	Ventilation.

Date of visit .

In the period from to the *temperature* was on occasions, and the *humidity* on occasions, in excess of the maximum fixed by the Cotton Cloth Factories Act, 1889, s. 5, and Schedule A. (*now s. 90 and Sched. 4 of the Factory and Workshop Act*, 1901).

General remarks:

(Signed) *Inspector.*

94. *Regulations for the protection of health.*] — 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 minimise 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.

The provisions of this section were not included in any of the old Acts, but were in force by virtue of an order of the Secretary of State dated February 2nd, 1898, and made under the repealed Act of 1897.

95. *Penalties for non-compliance.*]—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 (*a*) and not exceeding ten pounds and, for every subsequent offence, to a fine not less than ten pounds (*a*) and not exceeding twenty pounds.

This section reproduces s. 13 of the Cotton Cloth Factories Act, 1889.

(*a*) **Minimum Fine.**—Upon a prosecution under the above section, the general discretion given by s. 4 of the Summary Jurisdiction Act, to reduce fines must be taken to be limited to the extent provided by the above section (*Osborn* v. *Wood*, [1897] 1 Q. B. 197; 66 L. J. Q. B. 178). These fines are recoverable summarily. See s. 144, *post*, p. 196.

96. *Application of foregoing provisions to other humid factories.*]—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 (*a*) are not for the time being in force, but subject to the following qualifications, namely :

(a.) The Secretary of State may, by special order (*b*), 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 (*c*), respecting regulations for the protection of health in cotton cloth factories, shall not apply ; and

(d.) The regulations in section ninety-two (*d*) 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.

The first part of this section, and qualification (a), reproduce s. 31 (1) of the Act of 1895. The remainder of the section is new.

(*a*) **Humidity.**—See ss. 76 and 79, *ante*, pp. 103, 107, and the regulations contained in the special rules in the Appendix, *post*, p. 291.

(*b*) **Special order.**—By order of the Secretary of State, dated December 24th, 1898, in the case of factories in which the spinning of merino, cashmere, or wool by the "French" or "dry" process is carried on, the following table has been substituted for that in the Fourth Schedule :

SCHEDULE OF THE MAXIMUM LIMITS OF HUMIDITY OF ATMOSPHERE TO BE OBSERVED AT GIVEN TEMPERATURES IN FACTORIES IN WHICH THE SPINNING OF MERINO, CASHMERE, OR WOOL BY THE "FRENCH" OR "DRY" PROCESS IS CARRIED ON.

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage 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
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
7·3	71	69	88
7·6	72	70	89

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage of Humidity. (Saturation = 100.)
7·8	73	71	89
8·1	74	72	89
8·4	75	73	89
8·6	76	74	89
8·9	77	75	89
9·2	78	76	89
9·5	79	77	90
9·8	80	78	90
10·1	81	79	90
10·5	82	80	90
10·8	83	81	90
11·1	84	82	90
11·5	85	83	90
11·8	86	84	90
12·2	87	85	90
12·6	88	86	90
13·0	89	87	90
13·4	90	88	90
13·8	91	89	90
14·2	92	90	90
14·7	93	91	90
15·1	94	92	90
15·5	95	93	91
16·0	96	94	90
16·5	97	95	90
17·0	98	96	90
17·5	99	97	91
18·0	100	98	90

(*c*) *Ante*, p. 123.

(*d*) *Ante*, p. 121.

(iii.) BAKEHOUSES.

97. *Sanitary regulations for bakehouses.*]—(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 :

(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 (*a*) 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.

This section re-enacts s. 15 of the Act of 1883, as amended by s. 27 (2) of the Act of 1895. The primary object of this Part of the Act relating to bakehouses appears to be to protect the consumers of bread baked in, as well as the persons employed in, the bakehouse.

(*a*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

Application to London.—See note (*a*) to s. 102, *post*, p. 134.

98. *Penalty for bakehouse being unfit on sanitary grounds.*]—(1.) Where a court of summary jurisdiction is satisfied, on the prosecution of an inspector or a district council (*a*), 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 (*b*) 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 (*b*) not exceeding one pound for every day that the non-compliance continues.

This section re-enacts s. 16 of the Act of 1883. Its provisions are very wide; they appear to embrace any sanitary objection that can possibly be taken to the bakehouse, and are not confined to the particular sanitary defects mentioned in this Act or in the Public Health Acts.

(*a*) **District council.**—See note (*a*) to s. 102, *post*, p. 134.

(*b*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

99. *Limewashing, painting and washing of bakehouses.*]—(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

(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 bakekouse 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 (*a*).

This section reproduces s. 34 of the Act of 1878, as amended by s. 27 of the Act of 1895.

(*a*) **Penalty.**—See s. 135, *post*, p. 187. For application to London, see note (*a*) to s. 102, *infra*, p. 134.

100. *Provision as to sleeping places near bakehouses.*] —(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 (*a*) not exceeding, for the first offence, twenty shillings and, for any subsequent offence, five pounds.

This section re-enacts s. 35 of the Act of 1878, as amended by s. 27 of the Act of 1895.

Fine.—Recoverable summarily (see s. 144, *post*, p. 196). For application to London, see note (*a*) to s. 102, *infra*, p. 134.

101. *Prohibition of underground bakehouses.*] — (1.) An underground bakehouse shall not be used as a bakehouse unless it was so used at the passing of this Act (*a*).

(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 (*b*).

(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 (*c*).

(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 bake-

house 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-sections (1), (6) of this section re-enact s. 27 (3) of the Act of 1895. The remainder of the section is new.

(*a*) **Used at the passing of the Act.**—In the case of *Schwerzerhof* v. *Wilkins*, [1898] 1 Q. B. 640; 67 L. J. Q. B. 476, the underground portion of certain premises was used as a bakehouse for about fifteen years until October, 1895. The premises then became vacant and remained so until February, 1896, the landlord in the meantime doing up the premises and advertising them as being to let as baker's premises. On January 1st, 1896, the Act of 1895, which contained a provision similar to that in this sub-section, came into operation. The premises were taken by a baker in February, 1896, and he, after using them for some time for the purposes of his business, was convicted of an offence under the section corresponding to sub-s. (1), *supra*. But upon a special case stated for the opinion of the High Court, it was held that the conviction was wrong, and that the bakehouse, although not actually in use at the commencement of the Act, was nevertheless "used" as a bakehouse at the commencement of the Act, within the meaning of the exception. In other words, the temporary lack of a tenant did not serve to exclude the premises from the benefit of the exception and so render their occupier liable

for a breach of the provisions of the section forbidding the use of a place underground as a bakehouse.

(*b*) **Public Health (London) Act, 1891.**—The combined effect of this provision and the London Government Act, 1899, is to make the provisions of this section, so far as they relate to bakehouses which are workshops, enforceable in London by the borough councils. See also note (*a*) to s. 102, *infra*.

(*c*) **Penalty.**—See s. 135, *post*, p. 187.

102. *Enforcement of law as to retail bakehouses by sanitary authorities.*]—As respects every retail bakehouse, the provisions of this Part of this Act shall be enforced by the district council (*a*) 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 (*b*).

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.

This section is a combination of Sched. 4, Part II. (22), of the Act of 1878; s. 17 of the Act of 1883, and s. 36 of the Act of 1891.

(*a*) **Application to London.**—In the city of London the Court of Common Council, and in the rest of London the metropolitan borough councils are substituted for the district council. See s. 153 (4), *post*, p. 212.

It should be noted that there has, apparently, been no alteration of the law with regard to wholesale bakehouses in London which are not factories. Formerly, by s. 26 of the Public Health (London) Act, 1891 (Appendix, *post*, p. 345), ss. 34, 35, and 81 of the Act of 1878, and ss. 15 and 16 of the Act of 1883 relating to

bakehouses were, as respects all bakehouses which were workshops, enforced by the local sanitary authority (now the borough council). Those sections have now been repealed, and the sections of the present Act which replace them, namely, ss. 97—102, are not (except s. 101), expressly made subject to the Public Health (London) Act. But by s. 38 of the Interpretation Act, 1889 (52 & 53 Vict. c. 63), s. 26 of the Public Health (London) Act, 1891, is now to be read as if ss. 97—102 of this Act were expressly included in it, and made enforceable by the Metropolitan Borough Councils. As s. 101 is almost entirely new it was necessary to expressly include it in the London Act. Bakehouses which are factories are of course under the inspector's control.

(*b*) **Powers of inspector.**—See ss. 119, 120, *post*, pp. 172, 176.

(iv.) LAUNDRIES.

103. *Application of Act to laundries.*] — (1). In every laundry carried on by way of trade or for purposes of gain (*a*), 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 (*b*) ;

(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 (*c*) 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 (*d*) 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 (*e*) and of children under the age of twelve years (*f*) 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 (*g*) 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 (*h*).

(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.

This section re-enacts s. 22 of the Act of 1895.

Prior to the passing of the Act of 1895, laundries, except those in which new goods were "got up," only came within the scope of the Factory Acts as far as regards sanitary provisions (under the Act of 1891), but now they are either factories or workshops, as the case may be, and as such come under the operation of the Factory Act for almost all purposes. It should be noticed, however, that by the above section they have special regulations of their own as to employment and meal times; as to notices specifying the same; as to ventilation and drainage of the floors; and as to overtime. It will also be observed that the provisions as to cessation of work on Saturday afternoons and on Sundays do not apply under this section.

(*a*) **Hotel laundries.**—In *Caledonian Rail. Co.* v. *Paterson* (1898), 1 F. (J. C.) 24, a hotel had a laundry attached to it in which the following articles were washed—(1) the hotel linen, (2) hotel servants' clothes, (3) visitors' clothes. The latter were paid for by the visitors in the ordinary way. The Scotch Court of Justiciary held that the laundry was incidental to the hotel and was not carried on "by way of trade or for purposes of gain."

(*b*) **Holidays.**—See s. 35, *ante*, p. 53.

(*c*) **General provisions applicable to laundries.** — The general provisions applied by this sub-section to laundries are as follows:—*Health*, ss. 1—9; *Safety*, ss. 10—18; *Accidents*, ss. 19—22; *Education*, ss. 68—72; *Notice of Occupation*, s. 127; *Abstract and Notices*, s. 128; *Powers of Inspectors*, s. 119; *Fines and Legal Proceedings*, ss. 135—148.

(*d*) **Notice.**—See s. 128, *post*, p. 181.

(*e*) See s. 61, *ante*, p. 86.

(*f*) Section 62, *ante*, p. 86.

(*g*) *Ante*, p. 82.

(*h*) **Penalty.**—See s. 135, *post*, p. 187.

(v.) DOCKS.

104. *Application of certain provisions to docks.*]—(1.) The provisions of this Act with respect to—

(i) power to make orders as to dangerous machines (section seventeen) (*a*) ;

(ii) accidents (*b*) ;

(iii) regulations for dangerous trades (*c*) ;

(iv) powers of inspectors (section one hundred and nineteen) (*d*) ; and

(v) fines in case of death or injury (section one hundred and thirty-six) (*e*) ;

shall have effect as if every dock, wharf (*f*), quay and warehouse and all machinery or plant used in the process of loading (*g*) or unloading or coaling any ship in any dock (*h*), harbour or canal were included in the word "factory" (*i*), 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 (*k*) 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.

(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" (*l*) have the same meaning as in the Merchant Shipping Act, 1894.

Sub-section (1) of this section corresponds to so much of s. 23 (1) of the Act of 1895 as deals with docks, etc., but there are two

alterations in the wording. First, the words "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" have been substituted for the words "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." Some of the effects of this alteration are pointed out in note (*h*), *infra*, but until the new words have been judicially interpreted, it is impossible to define their scope exactly. Secondly, in the Act of 1895, the word "temporarily" was inserted before the words "uses any such machinery or plant for the before-mentioned purpose." Sub-section (2) is new.

It should be noted that the Workmen's Compensation Act, 1897, applies (see s. 7 of that Act, Appendix, *post*, p. 340) to "employment in or about a factory" while by sub-s. (2) of that section "'factory' has the same meaning as in the Factory and Workshop Acts, 1878 to 1891, and also includes any dock, wharf, quay, warehouse, machinery, or plant, to which any provision of the Factory Acts is applied by the Factory and Workshop Act, 1895." A number of cases have been decided under the Workmen's Compensation Act, which interpret the meaning of s. 23 of the Factory Act, 1895. These, so far as they are applicable to the present Act, are briefly referred to in the notes to this and the succeeding section. Their principal importance, however, is in relation to questions of compensation to workmen, and the reader is therefore referred for fuller information to Willis's Workmen's Compensation Acts, 7th ed., pp. 50, *et seq*, and to Ruegg's Employers' Liability and Workmen's Compensation, 5th ed., pp. 192, *et seq*.

(*a*) *Ante*, p. 30.

(*b*) Sections 19—22, *ante*, pp. 32—38.

(*c*) Sections 79—86, *ante*, pp. 107—113.

(*d*) *Post*, p. 172.

(*e*) *Post*, p. 188.

(*f*) "**Wharf.**"—In *Haddock* v. *Humphrey*, [1900] 1 Q. B. 609; 60 L. J. Q. B. 327; 82 L. T. 72; 48 W. R. 292; 64 J. P. 86, the majority of the Court of Appeal held that a timber yard owned by a dock company and occupied by timber merchants divided from the quay by a wall and a public road is not a "wharf."

In *Ellis* v. *Wm. Cory and Son, Limited*, [1902] 1 K. B. 38, the Court of Appeal held that a structure moored in a river at some distance from, and not connected with, the shore, and used for the purpose of discharging coal from ships into barges was a "wharf."

(*g*) "**Process of loading.**"—In *Stuart* v. *Nixon and Another*, [1901] A. C. 79; 70 L. J. Q. B. 170; 84 L. T. 65; 17 T. L. R. 156, a ship in dock was being loaded by machinery. The actual

loading was finished, and the men were putting in the hatchway beams. The House of Lords held that the ship was in process of loading.

(*h*) **"Ship in dock," etc.**—The effect of the alteration in this part of the section referred to in the introductory note above is to overrule the cases of *Aberdeen Steam Trawling Co.* v. *Peters*, [1899] 1 F. 786; *Hennessey* v. *McCabe*, [1900] 1 Q. B. 491; 69 L. J. Q. B. 173; 81 L. T. 575; 48 W. R. 231; 64 J. P. 4; *Healy* v. *Macgregor* (1900), 2 F. 634; and *Laing* v. *Young* (1900), 3 F. 31, in which it was held that where a ship in dock was loading or unloading to or from a barge or lighter, and not to or from the wharf or quay direct, the machinery used in the process was not a factory.

In *Aberdeen Steam Trawling Co.* v. *Peters*, *supra*, and *Healy* v. *Macgregor*, *supra*, the Scotch courts also expressed an opinion that the Act of 1895 did not apply in any way to a ship or to any machinery therein, but in *Raine* v. *Jobson*, [1901] A. C. 404, the House of Lords decided that a ship in dry dock is subject to the Act of 1895, and in *Cattermole* v. *Atlantic Transport Co.*, [1902] 1 K. B. 204, the Court of Appeal held that for this purpose there is no difference between a dry and a wet dock. Under the present wording of the section difficulties of this kind are not likely to arise.

(*i*) **Factory.**—It was held by the Court of Appeal in *Hall* v. *Snowden*, *Hubbard & Co.*, [1899] 2 Q. B. 136; 68 L. J. Q. B. 645; 80 L. T. 554; 47 W. R. 486, that a dock, wharf, etc., is not to be considered a factory for the purposes of the Workmen's Compensation Acts unless some of the provisions of the Factory Acts are actually applicable to it at the time in question. This decision, however, was doubted by the Scotch courts in *Bruce* v. *Henry*, *infra*, and expressly dissented from in *Strain* v. *Sloan* (1901), 3 F. 663.

(*k*) **"Actual use or occupation."**—The meaning of these words is illustrated by the following cases: In *Jackson* v. *Rodger* (1899), 1 F. 1053, a shipbuilder built a ship by contract, and, after she was launched, sent her into a dock to have her engines fitted by a sub-contractor:—*Held*, by the Scotch courts, that the shipbuilder was in actual use or occupation of the dock. In *Bruce* v. *Henry* (1900), 2 F. 717, the Scotch courts held that a shipping agent who has contracted with a shipowner to unload his ship in a dock, is not in actual occupation of the dock. In *Low* v. *Abernethy* (1900), 2 F. 722, the Scotch courts held that the fact that a ship lying in dock is having her boilers repaired there, does not make the repairing firm occupiers of the dock; but this decision does not apply if the repairers are also the owners or hirers of the dock. See *Raine* v. *Jobson*, *supra*. In *Merrill* v. *Wilson*, [1901] 1 Q. B. 35; 83 L. T. 490; 49 W. R. 161, the Court of Appeal held that when a ship is moored alongside a quay, and the part of the quay next the ship is used by

the shipowner for discharging cargo, the shipowner has the actual use or occupation of the quay. In *Bartell* v. *Gray & Co.*, [1902] 1 K. B. 225, the Court of Appeal decided that a repairing firm are in actual use or occupation notwithstanding the fact that the crew are still in charge of the ship for the owners.

(*l*) **"Ship"; "Harbour."**—The definitions are as follows (s. 742): "Ship" includes every description of vessel used in navigation not propelled by oars; "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.

(vi.) BUILDINGS.

105. *Application of certain provisions to buildings.*]—(1.) The provisions of this Act with respect to—

(i) power to make orders as to dangerous machines (section seventeen) (*a*);

(ii) accidents (*b*);

(iii) regulations for dangerous trades (*c*);

(iv) powers of inspectors (section one hundred and nineteen) (*d*); and

(v) fines in case of death or injury (section one hundred and thirty-six) (*e*);

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 (*f*) 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 (*g*) 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 (*h*) and which is being constructed or repaired (*i*) by means of a scaffolding (*k*) ; and

(b) by 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 re-enacts so much of s. 23 of the Act of 1895 as relates to buildings.

It should be observed that the Workmen's Compensation Act, 1897 (by s. 7 (1) of that Act, Appendix, *post*, p. 340), applies "to employment . . . 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." These words, with the exception of the provision as to demolition, are in effect the same as those of the present section, and consequently many of the cases decided under the Workmen's Compensation Act are authorities upon this Act. Those cases are briefly referred to in the following notes. See also the introductory note to the last section.

(*a*) *Ante*, p. 30.

(*b*) Section 19—22, *ante*, pp. 32—38.

(*c*) Sections 79—86, *ante*, pp. 107—113.

(*d*) *Post*, p. 172.

(*e*) *Post*, p. 188.

(*f*) **Power used for constructing building.**—In *McNicholas* v. *Dawson*, [1899] 1 Q. B. 773 ; 68 L. J. Q. B. 470 ; 80 L. T. 317 ; 47 W. R. 500, the Court of Appeal held that a steam engine and mortar pan in a shed twenty yards away from a building in course of construction, and used for grinding mortar for the new building, are a factory.

(*g*) **Occupier.** — In *Purves* v. *Sterne*, [1900] 2 F. 887, a cold storage works had just been erected, and the refrigerating machinery installed. The firm who supplied the machinery were giving it a trial run prior to its being taken over, when a workman was injured. He sued for damages under the Workmen's Compensation Act, but the Court of Session in Scotland held that even if the place was a factory within the meaning of s. 149, which they doubted, the firm of engineers were not "occupiers" within the meaning of this section.

(*h*) **Buildings exceeding 30 feet in height.**—In *Rixson* v. *Pritchard*, [1900] 1 Q. B. 800; 69 L. J. Q. B. 554; 82 L. T. 186, two adjacent buildings, one more and one less than thirty feet in height, belonged to the same owner, and were connected internally. The plaintiff was injured while pulling down the smaller building. The Court of Appeal held that he was not demolishing a building more than thirty feet high.

The height referred to is the height at the time of the accident or other occurrence causing the Act to be put in motion (*Billings* v. *Holloway*, [1899] 1 Q. B. 70). It is to be measured to the top of the roof and not merely to the top of the walls (*Hoddinott* v. *Newton, Chambers & Co., Limited*, *infra*, note (*k*)), and from the surface of the ground within the building at the time of the accident, etc. (*McGrath* v. *Neill & Sons*, [1902] 1 K. B. 211). In the latter case the footings of the walls and no more had been covered in, and the Court of Appeal held that the height must be measured from the top of the footings and not from the level of the basement. In Scotland it has been held that the height must not be measured from the actual foundations (*Halstead* v. *Thomson & Sons* (1901), 3 F. 668).

(*i*) **Constructed or repaired.**—A building which has been completed and found to be faulty, and is therefore being altered, is being "constructed" (*Hoddinott* v. *Newton, Chambers & Co., Limited*, *infra*, note (*k*)). Whitewashing ceilings is "repairing" (*Dredge* v. *Conway Jones & Co.*, [1901] 2 K. B. 42; 70 L. J. K. B. 494; 84 L. T. 345; 49 W. R. 518). Painting may be "repairing" (*Reddy* v. *Broderick*, *infra*, note (*k*)).

(*k*) **Scaffolding.**—In *Hoddinott* v. *Newton, Chambers & Co., Limited*, [1901] A. C. 49; 70 L. J. K. B. 150; 84 L. T. 1; 49 W. R. 380, it was held by the majority of the House of Lords that: (1) A building which has been completed and found to be faulty, and therefore is being altered, is being "constructed"; (2) It is a question of law, when once the facts are ascertained, whether any particular structure is a scaffolding; and (3) Scaffolding may be external or internal, and includes an internal staging made of planks and trestles without poles.

This decision overruled *Wood* v. *Walsh*, [1899] 1 Q. B. 1009; 68 L. J. Q. B. 492; 80 L. T. 345; 47 W. R. 504; 63 J. P. 212; *Maude* v. *Brook*, [1900] 1 Q. B. 575; 69 L. J. Q. B. 322; 82 L. T. 39; 48 W. R. 290; 64 J. P. 181, and *Ferguson* v. *Green*, [1901]

1 Q. B. 25 ; 70 L. J. Q. B. 21 ; 83 L. T. 461 ; 49 W. R. 105 ; 64 J. P. 819, so far as they decided that it is a question of fact for the arbitrator under the Workmen's Compensation Act to decide whether any particular structure is or is not a scaffolding. The following structures have been held to be scaffolding :

(1.) Boards laid upon trestles inside a house, and used by plasterers in plastering inside walls and ceilings (*Maude* v. *Brook*, *supra*). The case is probably still an authority upon this point, although it was overruled upon another point as mentioned above.

(2.) A plank from a ladder to a wall when used for white-washing ceilings (*Reddy* v. *Broderick*, [1901] 2 Ir. R. 328).

(3.) A "crawling board," used for repairing roofs, resting on a roof and held at one end by a man standing on a ladder (*Veasey* v. *Chattle*, Times Newspaper, November 25th, 1901).

In the Scotch case of *Halstead* v. *Thomson & Sons* (1901), 3 F. 668, a scaffold was being used for the repair of a building both before and after the day of an accident, but on the day itself it had been temporarily taken down and taken to pieces. It was held that the building was being "constructed or repaired by means of a scaffolding" on the day of the accident.

(vii.) RAILWAYS.

106. *Application of certain provisions to railway sidings.*]—(1.) Where any line or siding not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900 (*a*), 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) (*b*) ;

(ii) accidents (*c*) ;

(iii) regulations for dangerous trades (*d*) ;

(iv) powers of inspectors (section one hundred and nineteen) (*e*) ; and

(v) fines in case of death or injury (section one hundred and thirty-six) (*f*),

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 is a new provision, and is supplementary to the two last preceding sections.

(*a*) **Railway.**—The definition in s. 16 of the Act referred to is as follows: "Any railway used for the purposes of public traffic, whether passenger, goods, or other traffic, including any works of the railway company connected with the railway."

(*b*) *Ante*, p. 30.

(*c*) Sections 19—22, *ante*, pp. 32—38.

(*d*) Sections 79—86, *ante*, pp. 107—113.

(*e*) *Post*, p. 172.

(*f*) *Post*, p. 188.

PART VI.

HOME WORK.

107. *Lists of outworkers to be kept in certain trades.*]—In the case of persons employed in such classes of work as may from time to time be specified by special order (*a*) 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 (*b*) and manner and with the prescribed particulars lists showing the names and addresses (*c*) 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 (*d*) in each year copies of those lists to the district council (*e*) of the district in which the factory or workshop is situate.

(2.) Every district council (*e*) 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 authorised by the district council, and the copies sent to the council and the particulars furnished by one council to another (*f*) shall be open to inspection by any inspector under this Act.

(4.) This section shall apply to any place from which any work (*g*) 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 (*h*) not exceeding forty shillings and, in the case of a second or subsequent offence (*i*), not exceeding five pounds.

This section is, in effect, a reproduction of s. 27 of the Act of 1891 and s. 42 of the Act of 1895, with several important modifications which are noted below.

(*a*) **Special order.**—By order, dated December 11th, 1901 (which revokes an order of a similar kind, dated March 23rd, 1898, and made under the repealed Acts), the provisions of this section have been applied to the following classes of work—

The making, cleaning, washing, altering, ornamenting, finishing and repairing of wearing apparel, and any work incidental thereto ;

The making, ornamenting, mending, and finishing of lace, and of lace curtains and nets ;

Cabinet and furniture making and upholstery work ;

The making of electro-plate ;

The making of files ; and

Fur-pulling,

The order further provides that the lists of outworkers required to be kept by this section, and the copies thereof, shall be kept and made in the form and manner, and with the particulars shown in the schedule to the order, for which see note (*b*), *infra*.

(*b*) **Prescribed form.**—The schedule to the order of December 11th, 1901, referred to in note (*a*), *supra*, prescribes the form and manner in which lists of outworkers are to be kept as follows—

LIST OF OUTWORKERS.

A correct list of outworkers employed in the following classes of work—

(a) making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel and any work incidental thereto ;

(b) making, ornamenting, mending, and finishing of lace and of lace curtains and nets ;

(c) cabinet and furniture making and upholstery work ;

(d) making of electro-plate ;

(e) making of files ;

(f) fur-pulling ;

must be kept in the form and with the particulars specified below in the factory or workshop or place from which the work is given out, and must be open to inspection by H.M. Inspectors and the officers of the local authority ; and a copy of the list signed and dated and corrected up to that date must be forwarded to the local authority of the district on or before the first day of February and the first day of August in each year.

In order that the list may be correct, the name of any person newly taken into employment should be immediately entered, and the name of any person ceasing to be employed should be immediately struck out.

Factory, Workshop, or Place from which the work is given out. } Full Postal Address———— Business———— Name of Occupier————

LIST OF PERSONS directly employed by * † in the business of, but outside, the above Factory, Workshop, or Place, in the classes of work specified above.

Name in full.	Whether employed as Workman (W) or Contractor (C).	Place of Employment, *i.e.*, place where the work is actually done.	Address. [*No entry need be made in this column if the entry in column* (3) *is a sufficient address.*]
(1.)	(2.)	(3.)	(4.)

* Give name of employer.

† Say whether the occupier or a contractor employed by the occupier.

(*c*) **Addresses.**—This requirement is new. Formerly only the names were required to be given.

(*d*) **February and August.**—Formerly March and September.

(*e*) **District council.**—Sub-section (1) (c) and sub-s. (2) in so far as they relate to district councils are new. Formerly the only power of a district council under this section was the power of inspection conferred by sub-s. (3).

(*f*) **Particulars.**—The latter part of this sub-section is necessarily new. See note (*e*), *supra*.

(*g*) **Any work.**—This sub-section was inserted to meet the case of work being given out from a place which is neither a factory nor a workshop. It was formerly confined to "places from which any work of making wearing apparel for sale is given out," but it now applies to all trades mentioned in the special order.

(*h*) **Fines.**—Recoverable summarily (see s. 144, *post*, p. 196).

(*i*) **Second or subsequent conviction.** — This provision is new.

108. *Employment of person in unwholesome premises.*]—(1.) If the district council (*a*) 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 (*b*) 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 (*c*) except in the case of persons employed in such classes of work as the Secretary of State may specify by special order (*d*).

This section re-enacts s. 5 of the Act of 1895 with two alterations, which are noted below. It should be observed that it is only to come into operation after a special order has been made by the Secretary of State, and is therefore at present (March, 1902) inoperative. See note (*d*), *infra*.

(*a*) **District council.**—Formerly the duty of putting this section in force was imposed upon the factory inspector.

(*b*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

(*c*) **Limitation of operation.**—Under the Act of 1895 no order could be made except in the case where the whole area in which the workplace was situate was insanitary or in some way unsuited to the class of work to be carried on. This restriction is now withdrawn.

(*d*) **Special order.**—By order dated December 11th, 1901, the provisions of this section are applied to the following classes of work—

The making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel, and any work incidental thereto ;

The making, ornamenting, mending, and finishing of lace, and of lace curtains and nets ;

Cabinet and furniture making and upholstery work ;

The making of electro-plate ;

The making of files ; and

Fur-pulling.

109. *Making of wearing apparel where there is scarlet fever or small-pox.*]—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 (*a*) not exceeding ten pounds.

This section re-enacts s. 6 of the Act of 1895, with the exception that laundries which were formerly included are no longer specifically mentioned. It may be observed that by s. 103 (1) (d), *ante*, p. 135, laundries are to be treated as factories or workshops (as the case may be) "so far as regards provisions with respect to health and safety." It is not clear whether this section does not come within those provisions, notwithstanding the fact that Part I. of the Act is expressly entitled "Health and Safety."

(*a*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

110. *Prohibition of home work in places where there is infectious disease.*]—(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.

(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 (*a*) 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 (*b*), 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 (*c*) of the Secretary of State.

This is a new provision.

(*a*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

(*b*) **Infectious diseases.**—The diseases referred to in s. 6 of the Infectious Disease (Notification) Act, 1889, are as follows: 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 including, as respects any particular district, any infectious diseases to which the Act has been applied by the local authority of the district.

(*c*) **Special order.**—By order dated December 11th, 1901, the provisions of this section have been applied to the following classes of work—

The making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel, and any work incidental thereto (as in the said section specified);

The making, ornamenting, mending, and finishing of lace, and of lace curtains and nets;

Upholstery work; and

Fur-pulling.

111. *Application of Act to domestic factories and workshops.*]—The application of this Act to domestic factories and domestic workshops (*a*) shall be subject to the following provisions:

(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 (*b*); 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 (*c*) 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 (*d*).

(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 (*e*).

(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 (*f*) ;

(b.) The provisions as to affixing notices and abstracts and as to specifying certain matters in notices so affixed (*g*) ;

(c.) The provisions as to holidays (*h*) ;

(d.) The provisions as to notices of accidents (*i*) ;

(e.) The provisions as to means of ventilation, the drainage of floors and thermometers (*k*) ;

(f.) The provisions as to the keeping of a general register (*l*).

(5.) The provisions of section one of this Act (relating to the sanitary condition of a factory) shall not apply to a domestic factory (*m*).

Sub-section (1) of this section re-enacts s. 16 of the Act of 1878. Sub-section (2) is new. The remainder of the section re-enacts s. 61 of the Act of 1878 with certain modifications which are noted below.

(*a*) **Domestic factories and workshops.**—For definition, see s. 115, *post*, p. 160. It should be noted that no restrictions upon the employment are imposed by the section.

(*b*) **Morning and afternoon set.**—Note that a child cannot be employed on the alternate day system in a domestic factory or workshop.

(*c*) **Entries and reports.**—See s. 60, *ante*, p. 82.

(*d*) **Special order.**—No such order is as yet (March, 1902) in force.

(*e*) **Certificates of fitness.**—*I.e.*, the obtaining of a certificate is optional and not compulsory. See s. 65, *ante*, p. 90.

(*f*) **Meal times.**—See s. 33, *ante*, p. 52.

(*g*) **Notices and abstracts.**—See ss. 127 and 128, *post*, p. 181.

(*h*) **Holidays.**—See s. 35, *ante*, p. 53.

(*i*) **Notices of accidents.**—See s. 19, *ante*, p. 32. This exception is new.

(*k*) **Ventilation, etc.**—See ss. 6, 7, and 8, *ante*, pp. 14—16. This exception is necessarily new.

(*l*) **General register.**—See s. 129, *post*, p. 182. This exception is also necessarily new.

(*m*) **Sanitary provisions.**—Although the sanitary provisions of this Act contained in s. 1 are not enforceable in domestic factories, the sanitary provisions of the Public Health Acts are enforceable both in domestic workshops and domestic factories by virtue of the provisions of s. 2 of this Act. See the notes to that section, *ante*, pp. 7—10.

112. *Dangerous processes in domestic factories and workshops.*]—If any manufacture, process or descrip-

tion of manual labour, which in pursuance of this Act has been certified by the Secretary of State to be dangerous (*a*), is carried on in a domestic factory or workshop, all the provisions of this Act shall apply, as if the place were a factory or workshop other than a domestic factory or workshop.

This is a new provision.

(*a*) See s. 79, *ante*, p. 107.

113. *Abstracts for domestic factories and workshops.*]—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 is also a new provision.

114. *Non-application of Act to certain domestic workshops.*]—(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 sub-section to that handicraft, he may, by special

order (*a*), extend the same accordingly. Part Two of this Act shall apply, so far as circumstances admit, as if the order were an order (*b*) 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 (*c*), where the labour is exercised at irregular intervals and does not furnish the whole or principal means of living to the family.

This section is in effect a re-enactment of ss. 97, 98 and Sched. 5 of the Act of 1878. It should be observed that the labour must be exercised only by the family dwelling in the house, and hence plait schools and lace schools will continue to be workshops as heretofore, and the decision in the case of *Beadon* v. *Parrot* (1871), L. R. 6 Q. B. 718 ; 40 L. J. M. C. 200 ; 19 W. R. 1144, still holds good. In that case, a man kept a school for teaching straw-plaiting and reading. The straw was provided by the parents of the children, and the plait when completed was sold by them. The children were under the minimum age allowed by the Workshop Regulation Act, 1867 :— *Held*, that the man was employing children contrary to the provisions of that Act.

(*a*) **Special order.**—No such order is as yet (March, 1902) in force.

(*b*) **Orders extending exceptions.**—For examples of these, see Part II. (ii) of this Act, ss. 36—60, *ante*, pp. 55—82.

(*c*) **Workshop.**—See the definition of "workshop" in s. 149, *post*, p. 202.

115. *Definitions of "domestic factory" and "domestic workshop."*]—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.

This section re-enacts the first part of s. 16 of the Act of 1878 and s. 37 (2) of the Act of 1891. The distinction between domestic factories and domestic workshops was not, however, recognised under the old Acts.

PART VII.

PARTICULARS OF WORK AND WAGES.

116. *Particulars of work or wages to be given to piece workers.*]—(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 (*a*) 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 (*a*) 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 (*a*) 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 (*b*), 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 out-workers (*c*) and to the employers of those persons.

This section is a reproduction of s. 40 of the Act of 1895, with the exception of sub-s. (1) (b) which is taken from the special order, dated April 22nd, 1897, mentioned in note (*b*), *infra*. It formerly applied only to the industries mentioned in that order, but is now extended to all weavers in the cotton trade. It does not apply to men's workshops (s. 157, *post*, p. 215).

(*a*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

(*b*) The provisions of this section have been extended by order

dated April 22nd, 1897, to factories and workshops in which is carried on the making of—

Handkerchiefs,
Aprons,
Pinafores,
Blouses,

with the following modifications :

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.

Also, by order dated August 10th, 1897, to factories and workshops in which is carried on the making of—

Iron and steel cables and chains,
Iron and steel anchors and grapnels,

with the following modifications :

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 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.

Also by order dated August 20th, 1897, to factories and workshops in which is carried on the making of—

Locks,
Latches,
Keys,

with the following modifications :

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.

Also, by order dated November 30th, 1897, to factories and workshops in which is carried on the making of—

Felt hats,

with the following modifications.

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.

Also by order dated August 6th, 1898, to factories and workshops in which wholesale tailoring is carried on, with the following modifications :

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.

Also by order dated September 2nd, 1898, the provisions of the section were extended 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.

Also by order, dated July 12th, 1900, the provisions of the section were extended to factories and workshops in which is carried on the making of pens with the following modifications:

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 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 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.

(*c*) **Outworkers.**—See ss. 107—110, *ante*, pp. 146—154.

117. *Inspection of weights and measures used in ascertaining wages.*]—Every Act for the time being in force relating to weights and measures (*a*) 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 authorised 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.

This section re-enacts s. 80 of the Act of 1878.

(*a*) **Weights and measures.**—The Acts which regulate the inspection of weights and measures specially apply to weights, etc., used in buying and selling. This section extends the operation of those Acts to weights and measures used in factories for ascertaining or checking wages. See Weights and Measures Acts, 1878 to 1893.

PART VIII.

ADMINISTRATION.

(i.) INSPECTION.

118. *Appointment and duties of inspectors and clerks and servants.*]—(1.) The Secretary of State, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title (*a*) 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.

(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 (*b*) 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.

This section re-enacts s. 67 of the Act of 1878, with the exception of sub-s. (2), which is taken from s. 23 of the Act of 1891.

(*a*) **Titles.**—The titles fixed by the Secretary of State are:
His Majesty's chief inspector of factories and workshops.
His Majesty's superintending inspectors of factories and workshops.
His Majesty's inspectors of factories and workshops.
His Majesty's inspectors' assistants.

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

(*b*) **Such inspector.**—It should be noted that the notices mentioned in ss. 19 and 60, *ante*, pp. 32 and 82, and ss. 127 and 133, *post*, pp. 181 and 185, are expressly required to be given to the inspector for the district, and the notice mentioned in s. 93, *ante*, p. 122, must be given to the chief inspector, also the return mentioned in s. 130, *post*, p. 184.

119. *Powers of inspectors.*]—(1.) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things (*a*): namely,—

(a.) To enter, inspect and examine at all reasonable times, by day and night, a factory (*b*) 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 (*b*) 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 (*b*) 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 (*b*) or workshop and to require every such person to be so examined and to sign a declaration (*c*) of the truth of the matters respecting which he is so examined ; and

(g.) To exercise such other powers (*d*) as may be necessary for carrying this Act into effect.

(2.) The occupier of every factory (*b*) 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 (*e*) 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 (*e*) 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 (*e*) 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 (*e*) not less than one pound shall be imposed for each offence.

This section re-enacts s. 68 of the Act of 1878, as amended by s. 28 of the Act of 1891, and s. 45 of the Act of 1895.

(*a*) **Powers of inspectors.**—An inspector's powers of entry may be summarised as follows : He may enter by day or night a factory or a workshop where he believes any person to be employed therein, and may enter by day any place he may believe to be a factory or workshop. He may also enter a school in which he believes that children employed in a factory or workshop are being educated, and he may make examinations and require declarations in a workshop, factory, or school. He cannot take a constable with him into a factory or workshop, unless he apprehend serious obstruction ; while, on the other hand, he can take with him into a factory or workshop the medical officer of health, inspector of nuisances, or other officer of the district council. See s. 5 (2), *ante*, p. 12. He is further required to enforce the observance of the Elementary Education Acts by employers. See Appendix, *post*, pp. 349, 350.

The following additional powers have been given to the inspectors :

(a.) To administer the provisions of the Truck Acts in factories and workshops. See Appendix, s. 13 of the Truck Act, 1887, *post*, p. 322.

(b.) To inquire whether conditions in licence for employment of children at places of entertainment are duly observed. See Appendix, s. 3 of the Prevention of Cruelty to Children Act, 1894, *post*, p. 360.

(*b*) **Factory.**—Including docks, etc., buildings, and railways (see ss. 104—106, *ante*).

(*c*) **Declaration.**—For penalty for making a false declaration, see s. 139, *post*, p. 193.

(*d*) **Other powers.**—By s. 120, *infra*, an inspector is given, if authorised in writing under the hand of the Secretary of State, power to conduct proceedings before a magistrate, although he is not a barrister, solicitor, or law agent. This has always been the practice.

(*e*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

120. *Right of inspector to conduct proceedings before magistrates.*]—An inspector, if so authorised in writing under the hand of the Secretary of State, may, although he is not a counsel or solicitor or law agent, prosecute, conduct or defend before a court of summary jurisdiction or justice any information, complaint or other proceeding arising under this Act or in the discharge of his duty as inspector.

This section re-enacts s. 51 of the Act of 1895. It defines the position of the inspectors in court, although by long usage they have always conducted cases under the Factory Acts.

121. *Certificate of appointment of inspector.*]—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.

This section re-enacts the first paragraph of s. 70 of the Act of 1878.

(ii.) CERTIFYING SURGEONS.

122. *Appointment and duties of certifying surgeons.*]—(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.

The first four sub-sections of this section re-enact s. 72 of the Act of 1878. Sub-section (5) is taken from s. 46 (1) of the Act of 1895, and sub-s. (6) re-enacts s. 19 of the Act of 1891.

123. *When poor law medical officer is to act as certifying surgeon.*]—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.

This section is taken from s. 71 of the Act of 1878. It formerly applied only when there was no certifying surgeon resident within three miles of the factory or workshop. The provision obviates the necessity for creating appointments in places where there are only one or two factories.

124. *Fees of certifying surgeons.*]—(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 :

(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 (*a*) 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 (*b*) 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 (*c*),

and shall be paid by the Secretary of State as expenses incurred in the execution of this Act.

Sub-section (1) of this section is taken from s. 74 of the Act of 1878; sub-s. (2) is taken from s. 46 (2), (3) of the Act of 1895; sub-s. (3) is taken from the last paragraph of s. 32 of the Act of 1878. It should be noted that s. 74 (4) of the Act of 1878, which permitted the occupier to deduct the fee from the wages of the person for whom the certificate is granted, and sub-s. (5), which allowed the Secretary of State to alter any fees fixed under the section, have not been re-enacted.

(*a*) *Post*, p. 236.

(*b*) *Post*, p. 237.

(*c*) **Scale of fees.**—The following is the scale of fees fixed by the Secretary of State:

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

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

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

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

But no fee shall exceed the sum of ten shillings.

(iii.) LOCAL AUTHORITIES.

125. *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 (*a*) under this Act.

This section is taken from s. 3 (2) of the Act of 1891.

(*a*) **Powers of inspectors.**—See s. 119, *ante*, p. 172.

(iv.) SPECIAL ORDERS.

126. *Provisions as to special orders of Secretary of State.*]—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 :

(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.

This section re-enacts s. 65 of the Act of 1878 as amended by s. 47 of the Act of 1895.

(v.) NOTICES, REGISTERS AND RETURNS.

127. *Notice of occupation of factory or workshop.*]—(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 (*a*) 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 section re-enacts s. 75 of the Act of 1878, as amended by s. 26 of the Act of 1891, and s. 44 of the Act of 1895.

(*a*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

128. *Affixing of abstract and notices.*]—(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—

(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 (*a*) (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 (*b*).

(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 (*c*) not exceeding forty shillings.

This section re-enacts s. 78 of the Act of 1878.

(*a*) **Clock.**—See s. 32 (4), *ante*, p. 51.

(*b*) **List of notices.**—See Appendix, *post*, pp. 305—310.

(*c*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

129. *General registers.*]—(1.) In every factory and workshop there shall be kept a register, called the general register, showing in the prescribed form the prescribed particulars as to—

(a) the children and young persons employed in the factory or workshop (*a*) ; and

(b) the lime-washing of the factory or workshop (*b*) ; and

(c) every accident occurring in the factory or workshop of which notice is required to be sent to an inspector (*c*) ; and

(d) every special exception of which the occupier of the factory or workshop avails himself (*d*) ; and

(e) such other matters as may be prescribed (*e*).

(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 (*f*) not exceeding five pounds.

This section is practically new. It corresponds in part to s. 77 of the Act of 1878, and ss. 15, 20, 43, of the Act of 1895. Formerly two registers had to be kept, (1) a register of young persons and children and certain other matters, which was only required in certain factories and workshops (s. 77 of the Act of 1878); and (2) a register of accidents, which had to be kept in all factories and workshops (s. 20 of the Act of 1895). Now a new register, called the general register, which includes all matters under the Act, and must be kept in every factory and workshop, except domestic factories and workshops, is substituted.

(*a*) **Employment.**—See Part II. of this Act, ss. 23—67, *ante*.

(*b*) **Limewashing.**—See ss. 1, 94, 99, *ante*.

(*c*) **Accidents.**—See s. 19, *ante*, p. 32.

(*d*) **Special exceptions.**—See ss. 36—48, *ante*.

(*e*) **Other matters.**—See ss. 11 (3) (report of examination of boiler), *ante*, p. 21; 31 (4) (employment in factory and shop on same day), *ante*, p. 49; 60 (4) (employment in pursuance of special exception), *ante*, p. 83.

(*f*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196). The fines under the old Acts were, in the case of the register of accidents £10, and in the case of the other register 40*s*.

130. *Periodical return of persons employed.*]—(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 (*a*) not exceeding ten pounds.

(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 (*a*) for default in compliance with the requirement.

Sub-section (1) of this section corresponds to s. 34 of the Act of 1895 with the following differences :—(1.) Formerly the return had to be made annually ; (2) it had to be sent to the inspector of the district ; (3) particulars as to occupation were not required. Sub-section (2) is new.

(*a*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

131. *Registers of Workshops.*] — Every district council shall keep a register of all workshops situate within their district.

This section is new.

132. *Report of medical officer of health on administration of Act.*]—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.

This section is new.

MISCELLANEOUS PROVISIONS.

133. *Notice by medical officer of health of employment of woman, young person or child in workshops.*]—Where any woman, young person or child is employed in a workshop in which no abstract of this Act (*a*) 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.

This section corresponds to sub-s. (3) of s. 3 of the Act of 1891. It formerly applied to all workshops. A similar provision will be found in the Public Health (London) Act, 1891, s. 27. See Appendix, *post*, p. 366.

(*a*) **Abstract.**—See s. 128, *supra*.

134. *Certificate of birth in case of young persons under* 16 *and children.*]—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 (*a*) 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.

This section re-enacts s. 20 of the Act of 1891.

(*a*) **Prescribed forms.**—**England and Wales.** (Order dated December 23rd, 1901.)

To the Superintendent Registrar or Registrar of Births and Deaths having the custody of the Register in which the Birth of the under-mentioned Young Person or Child 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 Young Person or Child named in the subjoined Schedule.

Christian Name and Surname of the Young Person or Child of whose Age a Certificate is required.	Names of the Parents of such Young Person or Child.		Where such Young Person or Child was Born.	In what year such Young Person or Child was born.
	Father.	Mother.		

Dated this day of , 19 .
Signature . *Address* . *Occupation* .

Scotland. (Order dated February 14th, 1902.)

To the Registrar 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, an extract under your hand of the Entry 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.	When such Child or Young Person was Born.
	Father.	Mother.		

Dated this day of , 19 .
Signature . *Address* . *Occupation* .

Ireland. (Order dated June 19th, 1895.)

To the Registrar or Superintendent Registrar 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 purpose of his or her employment at (*a*) under the Factory and Workshop Acts, a Certificate of the Birth of the Child or Young Person under the age of sixteen years 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* .

(*a*) Here state place of employment.

PART IX.

LEGAL PROCEEDINGS.

135. *Fine for not keeping factory or workshop in conformity with Act.*]—(1.) If a factory or workshop is not kept in conformity with this Act, the occupier (*a*) thereof shall be liable to a fine (*b*) 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 (*a*) shall be liable to a fine (*b*) not exceeding one pound for every day on which the non-compliance continues.

This section re-enacts s. 81 of the Act of 1878, as amended by s. 28 of the Act of 1891.

It is applicable to breach of the following provisions :

sanitary conditions (s. 1) ;
temperature (s. 6) ;
ventilation (s. 7) ;
drainage of floors (s. 8) ;
sanitary conveniences (s. 9) ;
fencing machinery (s. 10) ;
boilers (s. 11) ;
self-acting machines (s. 12) ;
means of escape from fire (ss. 14, 16) ;
ventilation by fan (s. 74) ;

lavatories and meals in dangerous trades (s. 75);
employment in wet-spinning (s. 76);
grinding in tenement factory (s. 88);
limewashing of bakehouses (s. 99);
underground bakehouses (s. 101);
laundries (s. 103).

(*a*) **Occupier** includes in certain cases the owner or hirer of a machine (see s. 142, *post*, p. 195).

(*b*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

136. *Fines in case of death or injury.*]—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 (*a*) 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:

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.

This section re-enacts s. 82 of the Act of 1878 as amended by ss. 28 of the Act of 1891, and 13 of the Act of 1895.

Besides the remedy of penal compensation under the Factory Acts, a workman has a right of action against his employer, in certain circumstances, under the Employers' Liability Act, 1880. (see Appendix, *post*) : but the effect of the provisions of s. 5 of that Act is, that any sum paid by way of compensation to a workman under the section of the Factory Act of 1878 which corresponds to this section, must be deducted from the sum awarded to him as damages in an action in respect of the same injury under the Employers' Liability Act, while, if he has not actually received any money by way of compensation under the above section by the time he commences his action under the Employers' Liability Act, the fact that an action has been so commenced disentitles him from thereafter receiving any sum by way of compensation under the above section, whether such action is ultimately successful or not. In other words, by commencing an action under the Employers' Liability Act, he bars himself from any compensation under the Factory Acts, unless he has already been in fact paid something by way of compensation. If he has, it goes in reduction of any damages he may ultimately recover.

A further right to compensation is given, in certain circumstances, to a workman for personal injury by accident arising out of and in the course of his employment by the Workmen's Compensation Acts. See Appendix, *post*, pp. 335—349. The Act of 1897 contains a provision (s. 1 (5)) that, "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." This enactment, it may be noticed, does not, like the corresponding enactment in the Employers' Liability Act, expressly provide for the case where a workman may be entitled to, but has not actually received, compensation under the Factory Acts, before proceeding under the Workmen's Compensation Acts. On the contrary, it says that the Act "shall not affect . . . the application of any fine" under the Factory Acts. It would seem to follow, therefore, that the taking of proceedings under the Workmen's Compensation Acts would not (as in the case of proceedings under the Employers' Liability Act) in itself debar a workman from being subsequently paid compensation under the Factory Acts. But it may, at the same time, be assumed that if a workman recovered full compensation under the Workmen's Compensation Acts, the Secretary of State would not be likely to award him any further compensation under the Factory Acts.

Apart from the above-mentioned statutory rights, a workman would have an action of negligence against his employer at common law if he were injured through a defect in the machinery, etc., but in such an action he would have to show, not only that his employer was aware of the defect which caused the injury, but also that he himself was not aware of it.

Lastly, it was decided by the Court of Appeal in *Groves* v. *Lord Wimborne*, [1898] 2 Q. B. 402 ; 67 L. J. Q. B. 862 ; 79 L. T. 284 ; 47 W. R. 89, that a workman may bring a civil action for damages against his employer, the occupier of a factory, in respect of a personal injury sustained by him through a breach by the employer of his duty under s. 10 to fence dangerous machinery, and that the defence of common employment (*i.e.*, that the actual cause of the injury was the negligence of a fellow servant) is not applicable in a case where there has been a breach of an absolute duty imposed by the Act upon the master. The same principle seems to apply to every case where a workman has suffered personal injury in consequence of a breach by the master of any of his duties under the Act.

The fact that the person injured has been guilty of contributory negligence is no defence to a prosecution under this section. See the case of *Blenkinsop* v. *Ogden*, [1898] 1 Q. B. 783 ; 67 L. J. Q. B 537 ; 78 L. T. 554 ; 46 W. R. 542, in which it was held that where an injury was caused to a worker by an unfenced machine, the employer was liable to a fine under this section for not fencing the machine, notwithstanding the fact that the injury was proximately caused through carelessness and wilful disobedience of the foreman's orders on the part of the injured person.

(*a*) **Occupier.**—By s. 87, *ante*, p. 114, the liability is transferred from the occupier to the owner in the case of tenement factories. Note also that the word "occupier" includes in certain cases the owner or hirer of a machine (s. 142, *post*, p. 195).

137. *Fine for employing persons contrary to Act*].—(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 (*a*) of the factory or workshop shall be liable to a fine (*b*) 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 (*a*) shall be liable to a fine (*b*) 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.

This section is in effect a re-enactment of s. 83 of the Act of 1878 as amended by s. 28 of the Act of 1891.

The sections to which this provision applies are ss. 13, 24—31, 33—35, 37—39, 44, 49, 50, 54—56, 61—63, 67, 69, 77, 78, 103, 111.

(*a*) **Occupier** includes in certain cases the owner or hirer of a machine (see s. 142, *post*, p. 195).

(*b*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

138. *Fine for offence by parent.*]—(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.

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

This section re-enacts s. 84 of the Act of 1878. For definitions of "young person," "child" and "parent," see s. 156, *post*, p. 212.

(*a*) **School attendance.**—See s. 68, *ante*, p. 92.

(*b*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

139. *Forgery of certificates, false entries and false declarations.*]—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) (*a*) ; 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 (*b*) not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, with or without hard labour.

This section reproduces s. 85 and the last paragraph of s. 70 of the Act of 1878. The only alteration is that under s. 70 the punishment for some of these offences was a maximum of three months imprisonment, without the option of a fine.

(*a*) **Other punishment.**—For instance, by the Malicious Damage Act, 1861 (24 & 25 Vict. c. 97), s. 36, the forgery of a birth certificate is made a felony punishable with penal servitude for life. It should be observed that if any money, goods, or valuable securities are obtained by any of the frauds mentioned in this section, the offender would be liable on an indictment for false pretences to a sentence of penal servitude. Care should therefore be taken to ascertain whether an offence under this section does not amount to one of the more serious crimes indicated above, since a summary conviction under this section would be a bar to any subsequent proceedings by indictment.

(*b*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 196).

140. *Fine on person actually committing offence for which occupier is liable.*]—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.

This section reproduces s. 86 of the Act of 1878.

141. *Power of occupier to exempt himself from fine on conviction of the actual offender.*]—(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—

(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.

This section re-enacts s. 87 of the Act of 1878, as amended by s. 50 of the Act of 1895.

142. *Owner of machine liable in certain cases instead of occupier.*]—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.

This section reproduces s. 99 of the Act of 1878. The only alteration is that it formerly applied only to machines, etc., in connection with which children, young persons, or women were employed.

143. *Limit to cumulative fines.*]—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—

(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.

This section re-enacts s. 88 of the Act of 1878.

144. *Prosecution of offences and recovery and application of fines.*]—(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.

(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 (*a*), 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.

The first four sub-sections of this section re-enact s. 89 of the Act of 1878. Sub-section (5) is new.

(*a*) *I.e.*, in the case of penal compensation to persons injured (s. 136, *ante*, p. 188).

145. *Appeal to quarter sessions.*]—If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an infor-

mation or complaint under this Act, he may appeal therefrom to quarter sessions.

This section re-enacts s. 90 of the Act of 1878.

146. *Limitation of time and general provisions as to summary proceedings.*]—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 authorised by this Act to appeal, shall not be removed by certiorari or otherwise, either

at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

This section reproduces sub-ss. (4)—(6) of s. 91 of the Act of 1878, as amended by s. 29 of the Act of 1891, and s. 44 of the Act of 1895, with the exception that the words "shall not be quashed for want of form" in sub-s. (4), though they were included in the Act of 1878, were repealed by the Summary Jurisdiction Act, 1884. They are now re-enacted.

147. *Evidence in summary proceedings.*]—(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:

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.

The section re-enacts s. 92 of the Act of 1878, as amended by s. 30 of the Act of 1891. Other provisions as to evidence will be found in s. 60 (6), *ante*, p. 84, which enacts that a report to an inspector by the occupier of a factory, etc., of his intention to employ persons overtime, shall be *primâ facie* evidence that he has in fact so employed them; and s. 129, *ante*, p. 182, which enacts that the general register shall be *primâ facie* evidence against the occupier of a factory, etc., of the matters contained therein.

148. *Service of notices and documents, etc.*]—Any notice, order, requisition, summons and document required or authorised 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.

This section re-enacts s. 79 of the Act of 1878.

PART X.

SUPPLEMENTARY.

(i.) APPLICATION AND DEFINITIONS.

149. *Factories and workshops to which Act applies.*]—(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" (*a*) means any premises wherein or within the close or curtilage of which steam, water or other mechanical power (*b*) 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 (*c*) 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 (*d*) ; and

(b) any premises or places named in Part Two of the said schedule (*e*) wherein or within the close or curtilage or precincts of which steam, water or other mechanical power (*b*) is used in aid of the manufacturing process (*f*) 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 (*g*) 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 (*h*) of any article,

and wherein or within the close or curtilage or precincts of which steam, water or other mechanical power (*b*) is used in aid of the manufacturing process (*f*) 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 (*e*) 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 (*g*) 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 (*h*) 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 (*i*).

(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 (*i*) 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 (*k*).

(6.) The exercise by any young person or child in any recognised efficient school (*l*), 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 reproduces s. 93 of the Act of 1878. The definition of "tenement factory" is taken from s. 24 of the Act of 1895. Sub-section (3) is taken from s. 31 of the Act of 1891. In sub-s. (2) the words "with the approval in writing of the chief inspector" are new, as is also the term "tenement workshop" in sub-s. (1).

(*a*) **Textile factories.**—Three cases have been decided which have a bearing as to what constitutes a "textile factory." When these cases were decided the expression "textile factory" had not been invented, and the then Factory Acts applied only to such factories as would now be called textile factories.

In the case of *Haydon* v. *Taylor*, 4 B. & S. 519; 33 L. J. M. C. 30; 9 L. T. 382; 12 W. R. 103, it was held that a factory, in which cotton sewing thread, manufactured elsewhere, was wound by machinery moved by steam-power, first on to cops, and secondly on to spools,—no other process except this particular process being carried on,—was within the operation of the Factory Acts.

In the case of *Whymper* v. *Harney* (1865), 18 C. B. (N.S.) 243; 34 L. J. M. C. 113; 11 L. T. 711; 13 W. R. 426 (decided under s. 73 of the 7 & 8 Vict. c. 15), it was held that a factory in which the manufacture of crinoline skirts was carried on was within the operation of the Factory Acts. The process was as follows: Steel plates were cut into strips and covered with cotton, the cotton being either wound round the steel, or plaited so as to make a case for the steel, and the steel strips when so covered were sewn into skirts for sale.

The case of *Taylor* v. *Hickes* (1862), 12 C. B. (N.S.) 152; 31 L. J. M. C. 242; 7 L. T. 322; 11 W. R. 36, may also be quoted. A factory was engaged in the manufacture of webbing, a fabric of cotton and wool combined, by the aid of steam power. The webbing was cut into proper lengths for braces and girths, and made into such articles by attaching to them buckles and straps of leather. The leather skins were cut into appropriate pieces, and holes bored in them, in a building within the curtilage, but separate and distinct from the building in which the webbing was manufactured:—*Held*, that the building in which the leather was cut and bored was a part of the factory, as it could not be said to be a room employed solely for the manufacture of goods of any other material than those enumerated in the Act.

"Textile factory" now includes the manufacture of any fibrous material besides those enumerated by name.

(*b*) **Other mechanical power.**—This must be of a kind *ejusdem generis* with steam power or water power, and the words do not include hand power (*Wilmott* v. *Paton*, [1902] 1 K. B. 237).

(*c*) **Print works, etc.**—For definition of these terms, see Sched. 6, *post*, p. 237.

(*d*) *Post*, p. 237.

(*e*) *Post*, p. 241.

(*f*) **In aid of process.**—In determining the question whether in any particular instance power is used "in aid of a manufacturing process" a somewhat fine distinction has been drawn. In

Petrie v. *Weir* (1900), 2 F. 1041, a gas engine was used in a stone-dressing yard to drive a grindstone for sharpening the workmen's tools. The Scotch Court held that it was used in aid of the manufacturing process carried on in the yard. But in *Law* v. *Graham*, [1901] 2 K. B. 327 ; 70 L. J. K. B. 608 ; 84 L. T. 599, where, in a beer bottling establishment, the bottles were filled with beer by hand, but were previously cleaned by a rotary brush driven by a gas engine, Lord ALVERSTONE, C.J., and LAWRANCE, J., while not dissenting from *Petrie* v. *Weir*, held that the engine was not used in aid of the process of bottling the beer.

(*g*) **By way of trade, etc.**—In *Nash* v. *Hollinshed*, [1901] 1 Q. B. 700, the Court of Appeal held that a moveable steam-engine on a farm used for grinding meal for consumption on the farm was not a factory within this definition.

(*h*) **Adapting for sale.**—In *Henderson* v. *Glasgow Corporation* (1900), 2 F. 1127, it was held that separating the saleable parts of town refuse from the unsaleable parts was an "adapting for sale." And in *Fullers, Limited* v. *Squire*, [1901] 2 K. B. 209 ; 70 L. J. K. B. 689, it was held that packing and arranging sweetmeats in ornamental boxes and tying them up with ornamental ribbons might be an adapting for sale. In *Law* v. *Graham*, [1901] 2 K. B. 327 ; 70 L. J. K. B. 608 ; 84 L. T. 599, Lord ALVERSTONE, C.J., thought it possible that the process of putting beer into bottles at a beer-bottling establishment might be an adapting for sale.

(*i*) **Separate factories, etc.** — *Cf.* s. 151, *infra*, as to the power of the Secretary of State to order separate branches or departments of the same factory or workshop to be treated as if they were different factories or workshops. This power has been exercised in the case of certain factories and workshops in the matter of the employment of children, young persons and women. See the notes to s. 151.

(*k*) **Open Air.**—It was held under the Factory Act, 1867, that places in the open air, although some manufacturing process might be carried on in them, would not be included in the term "factory"—hence the enactment respecting places in the open air. See note to "Quarries" ; and the cases of *Kent* v. *Astley*, and *Redgrave* v. *Lee*, in the notes to Part II. of Sched. 6, *post*, p. 243.

(*l*) **Recognised efficient school.**—For definition, see s. 72, *ante*, p. 100.

150. *Application to Crown factories and workshops.*] —(1.) This Act applies to factories and workshops 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.

(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.

The first part of sub-s. (1) of this section is taken from s. 93 of the Act of 1878. The provision as to factories, etc., working on Government contracts, and sub-ss. (2) and (3) are new.

151. *Power to treat separate branches as separate factories or workshops.*]—The Secretary of State may, by special order (*a*), 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 re-enacts s. 39 of the Act of 1895.

(*a*) **Special order.** — With respect to factories and workshops in which overtime may be worked by women, under s. 49, *ante*, the Secretary of State has issued an order, dated March 27th, 1897, that different branches or departments of work carried on in the same factory or workshop shall, 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 department may be employed in any other branch or department.

(2.) In every such branch or department a separate notice (Special Exception Notice) under s. 66 of the Factory and Workshop Act, 1878 (now s. 60, *ante*), 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 s. 66 of the Factory and Workshop Act, 1878 (now s. 60, *ante*), must be made therein; and all such particulars must be reported to the inspector as required by s. 14 (1) of the Factory and Workshop Act, 1891 (now s. 60 (4), *ante*).

(4.) In every such branch or department a separate notice (Record of Overtime) must be kept affixed as required by s. 14 (2) of the Factory and Workshop Act, 1891 (now s. 60 (4), *ante*).

(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.

A further order, also dated March 27th, 1897, has been made with respect to the factories and workshops named in the schedule below, by which it is provided 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 s. 66 of the Factory and Workshop Act, 1878 (now s. 60, *ante*), 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 s. 19 of the Factory and Workshop Act, 1878 (now s. 32, *ante*), 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.

SCHEDULE.

Factories or workshops or parts thereof in which are carried on—

Bookbinding,
Hat making, and
The following branches of the confectionery trade, viz., Bonbon and Christmas present making.

Furthermore, by order dated January 19th, 1899, with respect to the factories and workshops named in the schedule thereto, 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 s. 60, *ante*), 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 s. 19 of the Factory and Workshop Act, 1878 (now s. 32, *ante*), 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.

SCHEDULE.

Factories or workshops in which the manufacture of edge tools is carried on.

And by order dated September 6th, 1900, the Secretary of State directed with respect to the factories and workshops named in the schedule to the 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 s. 32, *ante*), 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.

SCHEDULE.

Factories or workshops in which the manufacture of bright or burnished metal goods is carried on.

152. *Definition of employment and working for hire.*]—(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 (*a*) therein within the meaning of this Act.

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

This section re-enacts s. 94 of the Act of 1878.

(*a*) **Employed.**—A question has arisen whether the occupier of a factory, etc., can be convicted under this section when the "employment" has been without his knowledge or consent, and

the Scotch and English courts have come to different conclusions. In the Scotch case of *Robinson* v. *Melville* (1890), 17 R. (J.C.) 62, two women worked in a workshop after hours. They did so at their own free will without the knowledge of their employer or the forewoman, and against the express orders of the latter. The Court of Justiciary held that no offence had been committed by the employer. But in *Prior* v. *Slaithwaite Spinning Co.*, [1898] 1 Q. B. 881 ; 67 L. J. Q. B. 615 ; 78 L. T. 532 ; 46 W. R. 488 ; 62 J. P. 358, a young person employed in a mill oiled part of the machinery during meal times. He did so contrary to orders and for his own amusement. The Queen's Bench Division (WILLS and KENNEDY, JJ.) held that the occupier of the mill had committed an offence. It may, however, be remarked that their attention was not called to *Robinson* v. *Melville*.

In the Scotch case of *Graves* v. *Duncan* (1899), 1 F. (J.C.) 72, a woman who managed a millinery business at a weekly salary plus a percentage of profits, superintended everything, bought all goods, kept her own hours, and came and went as she pleased, was held to be "employed."

153. *Application of Act to London.*]—(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.

(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.

(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 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-section (1) of this section is taken from s. 7 (4) of the Act of 1891. The remainder of the section is new.

154. *Application of Act to county boroughs.*]—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.

This section is new.

155. *Saving for existing powers of district councils.*]—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.

This section is also new.

156. *General definitions.*]—(1.) In this Act unless the context otherwise requires,—

The expression "bank holiday" (*a*) 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 (*b*) at school mentioned in Part III. of this Act :

The expression "machinery" includes any driving strap or band :

The expression "mill-gearing" (*c*) 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 :

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

The expression "owner" has the meaning given to it by section four of the Public Health Act, 1875 (*d*):

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 child :

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

The expression "process" includes the use of any locomotive :

The expression "special order" means an order which is subject to the provisions of section one hundred and twenty-six (*e*) of this Act with regard to special orders of the Secretary of State :

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

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

The expression "young person" means a person who has ceased to be a child and is under the 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 (*f*) 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.

This section is made up of a number of different enactments in the older Acts. The definition of "bank holiday" is taken from s. 22 of the Act of 1878 ; "child" from ss. 26, 96 of the same Act ; "mill-gearing," "night," "parent," "prescribed," "week," "woman" and "young person," and sub-s. (3) from s. 96 of the same Act ; "machinery" and "process" from s. 37 of the Act of 1891 ; and "owner" from s. 53 of the Act of 1895. "Special order," and sub-ss. (2) and (4), are new.

(*a*) **Bank holiday.**—For full definition, see note (*b*) to s. 35, *ante*, p. 53.

(*b*) **Certificate.**—See s. 71, *ante*, p. 96.

(*c*) **Mill-gearing.**—This definition is not exhaustive (*Holmes* v. *Clarke* (1860), 6 H. & N. 349 ; 30 L. J. Ex. 135 ; 3 L. T. 675 ; 9 W. R. 419).

The words "or other appliance" in the definition are new.

(*d*) **Owner.**—The definition in the Public Health Act, 1875, is "the person for the time being receiving the rack-rent 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."

(*e*) *Ante*, p. 180.

(*f*) *Post*, p. 237.

157. *Men's workshops.*]—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 (*a*) ;

(2.) Part II. and Part III. (*b*);

(3.) The sections in Part IV. relating to fans and to lavatories and meals (*c*) ;

(4.) Part VII. (*d*) ;

(5.) The sections of Part VIII. relating to the affixing of abstracts and notices and the keeping of a general register, and the first sub-section of the section relating to periodical returns (*e*).

This section is taken from the last paragraph but one of s. 93 of the Act of 1878, as amended by a number of different provisions in the Act of 1895, notably ss. 18, 21, and 28 of that Act.

(*a*) *I.e.*, ss. 6—9, 16, 17, and 21, *ante*.

(*b*) *I.e.*, employment and education (see pp. 38—100).

(*c*) *I.e.*, ss. 74, 75, and 78, *ante*, pp. 102, 103 and 105.

(*d*) *I.e.*, particulars of work and wages, *ante*, pp. 160—170.

(*e*) *I.e.*, ss. 128—130 (1).

158. *Saving for young persons employed in repairs.*]—Nothing in this Act shall extend to any young person being a mechanic, artizan or labourer working only in repairing either the machinery in, or any part of, a factory or workshop.

This section re-enacts s. 100 (1) of the Act of 1878.

(ii.) APPLICATION OF ACT TO SCOTLAND AND IRELAND.

159. *Application of Act to Scotland.*]—In the application of this Act to Scotland—

(1.) The expression "certified efficient school" means any public or other elementary school under Government inspection :

(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 :

(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 (*a*) 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 (*b*), 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," 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.

This section corresponds to s. 105 of the Act of 1878.

(*a*) Sections 69 and 71, *ante*, pp. 95 and 96.

(*b*) *Post*, p. 351.

160. *Application of Act to Ireland.*]—In the application of this Act to Ireland—

(1.) The expression "certified efficient school" means any national school or any school recognised

by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act :

(2.) The expression "recognised efficient school" means a certified efficient school and any school which is recognised 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 :

(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 authorised 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 :

(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 :

(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 :

(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 :

(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.

This section corresponds to s. 106 of the Act of 1878.

(iii.) REPEAL, ETC.

161. *Repeal of Acts.*]—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.

162. *Commencement of Act.*]—This Act shall come into operation on the first day of January one thousand nine hundred and two.

163. *Short title.*]—This Act may be cited as the Factory and Workshop Act, 1901.

SCHEDULES.

Section 14.] FIRST SCHEDULE.

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 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 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 (*a*) of the factory or workshop may, in the event of nonpayment, be recovered in the same manner as fines under this Act (*b*).

This schedule, with a few necessary alterations, is a reproduction of Sched. 1 of the Act of 1891. It should be noted that the old schedule and the sections to which it refers are temporarily kept alive by Sched. 7, Part II., *post*.

(*a*) **Occupier.**—This word appears to be a mistake. By clause 1 the parties to the arbitration are the owner and the district council. Clause 17 gives the occupier (who is not a party to the arbitration) power to recover his costs, but no such power is given to the owner. The mistake has apparently arisen through copying the schedule of the Act of 1891 under which the occupier was a party to the arbitration.

(*b*) *I.e.*, in a court of summary jurisdiction (see s. 144, *ante*, p. 196).

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.

This schedule is a reproduction of Sched. 3, Part III., of the Act of 1878 as amended by s. 37 (2) of the Act of 1895. Under s. 151, *ante* (which relates to the carrying on of different departments of work in the same factory or workshop as if they were separate factories or workshops) the Secretary of State has made an order that different departments of factories and workshops

in which overtime may be worked by women may be treated, so far as regards the employment of women upon overtime work, as if each department were a separate factory or workshop, subject to certain conditions which are fully set out in the notes to s. 151.

The exception authorised by s. 49 has been extended, by order dated December 20th, 1882, to—

Die-sinking,
Card board making,
Paper colouring and enamelling,
Rolling of tea-lead.

The making of gasholders, boilers, and other apparatus partly manufactured in the open air.

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

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

Non-textile factories in which the only processes carried on are the processes of calendering, finishing, hooking, lapping, or making up and packing of any yarn or cloth, or any of such processes.

Workshops wherein the manufacture of fireworks is carried on.

By order dated November 22nd, 1883, to—
The making of pork pies.

By order dated March 12th, 1884, to—
The processes of warping, winding, or filling, or either of them, as incidental to the weaving of ribbons in workshops.

Provided that nothing in this order shall be taken to apply :

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

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

By order dated August 27th, 1884, to—
The processes carried on in non-textile factories of calendering, finishing, hooking, lapping, or making up and packing of any yarn or cloth, or any of such processes, and none other.

By order dated April 26th, 1887, the preceding order of August 27th, 1884, was rescinded so far as regards bleach works and dye works in Lancashire and Cheshire.

By order dated September 16th, 1889, the exemption was extended 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.

By order dated October 13th, 1890, to—

Non-textile factories wherein the manufacture of fireworks is carried on.

By order dated September 7th, 1896, to—

Factories and workshops, or parts thereof, in which the bottling of beer is carried on.

By order dated June 30th, 1897, to—

Factories and workshops, or parts thereof, in which the making of boxes for aërated water bottles is carried on.

And by order dated June 28th, 1899, to—

Factories and workshops, or parts thereof, in which the washing of bottles for use in the preserving of fruit is carried on.

Section 88.] THIRD SCHEDULE.

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.

(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 a special exemption granted by the Secretary of State (*a*), a grindstone must not be run before any fire-place 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.

This schedule reproduces Sched. 1 of the Act of 1895.

(*a*) **Special exemption.**—By order dated October 25th, 1897, the following exemption was made :

The said regulation shall not apply to the running of any grindstone in front of—

Bolster stones used by table-blade grinders, and

Humping and shank stones used by scissors-grinders.

Sections 90—92, 96.]

FOURTH SCHEDULE.

COTTON CLOTH FACTORIES.

Table.

MAXIMUM LIMITS OF HUMIDITY OF THE ATMOSPHERE AT GIVEN TEMPERATURES.

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage 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

I. Grains of Vapour per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.	IV. Percentage 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

FORM OF RECORD.

FORM for RECORDING the READINGS of the THERMOMETERS.

Name of Occupier .

Address of Factory .

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.		
Month and Day.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							

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.		
Month and Day.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	Dry Bulb.	Wet Bulb.	
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							

(Signed)

Occupier or Manager.

The table of humidity in the above schedule is taken from an order of the Secretary of State, dated April 27th, 1893, repealing the table in Sched. A. of the Cotton Cloth Factories Act, 1889. The form of record is a reproduction of Sched. B. of the Cotton Cloth Factories Act, 1897.

Section 124.] FIFTH SCHEDULE.

FEES OF CERTIFYING SURGEONS.

PART I.

FEES on EXAMINATION for CERTIFICATES of FITNESS for EMPLOYMENT.

When the examination is at the factory or workshop -	2*s.* 6*d.* for each visit and 6*d.* 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, 6*d.* for each complete half mile over and above the mile.
When the examination is not at the factory or workshop, but at the residence of the surgeon or at some place appointed by the surgeon for the purpose, and that place as well as the day and hour appointed for the purpose has been published in the prescribed manner - - -	6*d.* 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	- 2*s*. 6*d*.	per visit.
,,	,,	,,	,,	20	- 3*s*.	,,
,,	,,	,,	,,	30	- 3*s*. 6*d*.	,,
,,	,,	,,	,,	50	- 4*s*.	,,
,,	,,	,,	,,	75	- 4*s*. 6*d*.	,,
,,	,,	,,	,,	100	- 5*s*.	,,
,,	,,	,,	over	100	- 7*s*. 6*d*.	,,

With the addition of 1*s*. for every mile or part of a mile in excess of one mile from the surgeon's residence.

Part I. of this schedule reproduces s. 74 (2) of the Act of 1878 Part II. reproduces Sched. 2 of the Act of 1895.

SIXTH SCHEDULE.

[Sections 54, 149, 156.

List of Factories and Workshops.

Part I.

Non-Textile Factories.

(1.) "*Print works.*"]—"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.*"]—"Bleaching and dyeing works" (*a*), 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;

(3.) "*Earthenware works.*"]—"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;

(4.) "*Lucifer-match works.*"]—"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;

(5.) "*Percussion-cap works.*"]—"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;

(6.) "*Cartridge works.*"]—"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;

(7.) "*Paper-staining works.*"] — "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;

(8.) "*Fustian-cutting works.*"] — "Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting;

(9.) "*Blast furnaces.*"]—"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;

(10.) "*Copper mills.*"]—"Copper mills";

(11.) "*Iron mills.*"]—"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;

(12.) "*Foundries.*"]—"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.*"]—"Metal and india-rubber works," that is to say, any premises in which steam, water or other mechanical power is used for moving machinery employed in the manufacture of machinery or in the manufacture of any article of metal not being machinery or in the manufacture of india-rubber or gutta-percha or of articles made wholly or partially of india-rubber or gutta-percha;

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

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

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

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

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

(19.) "*Flax scutch mills.*"]—"Flax scutch mills" (*c*);

(20.) "*Electrical stations.*"]—"Electrical stations," that is to say, 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 for the lighting of any street, public place or public building or of any hotel or of any railway, mine or other industrial undertaking.

This is a reproduction of Sched. 4, Part I. of the Act of 1878, with the following exceptions. In the definition of earthenware works the words "or china" were added by s. 38 of the Act of 1891. Electrical stations were added to the list by the present Act.

(*a*) **Bleaching and dyeing works.**—It was held in the case of *Howarth* v. *Coles* (1862), 12 C. B. (N.S.) 139; 31 L. J. M. C. 262, that "the finishing spoken of in the 7th and 11th sections of the 23 & 24 Vict. c. 78 (the Bleaching and Dyeing Act, 1860), refers to the process of finishing which is incidental to dyeing, and not to the dealing with fabrics which are neither bleached nor dyed." The definition in the 23 & 24 Vict. c. 78, was as follows:—"Any building, etc., etc., in which females, young persons or children are employed in the occupation of bleaching, dyeing or finishing of any yarn or cloth," etc. This definition was extended subsequently in order to meet *Howarth* v. *Coles*, by the 26 & 27 Vict. c. 38, and the 27 & 28 Vict. c. 98, and the definition in the schedule is the combination and amplification of the definitions given in the last-named statutes.

The wideness of the present definition is well illustrated by the case of *Rogers* v. *Manchester Packing Co.*, [1898] 1 Q. B. 344; 67 L. J. Q. B. 310; 78 L. T. 17; 46 W. R. 350; 62 J. P. 166, which dealt with premises where the work carried on consisted exclusively in hooking, lapping, making-up, and packing cloth for exportation. It was there held that such premises are a

factory within the meaning of the above definition, notwithstanding the fact that none of such processes are carried on as incidental to bleaching and dyeing.

(*b*) **Paper mills.**—In the case of *Coles* v. *Dickenson* (1864), 16 C. B. (N.S.) 604 ; 32 L. J. M. C. 235 ; 10 L. T. 616 ; 12 W. R. 918, it was held under the 7 & 8 Vict. c. 16, that where cotton waste was manufactured into a material called "half-sluff" at a mill in Manchester, and afterwards sent to a mill belonging to the same owners in Hertfordshire, to be manufactured into paper, the two mills together formed one establishment used solely for the manufacture of paper, and that the mill at Manchester was therefore part of a paper mill and consequently not a textile factory.

(*c*) **Flax scutch mills.**—For special regulations, see s. 57, *ante*, p. 80.

Part II.

Non-Textile Factories and Workshops.

(21.) "*Hat works.*"]—"Hat works (*a*)," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on ;

(22.) "*Rope works.*"]—"Rope works (*b*)," 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 or the transmission of power ;

(23.) "*Bakehouses.*"]—"Bakehouses (*c*)," 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 ;

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

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

(27.) "*Pit-banks.*"]—"Pit-banks (*f*)," that is to say, any place above ground adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 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.

(28.) Dry cleaning, carpet beating and bottle washing works.

This is a reproduction of Sched. 4, Part II., of the Act of 1878, except the last paragraph, which is a new addition.

(*a*) **Hat works.**—Where textile material undergoes a process of manufacture preparatory to its being made into hats, it would seem that, having regard to the case of *Coles* v. *Dickenson*, *supra*, p. 241, such preparatory process would constitute the factory a hat works and not a textile factory.

(*b*) **Rope works.**—The law in respect to these works remains unaltered. A rope works in which the material is spun into yarn, and then laid or twisted into rope or twine by steam or water power, is a textile factory. But a rope works in which the yarn is only laid or twisted into rope or twine by steam or water power, and which has no internal communication with a factory

in which the yarn has been spun, will be a non-textile factory. If the yarn be laid or twisted by hand-wheels the premises will be a workshop.

(*c*) **Bakehouses** are divided into wholesale bakehouses and retail bakehouses. In wholesale bakehouses all regulations are enforced by the inspector of factories, as also in retail bakehouses in which power is used. In the other retail bakehouses the regulations as to hours of work, meals, and as to holidays, are enforced by the inspector of factories. The cleanliness, etc., is under the supervision of the district council. For the special enactments affecting bakehouses, see ss. 97—102, *ante*.

(*d*) **Shipbuilding yards.**—The express inclusion of shipbuilding yards in the list of non-textile factories and workshops was rendered necessary by the decision of the Court of Queen's Bench in the case of *Palmer's Shipbuilding Co.* v. *Chaytor* (1869), L. R. 4 Q. B. 209 ; 38 L. J. M. C. 63 ; 19 L. T. 638 ; 17 W. R. 401, in which it was held that the word "article" in the Factory Act, 1867, was not meant to apply to a ship, and a doubt was expressed as to whether a person could be said to be employed in a factory merely because he was employed in some department of shipbuilding, although there might be articles the manufacture of which in a shipbuilding yard would constitute the place a factory.

The mere fact that repairs are being done to a ship in a dock does not make the dock a shipbuilding yard. Thus in *Spencer* v. *Livett*, [1900] 1 Q. B. 498 ; 69 L. J. Q. B. 338 ; 82 L. T. 75 ; 48 W. R. 323 ; 64 J. P. 196, a vessel lying in Southampton inner dock was about to be repaired and painted inside, and for that purpose her ballast was being discharged, during which operation the plaintiff was injured. The Court of Appeal held that the dock was not a shipbuilding yard.

(*e*) **Quarries.**—It was held in the case of *Kent* v. *Astley* (1869), L. R. 5 Q. B. 19 ; 39 L. J. M. C. 3 ; 21 L. T. 425 ; 18 W. R. 185, that a slate quarry occupying with its accessories a large tract of land uninclosed and approachable by no definite road or entrance, and furnished with covered sheds to which the rough blocks of material when raised were conveyed, and there converted by a manufacturing process into slabs, flags, and other saleable articles, was not a factory within the meaning of 30 & 31 Vict. c. 103. *Cf. Redgrave* v. *Lee* (1874), L. R. 9 Q. B. 363 ; 43 L. J. M. C. 105 ; 30 L. T. 519 ; 22 W. R. 857. These cases are, however, now superseded by the express inclusion of quarries among non-textile factories. For special regulations with regard to quarries, see the Quarries Act, 1894, *post*, p. 255.

(*f*) **Pit banks.**—The employment of women above ground is not under any restriction under the Metalliferous Mines Regulation Act, and consequently all labour above ground at a metalliferous mine will be subject to the provisions of this Act.

The employment of women above ground is under restrictions by the Coal Mines Regulation Act: for instance, a woman may not be employed between 9 p.m. and 5 a.m., nor on Sundays, nor after 2 p.m. on Saturdays, and due intervals must be allowed for meals.

If women only be employed in connection with a metalliferous mine, or in connection with a coal mine, in such circumstances as to exclude them from the operation of the Coal Mines Regulation Act, and their labour be not in connection with a steam engine or other mechanical power, they will then be subject only to the provisions of s. 29, *ante*, p. 47. If children or young persons are also employed then the mine will be subject to the whole of the provisions of this Act.

Section 161.]

SEVENTH SCHEDULE.

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 sub-section 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.	Short Title.	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. Sub-section three of section twenty-four. Section twenty-eight.

The above provisions of the old Acts are set out on the next and following pages.

FACTORY AND WORKSHOP ACT, 1891.

(54 & 55 Vict. c. 75.)

[*The following provisions of the Acts of* 1891 *and* 1895 *are temporarily preserved by Schedule* 7, *Part II., of the Act of* 1901, *the object being to preserve the Special Rules made thereunder until such time as inquiries can be held, and new regulations made, under the present Act. The Special Rules are set out at pp.* 258 *et seq., post.*]

Special Rules and Requirements.

8. *Special rules and requirements as to dangerous and unhealthy incidents of employment.*]—(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 (*a*) or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, or that the provision for the admission of fresh air is not sufficient, or that the quantity of dust generated or inhaled in any factory or workshop is dangerous or injurious to health, the chief inspector may serve on the occupier of the factory or workshop a notice in writing, either proposing such special rules or requiring the adoption of such special measures as appear to the chief inspector to be reasonably practicable and to meet the necessities of the case.

(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 (*b*).

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

(*a*) **Dangerous processes.**—For list of processes certified to be dangerous, see note (*a*) to s. 79, *ante*, p. 108; and for the special rules at present (March 1st, 1902) in force, see pp. 258 *et seq.*, *infra*.

(*b*) *Infra*, p. 249.

9. *Penalty for contravention of special rules or requirement.*]—(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.

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

(2.) The occupier of any factory or workshop in which special rules are established may from time to time propose in writing to the chief inspector, with the

approval of the Secretary of State, any amendment of the rules or any new rules, and the provisions of this Act with respect to a suggestion of an occupier for modifying the special rules proposed by a chief inspector shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to such a suggestion.

12. *Certified copies of special rules to be evidence.*]—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.

FIRST SCHEDULE. [Sections 7, 8.

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 appointment shall

be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.

5. The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

6. If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

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 cognisance, 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.

FACTORY AND WORKSHOP ACT, 1895.

(58 & 59 Vict. c. 37.)

[*See preliminary note to Act of* 1891, *supra*, *p.* 246.]

12. *Representation of workmen on arbitration as to special rules.*]—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 snfficient 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.

24. *Tenement factories.*]—(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.

28. *Power to prohibit or restrict employment in dangerous trade.*]—(1.) Section eight of the Act of 1891 shall extend to authorise the making of special rules 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.

QUARRIES ACT, 1894.

(57 & 58 Vict. c. 42.)

An Act to provide for the better Regulation of Quarries.
[25th August 1894.]

Be it enacted . . . as follows :

1. *Application of Act.*]—This Act shall apply to every place (not being a mine) in which persons work in getting slate, stone, coprolites, or other minerals, and any part of which is more than twenty feet deep, and every such place is in this Act referred to as a quarry under this Act (*a*).

(*a*) The control of quarries and adjacent works is by this Act transferred to the inspectors of mines (see s. 3), though they may be factories or workshops under Sched. 6, Part II., of the Act of 1901.

2. *Application to quarries of certain provisions of 35 & 36 Vict. c. 77, 38 & 39 Vict. c. 39, 54 & 55 Vict. c. 47.*]—(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.

(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.

3. *Modifications of application of Factory Acts to quarries.*] — 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 (*a*), shall not apply to any such quarry ;

(c.) Nothing in section fifty-eight of the Factory and Workshop Act, 1878 (*b*), shall prevent the employment in any such quarry of young persons in three shifts for not more than eight hours each.

(*a*) Now ss. 19, 20, of the Act of 1901.

(*b*) Now s. 54 of the Act of 1901.

4. *Commencement of Act.*]—This Act shall come into operation on the first day of January, one thousand eight hundred and ninety-five.

5. *Short title.*] — This Act may be cited as the Quarries Act, 1894.

Section 2.] SCHEDULE.

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 are the Special Rules in force in the trades certified to be dangerous under s. 8 of the Act of 1891.

It should be noted that under s. 9 of the Act of 1891, any person who is bound to observe any Special Rules, as well as the occupier, is liable to penalties for non-compliance with such rules.

White Lead Works (*a*).

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.

Any 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.

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.

2.—(a.) Every stack shall be provided with a standpipe and movable hose, and an adequate supply of water distributed by a rose.

(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.

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 impervious 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 containing 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 cement or be covered with sheet lead, and shall be kept constantly moist.

6. On and after January 1st, 1901, except as hereinafter provided—

(a) every stove shall have a window, or windows, with a total area of not less than eight square feet, made to open, and so placed as to admit of effecutual through ventilation ;

(b) in no stove shall bowls be placed on a rack which is more than ten 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 five 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 more than two days in any week.

8. No dry white lead shall be deposited in any place that is not provided either with a cover or with a fan effectually removing the dust from the worker.

9. On and after January 1st, 1900, the packing of dry white 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.

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.

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 theappointed 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.

(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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

22. The floor of each workroom shall be cleaned daily, after being thoroughly damped.

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.

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.

26. No person shall deposit or pack dry white lead otherwise than as permitted by Rules 8 and 9.

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.

29. Every person engaged in—

White beds,	Packing,
Emptying chambers,	Paint mixing,
Rollers, washbecks or grinding,	Handling dry white lead,
Setting or drawing stoves,	

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.

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.

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.

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.

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.

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.

35. No person shall obtain employment under an assumed name or under any false pretence.

(*a*) **White lead works.**—In *Creevy* v. *Hannay* (1889), 16 R. 993, the majority of the Court of Session in Scotland held that a sulphate of lead factory is not a "white lead factory" within the meaning of the (repealed) Factory and Workshop Act, 1883, because the only white lead known to commerce in 1883 was the carbonate, which is soluble and therefore poisonous. Subsequently a process was invented for manufacturing sulphate of lead, to be sold as white lead and used for the same purposes as the carbonate. The sulphate is almost insoluble and therefore practically non-poisonous, and the precautions enjoined by the special rules for white lead factories in force in 1889 were not applicable to its manufacture.

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.

Special Rules for Works, or parts of Works, in which Lead, Arsenic, or Antimony is used in the Enamelling of Iron Plates.

DUTIES OF OCCUPIERS.

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.

2. They shall provide suitable respirators, overall suits, and head coverings for all workers employed in the processes of grinding, dusting, and brushing.

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.

4. They shall provide a sufficient supply of approved sanitary drink, and shall cause the workpeople to take it.

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.

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.

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 and head covering shall wear the same when at the work for which such are provided.

9. Every person shall carefully clean and wash hands and face before meals and before leaving the works.

10. No food shall be eaten by any person in any part of the works except in the apartment specially provided for the purpose.

11. No person may seek employment under an assumed name or under any false pretence.

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 oz.
Water, 1 gallon.
Essence of lemon, sufficient to flavour.

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" means 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* 1*st day of October*, 1900.

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.

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.

3.—(a.) The processes 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.

(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.

(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.

(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.

(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.

(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.

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.

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.

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.

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.

(b.) No person shall be newly employed in a dipping-room for more than twenty-eight days, whether such days are consecutive or not, without being examined by the appointed dentist.

(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.

(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.

(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).

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.

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.

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.

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.

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 twenty-eight 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.

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.

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.

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.

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.

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 two 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.

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.

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.

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.

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.

16. No person shall work in a mixing, dipping, drying, or boxing room under other conditions than those prescribed in Rule 3.

17. No person shall allow a vessel containing phosphorus paste to remain uncovered except when actually in use.

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.

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.

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.

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.

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.

24. Foremen and forewomen shall report to the manager any instance coming under their notice of a worker neglecting to observe these rules.

The Manufacture of Earthenware and China.

Amended Special Rules as established, after Arbitration, by the Award of the Umpire, Lord James of Hereford, dated 30th of December, 1901.

DUTIES OF OCCUPIERS.

1. } Postponed.
2. }

3. The occupier shall allow any of His Majesty's Inpectors of Factories to take at any time sufficient samples for analysis of any material in use or mixed for use.

Provided that the occupier may at the time when the sample is taken, and on providing the necessary appliances, require the inspector to take, seal, and deliver to him a duplicate sample.

But no analytical result shall be disclosed or published in any way except such as shall be necessary to establish a breach of these rules.

4. No woman, young person, or child shall be employed in the mixing of unfritted lead compounds in the preparation or manufacture of fritts, glazes, or colours.

5. No person under fifteen years of age shall be employed in any process included in Schedule A, or in emptying china biscuit ware.

Thimble-picking, or threading-up, or looking-over biscuit ware shall not be carried on except in a place sufficiently separated from any process included in Schedule A.

6. All women and young persons employed in any process included in Schedule A, shall be examined once in each calendar month by the certifying surgeon for the district.

The certifying surgeon may order by signed certificate in the register the suspension of any such women or young persons from employment in any process included in Schedule A., and no person after such suspension shall be allowed to work in any process included in Schedule A. without a certificate of fitness from the certifying surgeon entered in the register.

7. 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 shall enter the dates and results of his visits, the number of persons examined in pursuance of Rule 6 as amended, and particulars of any directions given by him. This register shall contain a list of all persons employed in the processes included in Schedule A., or in emptying china biscuit ware, and shall be produced at any time when required by H. M. Inspector of Factories or by the certifying surgeon.

8. The occupier shall provide and maintain suitable overalls and head coverings for all women and young persons employed in the processes included in the Schedule A., or in emptying china biscuit ware.

No person shall be allowed to work in any process included in the Schedule, or in emptying china biscuit ware, without wearing suitable overalls and head coverings, provided that nothing in this rule shall render it obligatory on any person engaged in drawing glost ovens to wear overalls and head coverings.

All overalls, head coverings, and respirators, when not in use or being washed or repaired, shall be kept by the occupier in proper custody. They shall be washed or renewed at least once a week, and suitable arrangements shall be made by the occupier for carrying out these requirements.

A suitable place, other than that provided for the keeping of overalls, head coverings, and respirators, in which all the above workers can deposit clothing put off during working hours, shall be provided by the occupier.

Each respirator shall bear the distinguishing mark of the worker to whom it is supplied.

9. No person shall be allowed to keep, or prepare, or partake of any food, or drink, or tobacco, or to remain during meal times in a place in which is carried on any process included in Schedule A.

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 shall not be provided in any room or rooms in which any process included in Schedule A. is

carried on, and no washing conveniences mentioned hereafter in Rule 13 shall be maintained in any room or rooms provided for such accommodation.

Suitable provision shall be made for the deposit of food brought by the workers.

10. The processes of—

The towing of earthenware,
China scouring,
Ground laying,
Ware cleaning after the dipper,
Colour dusting, whether on-glaze or under-glaze,
Colour blowing, whether on-glaze or under-glaze,
Glaze blowing, or
Transfer making,

shall not be carried on without the use of exhaust fans, 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, sufficient arrangements shall be made for any glaze scraped off which is not removed by the fan, or the other efficient means, to fall into water.

In the process of ware cleaning of earthenware after the dipper, damp sponges or other damp material shall be provided in addition to the knife or other instrument, and shall be used wherever practicable.

Flat-knocking and fired-flint-sifting shall be carried on only in enclosed receptacles, which shall be connected with an efficient fan or other efficient draught unless so contrived as to prevent effectually the escape of injurious dust.

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.

11. No person shall be employed in the mixing of unfritted lead compounds, in the preparation or manufacture of fritts, glazes or colours containing lead without wearing a suitable and efficient respirator provided and maintained by the employer; unless the mixing is performed in a closed machine or the materials are in such a condition that no dust is produced.

Each respirator shall bear the distinguishing mark of the worker to whom it is supplied.

12 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.

13. The occupier shall provide and continually maintain sufficient and suitable washing conveniences for all persons employed in the processes included in Schedule A., as near as 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.

There shall be in front of each washing basin, or convenience, a space for standing room which shall not be less in any direction than 21 inches.

14. The occupier shall see that the floors of workshops and of such stoves as are entered by the workpeople are sprinkled and swept daily; that all dust, scraps, ashes, and dirt are removed daily, and that the mangles, work benches, and stairs leading to workshops are cleansed weekly.

When so required by the inspector in charge of the district, by notice in writing, any such floors, mangles, work benches, and stairs shall be cleansed in such manner and at such times as may be directed in such notice.

As regards every potters' shop and stove, and every place in which any process included in Schedule A. is carried on, the occupier shall cause the sufficient cleansing of floors to be done at a time when no other work is being carried on in such room, and in the case of potters' shops, stoves, dipping houses, and majolica painting rooms, by an adult male.

Provided that in the case of rooms in which ground laying or glost placing is carried on, or in the china dippers' drying room, the cleansing prescribed by this rule may be done before work commences for the day, but in no case shall any work be carried on in the room within one hour after any such cleansing as aforesaid has ceased.

15. The occupier shall cause the boards used in the dipping house, dippers' drying room, or glost placing shop to be cleansed

every week, and shall not allow them to be used in any other department, except after being cleansed.

When so required by the inspector in charge of the district, by notice in writing, any such boards shall be washed at such times as may be directed in such notice.

DUTIES OF PERSONS EMPLOYED.

16. All women and young persons employed in the processes included in Schedule A. shall present themselves at the appointed time for examination by the certifying surgeon as provided in Rule 6 as amended.

No person after suspension by the certifying surgeon shall work in any process included in the Schedule without a certificate of fitness from the certifying surgeon entered in the register.

17. Every person employed in any process included in Schedule A., or in emptying china biscuit ware, shall, when at work, wear a suitable overall and head covering, and also a respirator when so required by Rule 11 as amended, which shall not be worn outside the factory or workshop, and which shall not be removed therefrom except for the purpose of being washed or repaired. Such overall and head covering shall be in proper repair and duly washed.

The hair must be so arranged as to be fully protected from dust by the head covering.

The overalls, head coverings, and respirators when not being worn, and clothing put off during working hours, shall be deposited in the respective places provided by the occupier for such purposes under Rule 8 as amended.

18. No person shall remain during meal times in any place in which is carried on any process included in Schedule A., or introduce, keep, prepare, or partake of any food or drink, or tobacco therein at any time.

19. 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.

20. No person included in any process included in Schedule A. shall leave the works or partake of meals without previously and carefully cleaning and washing his or her hands.

No person employed shall remove or damage the washing basins or conveniences provided under Rule 13.

20A. The persons appointed by the occupiers shall cleanse the several parts of the factory regularly as prescribed in Rule 14.

Every worker shall so conduct his or her work as to avoid, as far as practicable, making or scattering dust, dirt, or refuse, or causing accumulation of such.

21. The boards used in the dipping house, dippers' drying room, or glost placing shop shall not be used in any other department, except after being cleansed, as directed in Rule 15.

22. If the occupier of a factory to which these Rules apply gives with reference to any process included in Schedule A., other than china scouring, an undertaking that no lead or lead compound or other poisonous material shall be used, the Chief Inspector may approve in writing of the suspension of the operation of Rules 4, 5, 6, 7, 8, 15, 16, 17, and 21, or any of them in such process ; and thereupon such rules shall be suspended as regards the process named in the Chief Inspector's approval, and in lieu thereof the following rule shall take effect, viz., No lead or lead compound or other poisonous material shall be used in any process so named.

For the purpose of this rule materials that contain no more than one per cent. of lead shall be regarded as free from lead.

SCHEDULE A.

Dipping or other process carried on in the dipping house,
Glaze blowing,
Painting in majolica or other glaze,
Drying after dipping,
Ware cleaning after the application of glaze by dipping or other process,
China scouring,
Glost placing,
Ground laying,
Colour dusting, Colour blowing } whether on-glaze or under-glaze,
Lithographic transfer making,
Making or mixing of fritts, glazes, or colours containing lead.

Any other process in which materials containing lead are used or handled in the dry state, or in the form of spray, or in suspension in liquid other than oil or similar medium.

Making Transfers for Earthenware and China.

DUTIES OF OCCUPIERS.

1. No person under fifteen years of age shall be employed in making transfers for earthenware or china.

2. All women and young persons employed shall be examined once a month by the certifying surgeon for the district, who shall after May 1st, 1899, have power to order suspension from employment.

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 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, 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 and head coverings for all women and young persons employed in rooms in which colour processes are carried on.

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.

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.

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.

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.

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.

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.

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 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 knowledge and concurrence of the occupier or manager, with the means 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 meals without previously and carefully cleaning and washing his or her hands.

The Manufacture of Explosives in which 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 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.

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 three feet in height above the ground or platform. Those already in existence which are less than three feet in height,

or in cases where it is proved to the satisfaction of an inspector that a height of three 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.

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.

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.

5. Suitable respirators shall be provided for the use of the workers in places where poisonous gases or injurious dust may be inhaled.

6. The lighting of all dangerous places shall be made thoroughly efficient.

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.

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.

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.

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.

11. Weldon bleaching powder chambers, after the free gas has, as far as may be practicable, been drawn off or absorbed by fresh lime, shall, before being opened, be tested by the standard recognised 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. 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.

Chemical Works in which is carried on the Manufacture of Bichromate or Chromate of Potassium or Sodium.

In these Rules "person employed in a chromo 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.

1. No uncovered pot, pan, or other structure containing liquid of a dangerous character shall be so constructed as to be less than three 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 three 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.

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 and potassium carbonate) shall not be done without such appliances as will prevent, as far as possible, the entrance of dust into the work-rooms.

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.

7. Evaporating vessels shall be covered in, and shall be provided with ventilating shafts to carry the steam into the outside air.

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.

9. No child or young person shall be employed in a chrome process.

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.

(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.

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.

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.

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.

13. The occupier shall provide and maintain a cloak-room in which workers can deposit clothing put off during working hours.

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.

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.

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.

16. The floors, stairs, and landings, shall be cleaned daily.

DUTIES OF PERSONS EMPLOYED.

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.

18. No person shall pack or crush bichromate of potassium or sodium otherwise than as prescribed in Rule 8.

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.

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.

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 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 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 coming under his notice of a workman neglecting to observe these rules.

Quarries Act, 1894.

[*The special rules under this Act are enforceable by the Inspectors of Mines, and the inclusion of them has therefore been thought to be somewhat outside the province of this Work.*]

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.

They shall arrange that no red or orange lead shall be packed in the room or rooms where the manufacture is actually carried on.

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.

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.

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.

Yellow Lead.

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, s. 9.

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 ounces. Water, 1 gallon. Essence of lemon, sufficient to flavour.

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.

Special Rules for Works in which Lead or Arsenic is Used in the Tinning and Enamelling of Iron Hollow Ware.

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.

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.

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, s. 9.

Electric Accumulator Works.

DUTIES OF OCCUPIERS.

They shall provide a bath and lavatory accommodation, with a plentiful supply of hot and cold water, soap, nail-brushes, and towels.

They shall provide respirators and overall suits for all persons employed in the operation of mixing.

They shall provide gloves and aprons for all persons employed 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, section 9.

Respirators - A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Spinning and Weaving of Flax.

WEAVING SHEDS (in which artificial humidity is produced).

VENTILATION.

An efficient 14-inch extracting fan shall be provided for every 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.

HUMIDITY.

In every weaving factory where artificial humidity is produced, there shall be provided, maintained and kept in correct working order two sets of standardized wet and dry bulk 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 thermo-

meters, in the form and in accordance with the regulations contained in Schedule B. of the Cotton Cloth Factories Act, 1889 (*a*), 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.

WET SPINNING ROOMS.

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.

The lids of the troughs shall be kept in perfect repair to check escape of steam.

Floors shall be kept in sound condition so as to prevent retention or accumulation of water.

The same rules shall be adopted with respect to humidity as are required in the weaving sheds.

WET SPINNING ROOMS AND WEAVING FACTORIES.

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.

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 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.

Exhaust fans shall be provided on the side of the room where the machines are, and inlets provided from six to seven feet from the ground on the opposite side, unless some other arrangements of such fans shall be found equally effective.

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.

(*a*) Now replaced by Sched. 4 of the Act of 1901.

Special Rules only applicable to Works in which Lead or Arsenic is used in the Tinning and Enamelling of Metal Hollow Ware and Cooking Utensils.

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.

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.

Every worker shall wash face and hands before meals and before leaving the works.

No worker shall eat food in any room where the process of tinning or enamelling is carried on.

Factories or Workshops in which Yellow 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 ounces. 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, Gun Metal, Bell Metal, White Metal, Delta Metal, Phosphor Bronze, and Manilla Mixture.

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 or 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 Workshop Act, 1878, to be cleaned down and lime-washed 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 lime-washed ; and they shall record the dates of such cleaning down and lime-washing in a prescribed form of register.

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 (*a*) 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.

(*a*) Women and persons under eighteen years of age are by s. 78 of the Act of 1901, 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.

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 1,000 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.

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.

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 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 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 and food of all persons who are employed in the warehouse or in any room in which is carried on willowing or opening or any other 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 body shall be employed in a place specified in Rule 6.

8. No person shall be allowed to prepare or partake of any food in a place specified in Rule 6, or in a carding room.

9. Sufficient and suitable washing conveniences shall be provided 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 kept at hand.

DUTIES OF PERSONS EMPLOYED.

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.

15. No alpaca, pelitan, cashmere, Persian, camel-hair, or mohair shall be willowed except as permitted by Rule 4.

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.

17. No clothing or food shall be kept in any place specified in Rule 6.

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.

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.

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.

Handling of Dry and Drysalted Hides and Skins imported from China or from the West Coast of India.

DUTIES OF OCCUPIER.

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.

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.

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.

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.

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.

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 ss. 9 and 11). (*a*)

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.

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.

(*a*) Section 11 repealed by Act of 1901.

The Bottling of Aerated Water.

DUTIES OF OCCUPIERS.

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*.

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.

DUTIES OF PERSONS EMPLOYED.

4. All bottlers shall, while at work, wear face-guards, masks, 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-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.

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.

Glazing Bricks with the use of Lead.

Special Rules have not so far been made for this process, though it has been certified as dangerous or injurious to health.

APPENDIX.

LIST OF OFFICIAL FORMS (WITH PRICES),

For use under Factory and Workshop Act.

In ordering, the official number as well as the title should be stated.

Forms to be affixed or kept at the Works.

	Official Number.	Price.
ABSTRACTS OF FACTORY ACT—in English or Welsh, for :—		
*Textile Factories	1	3*d.*
Supplementary, for Humid Textile Factories { Cotton Cloth	313	3*d.*
Supplementary, for Humid Textile Factories { Other	314	3*d.*
*Print Works, Bleaching and Dyeing Works	5	3*d.*
*Other Non-Textile Factories	2	3*d.*
*Workshops...	4	3*d.*
*Laundries (Factories)	6	3*d.*
*Laundries (Workshops) ... ... (Formerly 6A) ...	3	3*d.*
Docks, Wharves, Quays, Warehouses (Formerly 6B) ...	56	3*d.*
Buildings in course of construction (Formerly 6C) ...	57	3*d.*
Domestic Factories and Workshops (Formerly 6D) ...	58	3*d.*
Men's Workshops... ... ... (Formerly 328) ...	59	3*d.*

* Including Notices of period of employment and times for meals, number of persons who may be employed in each room, and other particulars (ss. 3 (4), 32, 128, 26).

NOTICE OF HOURS fixing Period of Employment and Times for Meals :		
In tenement Factories, for separate tenements (s. 87) ...	47	1*d.*
In other Works (s. 32). (Included in Abstracts.)		
NOTICE OF CHANGE OF HOURS altering Period of Employment or Intervals—		
In Laundries (per 25 copies)	51	6*d.*
In Factories and Workshops (see Form 31, p. 308).		
NOTICE OF SPECIAL RESTRICTION as to places forbidden for—		
Employment (s. 77)	7	1*d.*
Meals (s. 78)...	8	1*d.*

	Official Number.	Price.
NOTICE OF AIR-SPACE in each Room, and of Number of Persons who may be employed during ordinary hours ...	46	1*d.*
Required only where these entries cannot be made in the space provided for the purpose on the Abstract.		
GENERAL REGISTER (s. 129)	37	6*d.*
Smaller edition, for Workshops only	38	3*d.*
The following Parts of the General Register are also issued separately in enlarged form—		
Part II., Young Persons	71	6*d.*
Part III., Children	72	6*d.*
Parts IV. and VIII., Accidents and Steam Boilers ...	73	6*d.*
Part VII., Employment in Factory or Workshop, and in Shop	74	3*d.*
CERTIFYING SURGEONS' CERTIFICATES OF FITNESS FOR EMPLOYMENT:		
In ordinary Factories. (Included in General Register above (Form 37, 71, 72).)		
In tenement Factories (Books of 100 Certificates with Counterfoils as Register)	364	
In several Factories of same occupier, in District of same Certifying Surgeon (Books of 100 Certificates with Counterfoils as Register)	365	
(Supplied to Certifying Surgeons, on application.)		
Ditto, for Children only (Book of 50 Certificates) ...	41	9*d.*
SCHOOL CERTIFICATES (s. 69). Books with space for—		
56 names, 8vo	39	3*d.*
504 names, 8vo	39A	6*d.*
560 names, 4to	39B	6*d.*
1,050 names, f'cap. folio	39C	6*d.*
REPORT OF STEAM BOILER INSPECTION (s. 11) (per 12 copies)	55	6*d.*
OVERTIME RECORD (s. 60), and Notice of number of persons who may be employed in each room during overtime	12	1*d.*
HUMIDITY TABLE (s. 92) for—		
Spinning of Merino, Cashmere, or Wool by the French or Dry Process	316	
Other Humid Textile Processes	315	
(Supplied on application to H.M. Inspector.)		
HUMIDITY RECORD (s. 92), Readings of Thermometers (per 25 copies)	317	1*s.*
LIST OF OUTWORKERS (s. 107). (In book of 16 pages)...	44	2*d.*

	Official Number.	Price
Special Rules, in placard form, for—		
White Lead Works	247	1*d.*
Chemical Works	258	1*d.*
*Lucifer Match Works	384	1*d.*
Mixing and Casting of Brass	271	1*d.*
Bottling of Aërated Waters	273	1*d.*
Other Works (supplied on application to H. M. Inspector).		

* Supplied also, at the same price, in form of foolscap size.

Health Registers of periodical medical examination, for use in—		
White Lead Works	604	
Earthenware and China Works	605	
Lucifer Match Works	606	
India Rubber Works	607	
Explosives Works	609	
Bichromate and other Works	608	

(Supplied on application to H. M. Inspector.)

Forms to be kept at Works, and also to be sent to Inspector.

(A counterfoil is attached to each Form, for the latter purpose.)

Special Exception Notices. Notice of intention to use Special Exception as to—		
Overtime—		
Ordinary (s. 49)	21	1*d.*
In Laundries (s. 103) (Formerly 21A)...	54	1*d.*
Upon Perishable Articles (s. 50)	24	1*d.*
Upon Incomplete Process (s. 51)	22	1*d.*
In Turkey-red Dyeing or Open-air Bleaching (s. 53)	23	1*d.*
In Water Mills (s. 52)	25	1*d.*
Period of Employment—		
9 a.m. to 9 p.m. (s. 36)	9	1*d.*
Eight Hours on Saturday (s. 30)	30	1*d.*
On Saturdays in Turkey-red Dyeing (s. 44)	14	1*d.*
In Jewish Works (s. 47)	17	1*d.*
In Fish-curing (s. 41)	63	1*d.*
In Fruit-preserving (s. 41)	64	1*d.*
In Creameries (s. 42)	65	1*d.*
For Women—		
In Flax Scutch Mills	62	1*d.*
In Women's Workshops (see below, Form 29).		

	Official Number.	Price.
Period of Employment—cont.		
For Male Young Persons over 14—		
In Glass Works (s. 55)	28	1*d.*
In certain other Works (s. 54)	26	1*d.*
For Male Young Persons over 16—		
In Lace Factories (s. 37)	10	1*d.*
In Bakehouses (s. 38)	11	1*d.*
In Newspaper Printing (s. 56)	27	1*d.*
In certain other Works (s. 54)	26	1*d.*
Substitution of another day for Saturday (s. 43) ...	13	1*d.*
Substitution of Friday or Saturday for Sunday in Jewish Works	18	1*d.*
Separation of Sets for different Holidays (s. 45) ...	16	1*d.*
Separation of Sets for different Meal Hours (s. 40) ...	19	1*d.*
Employment during Meal Hours (s. 40)	20	1*d.*
Five-hour Spell in certain Textile Factories (s. 39) ...	15	1*d.*
Exemption from Lime-washing, etc. (s. 1)	60	1*d.*
NOTICE OF CHANGE OF HOURS, altering Period of Employment or Times for Meals—		
In Factories and Workshops (s. 32)	31	1*d.*
In Laundries (see Form 51, p. 305).		
NOTICE OF ALTERATION OF SYSTEM OF EMPLOYING CHILDREN (s. 32)	33	1*d.*
NOTICE FIXING OR ALTERING HOLIDAYS (s. 35) ...	34	1*d.*
OVERTIME REPORT AND REGISTER (Books of 30 Reports, franked for post, with counterfoils as Register)	338	
(Supplied on application to H.M. Inspector.)		

Other Forms to be sent by Occupier.

NOTICE OF OCCUPATION of Factory, Workshop or Laundry (s. 127)	35	1*d.*
NOTICE OF ACCIDENT (s. 19), (per 25 copies)	43	6*d.*
NOTICE OF POISONING (s. 73), Anthrax, Lead, Phosphorus, Mercury or Arsenic (per 25 copies)	40	6*d.*
LIST OF OUTWORKERS (s. 107). (In book of 16 pages)	44	2*d.*
WOMEN'S WORKSHOP NOTICE (s. 29)	29	1*d.*

RETURN OF PERSONS EMPLOYED (s. 130)—		
In Textile Factories	48	1*d.*
In Non-Textile Factories	49	1*d.*
In Workshops	50	1*d.*
In Laundries	52	1*d.*
HUMIDITY NOTICE (ss. 93, 96)	61	1*d.*

FORM OF NOTICE OF ACCIDENT

To be sent to the Inspector of Factories and to the Certifying Factory Surgeon, in the Circumstances stated overleaf.

WORKS ...

1. Name of occupier .
2. Address of works .
3. Nature of industry .
   State also whether factory, workshop, laundry, warehouse, dock, etc. .

INJURED PERSON

4. Name .
5. Sex, and age last birthday .
   If between 13 and 14 state whether employed as a child or young person .
6. Occupation .

ACCIDENT

7. Date and hour of accident .
8. How caused—by what part of machinery or in what other way .
   If by machinery, state whether in motion by mechanical power at time of accident .
9. How injured person was employed at the time of the accident .
10. Hour at which he began work on the day of the accident .
11. Injuries received, and their results .
    State whether fatal, severe or slight, and describe briefly their nature and extent, *e.g.*, loss of finger, fracture of leg, scald, etc.
12. Residence of injured person .
13. Place to which injured person has been removed .

Signature of occupier, manager or agent

Date

INSTRUCTIONS.

Where there occurs in a factory or workshop any accident which causes to any person employed therein either—

(*a*) Loss of life; or

(*b*) 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,

the occupier must forthwith send notice in writing to H.M. Inspector of Factories for the district.

And further, if the accident

(*a*) causes loss of life, or

(*b*) is produced

(1) by machinery moved by steam, water, or other mechanical power, or

(2) through a vat, pan, or other structure (*i.e.*, something built up and fixed, which can be fenced so as to prevent persons falling into it) filled with hot liquid or molten metal or other substance, or

(3) by explosion or escape of gas, steam, or metal,

then notice must forthwith be sent to the certifying surgeon of the district, *as well as to the inspector of factories.*

The above requirements apply equally to accidents occurring in—

(i.) Laundries;

(ii.) Docks, wharves, quays and warehouses, and all machinery or plant (including any gangway or ladder) used in loading or unloading or coaling any ship in any dock, harbour, or canal;

(iii.) 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;

(iv.) Buildings which exceed 30 feet in height, and which are being constructed or repaired by means of a scaffolding;

(v.) Buildings which exceed 30 feet in height, and in which more than 20 persons, not being domestic servants, are employed for wages;

(vi.) Private railway sidings used in connection with a factory or workshop or with any of the places mentioned above;

but not to accidents reportable under s. 63 of the Explosives Act, 1875, to H.M. Chief Inspector of Explosives.

FORM OF REPORT OF EXAMINATION OF STEAM BOILERS. (S. 11, *ante*, p. 21.)

REPORT OF EXAMINATION OF STEAM BOILERS IN THE FACTORY AT .

Occupier of Factory . Date of Examination .

Description of each Boiler, or Distinctive Number. (1)	Nature of Examination.* (Also state in this column whether the Boiler was properly scaled for the purpose of the examination.) (2)	Condition of Boiler. (*a*) External. (*b*) Internal. (3)	Condition of Mountings. (*a*) Safety Valve. (*b*) Steam Gauge. (*c*) Water Gauge. (*d*) Other Mountings. (4)	†Permissible Working Pressure (for ensuing 14 months) subject to any conditions stated in col. (6). (5)	REMARKS, Including Statement of Repairs (if any) required, and of period within which they should be executed. (6)

† 2 & 3

I certify that I have thoroughly examined the ‡ Boilers above described, which were properly prepared, and, so far as their construction permits, made accessible for the purpose, and that the above is a true report of the result of the examinations.

Signature . Qualification . Address .

Counter-signature (when required by s. 11) . Name of Company or Association . Date .

* Facilities must be given by the occupier for such inspection (internal and external), hammer-testing, drilling, lifting, hydraulic testing, steam trial, or other means of testing, as may be necessary for the purpose of thorough examination.

† *I.e.*, pressure as calculated from dimensions, thickness, and other data, ascertained by examinations. Allowance should be made for conditions of working if unusual or exceptionally severe.

‡ Insert number named in col. (1) above.

THE TRUCK ACTS, 1831—1896.

TRUCK ACT, 1831.

(1 & 2 WILL. 4, c. 37.)

1. *Contracts for the hiring of artificers must be made in the current coin of the realm.*]—In all contracts (*a*) hereafter to be made for the hiring of any artificer [*in any of the trades hereinafter enumerated*] (*b*) or for the performance by any artificer of any labour [*in any of the said trades*] (*b*), the wages of such artificer shall be made payable in the current coin of this realm only, and not otherwise ; and if in any such contract the whole or any part of such wages shall be made payable in any manner other than in the current coin aforesaid, such contract shall be and is hereby declared illegal, null, and void.

(*a*) For definition of contract, see s. 25, *post*, p. 318. See also the Act of 1887, s. 6, *post*, p. 320.

(*b*) The words italicised and enclosed within square brackets wherever they occur in this and subsequent sections refer to the repealed s. 19, and are repealed by the Statute Law Revision Act, 1891 (54 & 55 Vict. c. 67).

2. *Must not contain any stipulations as to the manner in which the wages shall be expended.*]—If in any contract hereafter to be made between any artificer [*in any of the trades hereinafter enumerated*] and his employer, any provision shall be made directly or indirectly respecting the place where, or the manner in which, or the person or persons with whom, the whole or any part of the wages due or to become due to any such artificer shall be laid out or expended, such contract shall be and is hereby declared illegal, null, and void.

This section is extended by s. 6 of the Act of 1887, p. 320.

3. *All wages must be paid to the workman in coin.*]—The entire amount of the wages earned by or payable to any artificer [*in any of the trades hereinafter enumerated*] in respect of any labour by him done [*in any such trade*] shall be actually paid to such

artificer in the current coin of this realm, and not otherwise; and every payment made to any such artificer by his employer, of or in respect of any such wages, by the delivering to him of goods, or otherwise than in the current coin aforesaid, except as hereinafter mentioned, shall be and is hereby declared illegal, null, and void.

This Act does not prohibit deductions from wages for fines or for bad work, or for the price of materials to be used as a means of industry, but by the Act of 1896, such deductions are made subject to very stringent conditions. See ss. 1—3 of the Act of 1896, *post*, pp. 326—328.

By s. 10 of the Act of 1887 (*post*, p. 321), a special provision is made as to articles made in the workman's own home.

Bank notes, if artificer consents, are as effectual in payment as the current coin (s. 8).

4. *Artificers may recover wages, if not paid in the current coin.*]—Every artificer [*in any of the trades hereinafter enumerated*] shall be entitled to recover from his employer [*in any such trade*], in the manner by law provided for the recovery of servants wages, or by any other lawful ways and means, the whole or so much of the wages earned by such artificer [*in such trade*] as shall not have been actually paid to him by such his employer in the current coin of this realm.

5. *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.*]—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 [*in any of the trades hereinafter enumerated*] the defendant shall not be allowed to make any set-off, nor to claim any reduction of the plaintiff's demand, by reason or in respect of any goods, wares, or merchandise had or received by the plaintiff as or on account of his wages or in reward for his labour, or by reason or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

See also ss. 5 and 6 of the Act of 1887, *post*, p. 320.

6. *No employer shall have any action against his artificer for goods supplied to him on account of wages.*]—No employer of any artificer [*in any of the trades hereinafter enumerated*] shall have or be entitled to maintain any suit or action in any court of law or equity against any such artificer, for or in respect of any goods, wares, or merchandise, sold, delivered, or supplied to any such artificer by any such employer, whilst in his employment, as or on account of his wages or reward for his labour, or for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

See also ss. 5 and 6 of the Act of 1887, *post*, p. 320.

7. [*If any artificer or his wife or children become chargeable to the parish, the overseers may recover any wages earned within the three preceding months, and not paid in cash.*]

8. [*Not to invalidate the payment of wages in bank notes, if artificer consents.*]

It is not necessary for the purposes of this book to give these two sections in full.

9. *Penalties on employers entering into contracts hereby declared illegal.*]—Any employer of any artificer [*in any of the trades hereinafter enumerated*], who shall, by himself or by the agency of any other person or persons, directly or indirectly enter into any contract or make any payment hereby declared illegal, shall for the first offence forfeit a sum not exceeding ten pounds [*nor less than five pounds*] (*a*), and for the second offence any sum not exceeding twenty pounds nor less than ten pounds, and in case of a third offence any such employer shall be and be deemed guilty of a misdemeanor, and, being thereof convicted, shall be punished by fine only, at the discretion of the court, so that the fines shall not in any case exceed the sum of one hundred pounds.

(*a*) Repealed by the Summary Jurisdiction Act, 1884 (47 & 48 Vict. c. 43).

See also s. 12 of the Act of 1887, *post*, p. 322.

10. *Proviso as to interval of time between first and second offence, etc.*]—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 of 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 (*a*).

11. [*The power of justices to compel the attendance of witnesses, and*

12. *To levy penalties by distress.*] (*a*)

(*a*) Part of s. 10, and ss. 11, 12, 15, 16, and 18 are repealed by the Act of 1887, the enforcement of the provisions of the Act being under the Summary Jurisdiction Act; see s. 13 of the Act of 1887, *post*, p. 322.

13. *A partner not to be liable in person for the offence of his co-partner, but the partnership property to be liable.*]—No person shall be liable to be convicted of any offence against this Act committed

by his or her co-partner in trade, and without his or her knowledge, privity, or consent; but it shall be lawful, when any penalty, or any sum for wages, or any other sum, is ordered to be paid under the authority of this Act, and the person or persons ordered to pay the same shall neglect or refuse to do so, to levy the same by distress and sale of any goods belonging to any co-partnership concern or business in the carrying on of which such charges may have become due or such offence may have been committed; and in all proceedings under this Act to recover any sum due for wages it shall be lawful in all cases of co-partnership for the justices, at the hearing of any complaint for the non-payment thereof, to make an order upon any one or more co-partners for the payment of the sum appearing to be due; and in such case the service of a copy of any summons or other process, or of any order, upon one or more of such co-partners shall be deemed to be a sufficient service upon all.

14. *How summonses are to be served.*]—In all cases it shall be deemed and taken to be sufficient service of any summons to be issued against any offender or offenders by any justice or justices of the peace under the authority of this Act, if a duplicate or true copy of the same be left at or upon the place used or occupied by such offender or offenders for carrying on his, her, or their trade or business, or at the place of residence of any such offender or offenders, being at or upon any such place as aforesaid, the same being directed to such offender or offenders by his, her, or their right or assumed name or names.

15, 16. [*Relating to forms of conviction, etc.*]

Repealed by the Act of 1887. See note (*a*) under s. 12, *supra*.

17. *Convictions not to be quashed for want of form.*]—No conviction, order, or adjudication made by any justices of the peace under the provisions of this Act shall be quashed for want of form, nor be removed by certiorari or otherwise into any of his Majesty's superior Courts of Record; [*and no warrant of distress, or of commitments in default of sufficient distress, shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.*] (*a*)

(*a*) Repealed except as to Ireland by the Statute Law Revision Act, 1891 (54 & 55 Vict. c. 67).

18. [*As to power of justices to award penalties.*

Repealed by the Act of 1887. See note (*a*) under s. 12, *supra*.

19. [*Specification of trades to which the Act is to apply.*]

Repealed by the Act of 1887, which, by s. 2, extends this Act to all trades.

20. *Domestics.*]—Nothing herein contained shall extend to any domestic servant.

As to servants in husbandry, see s. 4 of the Act of 1887, *post*, p. 320.

21, 22. [*As to penalties, jurisdiction of justices, etc.*]

Repealed by the Act of 1887.

23. *Particular exceptions to the generality of the law.*]—Nothing herein contained shall extend or be construed to extend to prevent any employer of any artificer, or agent of any such employer, from supplying or contracting to supply to any such artificer any medicine or medical attendance, or any fuel, or any materials, tools, or implements to be by such artificer employed in his trade or occupation, if such artificers be employed in mining, or any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such artificer in his trade and occupation; nor from demising to any artificer [*workman, or labourer employed in any of trades or occupations enumerated in this Act*] the whole or any part of any tenement at any rent to be thereon reserved; nor from supplying or contracting to supply to any such artificer any victuals dressed or prepared under the roof of any such employer, and there consumed by such artificer; nor from making or contracting to make any stoppage or deduction from the wages of any such artificer for or in respect of any such rent, or for or in respect of any such medicine or medical attendance, or for or in respect of such fuel, materials, tools, implements, hay, corn, or provender, or of any such victuals, dressed and prepared under the roof of any such employer, or for or in respect of any money advanced to such artificer for any such purpose as aforesaid: Provided always, that such stoppage or deduction shall not exceed the real and true value of such fuel, materials, tools, implements, hay, corn, and provender, and shall not be in any case made from the wages of such artificer, unless the agreement or contract for such stoppage or deduction shall be in writing, and signed by such artificer.

Deductions for sharpening tools, etc., are not to be made without the consent in writing of the workman. See the Act of 1887, s. 8, *post*, p. 321.

Accounts of deductions for education, medical attendance, and tools are to be rendered and audited. See the Act of 1887, s. 9, *post*, p. 321.

24. *Employers may advance money to artificers for certain purposes.*]—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 . . .

See also the Act of 1887, ss. 7—9, *post*, pp. 320, 321.

25. *Definition of terms.*]—In the meaning and for the purposes of this Act . . . all masters, bailiffs, foremen, managers, clerks, 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 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 artificer are parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them, shall be and be deemed a "contract."

26. [*Commencement of Act.*]

Repealed by Statute Law Revision (No. 2) Act, 1888 (51 & 52 Vict. c. 57).

27. [*To extend over Great Britain and Ireland.*]

The Act originally applied to great Britain only, but is extended to Ireland by s. 18 of the Act of 1887.

TRUCK AMENDMENT ACT, 1887.

(50 & 51 VICT. c. 46.)

1. *Short title.*]—This Act may be cited as the Truck Amendment Act, 1887. The Act of the session of the first and second years of the reign of King William the Fourth, chapter thirty-seven, intituled "An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm" (in this Act referred to as the principal Act), may be cited as the Truck Act, 1831, and that Act and this Act may be cited together as the Truck Acts, 1831 and 1887 and shall be construed together as one Act.

2. *Application of principal Act to workman as defined by* 38 & 39 *Vict. c.* 90.]—The provisions of the principal Act shall extend to, apply to, and include any workman as defined in the Employers and Workmen Act, 1875, section ten, and the expression "artificer" in the principal Act shall be construed to include every workman to whom the principal Act is extended and applied by this Act, and all provisions and enactments in the principal Act inconsistent herewith are hereby repealed.

The Employers and Workmen Act, 1875 (38 & 39 Vict. c. 90), s. 10, enacts as follows:

> "Workman does not include a domestic or menial servant, but save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour."

3. *Advance of wages.*]—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.

4. *Saving for servant in husbandry.*]—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.

5. *Order for goods as a deduction from wages illegal.*]—In any action brought by a workman for the recovery of his wages, the employer shall not be entitled to any set off or counter-claim in respect of any goods supplied to the workman by any person under any order or direction of the employer, or any agent of the employer, and the employer of a workman or any agent of the employer, or any person supplying goods to the workman under any order or direction of such employer or agent, shall not be entitled to sue the workman for or in respect of any goods supplied by such employer or agent, or under such order or direction, as the case may be.

Provided that nothing in this section shall apply to anything excepted by section twenty-three of the principal Act.

6. *No contracts with workman as to spending wages at any particular shop, etc.*]—No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman any terms as to the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid to the workman are or is to be expended, and no employer shall by himself or his agent dismiss any workman from his employment for or on account of the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid by the employer to such workman are or is expended or fail to be expended.

7. *Deduction for education.*]—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.

8. *Deduction for sharpening tools, etc.*]—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.

9. *Audit of deductions.*]—Where deductions are made from the wages of any workmen for the education of children or in respect of medicine, medical attendance, or tools, once at least in every year the employer shall, by himself or his agent, make out a correct account of the receipts and expenditure in respect of such deductions, and submit the same to be audited by two auditors appointed by the said workmen, and shall produce to the auditors all such books, vouchers, and documents, and afford them all such other facilities as are required for such audit.

10. *Artificer to be paid in cash and not by way of barter for articles made by him.*]—Where articles are made by a person at his own home, or otherwise, without the employment of any person under him except a member of his own family, the principal Act and this Act shall apply as if he were a workman, and the shopkeeper, dealer, trader, or other person buying the articles in the way of trade were his employer, and the provisions of this Act with respect to the payment of wages shall apply as if the price of an article were wages earned during the seven days next preceding the date at which any article is received from the workman by the employer.

This section shall apply only to articles under the value of five pounds knitted or otherwise manufactured of wool, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk, or of any combination thereof, or made or prepared of bone, thread, silk, or cotton lace, or of lace made of any mixed materials. Where it is made to appear to her Majesty the Queen in Council that, in the interests of persons making articles to which this section applies in any county or place in the United Kingdom, it is expedient so to do, it shall be lawful for her Majesty, by Order in Council, to suspend the operation of this section in such county or place, and the same shall accordingly be suspended, either wholly or in part, and

either with or without any limitations or exceptions, according as is provided by the Order.

11. *Offences.*]—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.

12. *Fine on person committing offence for which employer is liable, and power of employer to exempt himself from penalty on conviction of actual offender.*]—(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.

13. *Recovery of penalties.*]—(1.) Any offence against the principal Act or this Act may be prosecuted, and any penalty

therefor recovered in manner provided by the Summary Jurisdiction Acts, so, however, that no penalty shall be imposed on summary conviction exceeding that prescribed by the principal Act for a second offence.

(2.) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of the principal Act and this Act within their districts so far as respects factories, workshops, and mines inspected by them respectively, and such inspectors shall for this purpose have the same powers and authorities (*a*) as they respectively have for the purpose of enforcing the provisions of any Acts relating to factories, workshops, or mines, and all expenses incurred by them under this section shall be defrayed out of moneys provided by Parliament.

(3.) In England all penalties recovered under the principal Act and this Act shall be paid into the receipt of her Majesty's Exchequer, and be carried to the Consolidated Fund.

(4.) In Scotland—

(a.) The procurators fiscal of the sheriff court shall, as part of their official duty, investigate and prosecute offences against the principal Act or this Act, and such prosecution may also be instituted in the sheriff court at the instance of any inspector of factories or inspector of mines ;

(b.) All offences against the said Acts shall be prosecuted in the sheriff court.

(*a*) See s. 119 of the Factory and Workshop Act, 1901, *ante*, p. 172.

14. *Definitions.*]—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.

15. *Disqualification of justice.*]—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.

16. *Amendment of* 1 & 2 *Will.* 4, *c.* 37, *as to overseers.*]—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.

17. *Repeal.*]—The Acts mentioned in the Schedule to this Act are hereby repealed to the extent in the third column of the said Schedule mentioned, without prejudice to anything heretofore done or suffered in respect thereof.

18. *Application of Acts to Ireland.*]—The principal Act, so far as it is not hereby repealed, and this Act shall extend to Ireland, subject to the following provisions:

(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.
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.

TRUCK ACT, 1896.

(59 & 60 VICT. c. 44.)

1. *Deductions or payments in respect of fines.*]—(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 it 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 (*a*), and the amount of the fine or the particulars from which that amount may 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 (*a*), 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.

(*a*) In *Squire* v. *Bayer & Co.* (1901), 70 L. J. K. B. 704, a rule was posted in a factory workroom that all workers should observe "good order and decorum." Some of the workers danced to music in

the room during meal hours and raised a dust which was likely to cause damage to the machines at which they worked. One of the workers was fined for so doing in breach of the rule :—*Held*, by Lord ALVERSTONE, C.J., and LAWRANCE, J., that the rule was sufficiently specific, that the act of the workers was a contravention of it, and that the dancing was "likely to cause damage or loss to the employer," and that the worker was rightly fined.

2. *Deductions or payments in respect of damaged goods.*]—(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.

3. *Deductions or payments in respect of materials.*]—(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 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.

4. *Penalty.*]—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.

5. *Recovery of payments or deductions.*]—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 deduc-

tion 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.

6. *Production of contract.*]—(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.

(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.

7. *Exemption of contract from stamp duty.*]—A contract entered into under the provisions of this Act shall not be liable to stamp duty.

8. *Saving as to contracts and payments illegal under existing Acts.*]—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 amending Act, with respect to persons employed in mines and paid according to weight, or make lawful any deduction from payments made to those persons.

9. *Power to exempt from provisions of Act.*]—(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 (*a*).

(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.

(*a*) By order, dated March 3rd, 1897, an exemption from the provisions of the Truck Act, 1896, in respect of the persons engaged in all branches of the weaving of cotton in the counties of Lancashire, Cheshire, Derbyshire, and the West Riding of Yorkshire, has been granted.

10. *Duties of inspectors.*]—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.

11. *Commencement.*]—This Act shall come into operation on the first day of January one thousand eight hundred and ninety-seven.

12. *Short title and construction.*]—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.

EMPLOYERS' LIABILITY ACT, 1880.

(43 & 44 VICT. c. 42.)

1. *Amendment of law.*]—Where personal injury is caused to a workman—

(1) by reason of any defect in the condition of the ways, works, machinery, or plant connected with or used in the business of the employer; or

(2) by reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him whilst in the exercise of such superintendence; or

(3) by reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform, and did conform, where such injury resulted from his having so conformed; or

(4) by reason of the act or omission of any person in the service of the employer, done or made in obedience to the rules or byelaws of the employer, or in obedience to particular instructions given by any person delegated with the authority of the employer in that behalf; or

(5) by reason of the negligence of any person in the service of the employer who has the charge or control of any signal, points, locomotive engine, or train upon a railway,

the workman, or in case the injury results in death, the legal personal representatives of the workman, and any persons entitled in case of death, shall have the same right of compensation and remedies against the employer as if the workman had not been a workman of nor in the service of the employer, nor engaged in his work.

2. *Exceptions to amendment of law.*]—A workman shall not be entitled under this Act to any right of compensation or remedy against the employer in any of the following cases; that is to say,

(1.) Under sub-section one of section one, unless the defect therein mentioned arose from, or had not been discovered or remedied owing to the negligence of the employer, or of some person in the service of the employer, and entrusted by him with the duty of seeing that the ways, works, machinery, or plant were in proper condition.

(2.) Under sub-section four of section one, unless the injury resulted from some impropriety or defect in the rules, byelaws, or instructions therein mentioned; provided that where a rule or byelaw has been approved or has been accepted as a proper rule or byelaw by one of her Majesty's principal Secretaries of State, or by the Board of Trade or any other department of the Government, under or by virtue of any Act of Parliament, it shall not be deemed for the purposes of this Act to be an improper or defective rule or byelaw.

(3.) In any case where the workman knew of the defect or negligence which caused his injury, and failed within a reasonable time to give, or cause to be given, information thereof to the employer or some person superior to himself in the service of the employer, unless he was aware that the employer or such superior already knew of the said defect or negligence.

3. *Limit of sum recoverable as compensation.*]—The amount of compensation recoverable under this Act shall not exceed such sum as may be found to be equivalent to the estimated earnings, during the three years preceding the injury, of a person in the same grade employed during those years in the like employment and in the district in which the workman is employed at the time of the injury.

4. *Limit of time for recovery of compensation.*]—An action for the recovery under this Act of compensation for an injury shall not be maintainable unless notice that injury has been sustained is given within six weeks, and the action is commenced within six months from the occurrence of the accident causing the

injury, or, in case of death, within twelve months from the time of death : Provided always, that in case of death the want of such notice shall be no bar to the maintenance of such action if the judge shall be of opinion that there was reasonable excuse for such want of notice.

5. *Money payable under penalty to be deducted from compensation under Act.*]—There shall be deducted from any compensation awarded to any workman, or representatives of a workman, or persons claiming by, under, or through a workman in respect of any cause of action arising under this Act, any penalty or part of a penalty which may have been paid in pursuance of any other Act of Parliament (*a*) to such workman, representatives, or persons in respect of the same cause of action ; and where an action has been brought under this Act by any workman, or the representatives of any workman, or any persons claiming by, under, or through such workman, for compensation in respect of any cause of action arising under this Act, and payment has not previously been made of any penalty or part of a penalty under any other Act of Parliament in respect of the same cause of action, such workman, representatives, or person shall not be entitled thereafter to receive any penalty or part of a penalty under any other Act of Parliament in respect of the same cause of action.

(*a*) See s. 136 of the Factory and Workshop Act, 1901, *ante*, p. 188, and the notes thereto.

6. *Trial of actions.*]—(1.) Every action for recovery of compensation under this Act shall be brought in a county court, but may, upon the application of either plaintiff or defendant, be removed into a superior court in like manner and upon the same conditions as an action commenced in a county court may by law be removed.

(2.) Upon the trial of any such action in a county court before the judge without a jury one or more assessors may be appointed for the purpose of ascertaining the amount of compensation.

(3.) For the purpose of regulating the conditions and mode of appointment and remuneration of such assessors, and all matters of procedure relating to their duties, and also for the purpose of consolidating any actions under this Act in a county court, and otherwise preventing multiplicity of such actions, rules and

regulations may be made, varied, and repealed from time to time in the same manner as rules and regulations for regulating the practice and procedure in other actions in county courts.

"County court" shall, with respect to Scotland, mean the "Sheriff's Court," and shall, with respect to Ireland, mean the "Civil Bill Court."

In Scotland any action under this Act may be removed to the Court of Session at the instance of either party, in the manner provided by, and subject to the conditions prescribed by, section nine of the Sheriff Courts (Scotland) Act, 1877.

In Scotland the sheriff may conjoin actions arising out of the same occurrence or cause of action, though at the instance of different parties and in respect of different injuries.

7. *Mode of serving notice of injury.*]—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.

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.

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 a letter containing the same would be 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.

Where the employer is a body of persons corporate or unincorporate, the notice shall be served by delivering the same at or by sending it by post in a registered letter addressed to the office, or, if there be more than one office, any one of the offices of such body.

A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein, unless the judge who tries the action arising from the injury mentioned in the notice shall be of opinion that the defendant in the action is prejudiced

in his defence by such defect or inaccuracy, and that the defect or inaccuracy was for the purpose of misleading.

8. *Definitions.*]—For the purposes of this Act, unless the context otherwise requires,—

The expression "person who has superintendence entrusted to him" means a person whose sole or principal duty is that of superintendence, and who is not ordinarily engaged in manual labour:

The expression "employer" includes a body of persons corporate or unincorporate:

The expression "workman" means a railway servant and any person to whom the Employers and Workmen Act, 1875, applies.

9. *Commencement of Act.*] *Repealed by* 57 & 58 *Vict. c.* 56 (*Statute Law Revision Act*).

10. *Short title.*]—This Act may be cited as the Employers' Liability Act, 1880, and shall continue in force till the thirty-first day of December one thousand eight hundred and eighty-seven, and to the end of the then next Session of Parliament, and no longer, unless Parliament shall otherwise determine (*a*), and all actions commenced under this Act before that period shall be continued as if the said Act had not expired.

(*a*) The Act has been kept alive from year to year by the Expiring Laws Continuance Acts up to, and including the present year, 1902.

WORKMEN'S COMPENSATION ACT, 1897.

(60 & 61 VICT. C. 37.)

1. *Liability of certain employers to workmen for injuries.*]—(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.

(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 (*a*), 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.

(*a*) See s. 136 of the Factory and Workshop Act, 1901 (*ante*, p. 188), and the notes thereto.

2. *Time for taking proceedings.*]—(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.

(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.

3. *Contracting out.*]—(1.) If the Registrar of Friendly Societies, after taking steps to ascertain the views of 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 chemes 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 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. *Sub-contracting.*]—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 workmen 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.

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. *Compensation to workmen in case of bankruptcy of employer.*] —(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 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 alloted 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."

6. *Recovery of damages from stranger.*]—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.

7. *Application of Act and definitions.*]—(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, machinery, or plant, to which any provision of the Factory Acts is applied by the Factory and Workshop Act, 1895, and every laundry worked by steam, water, or other mechanical power:

"Mine" means a mine to which the Coal Mines Regulation Act, 1887, or the Metalliferous Mines Regulation Act, 1872, applies:

"Quarry" means a quarry under the Quarries Act, 1894:

"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—

(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 shipbuilding 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.

8. *Application to workmen in employment of Crown.*]—(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.

(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.

9. *Provision as to existing contracts.*]—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. *Commencement of Act and short title.*]—(1.) This Act shall come into operation on the first day of July one thousand eight hundred and ninety-eight.

(2.) This Act may be cited as the Workmen's Compensation Act, 1897.

SCHEDULES.

FIRST SCHEDULE. [Sections 1, 5.

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 deter-

mined, 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 bank, 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.

(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.

(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.

Section 1.] 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 authorises, 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 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 authorises 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 represented by any person authorised 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. c. 22.)

[*This Act extends the benefits of the Workmen's Compensation Act*, 1897, *to workmen employed in agriculture. As it is altogether outside the scope of factory legislation, it is not set out here.*]

ELEMENTARY EDUCATION ACT, 1876.

(39 & 40 VICT. c. 79.)

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. . . .

ELEMENTARY EDUCATION ACT, 1880.

(43 & 44 VICT. c. 23.)

4. Every person who takes into his employment a child of the age of ten and under the age of *thirteen years* (*a*), resident in a school district, before that child has obtained a certificate of having reached the standard of education fixed by a byelaw 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 (*b*).

(*a*) Now fourteen years. See Elementary Education Act, 1900, *infra*. Note that by s. 62 of the Factory and Workshop Act, 1901, a child cannot be employed in a factory or workshop under the age of twelve years.

(*b*) The penalty for the contravention of the Act of 1876 is as follows by s. 6: Every person who takes a child into his employment in contravention of this Act shall be liable on summary conviction to a penalty not exceeding forty shillings.

ELEMENTARY EDUCATION ACT, 1900.

(63 & 64 VICT. c. 53.)

6.—(1.) . . . In section four of the Elementary Education Act, 1880, . . . fourteen years shall be substituted for thirteen years.

EDUCATION (SCOTLAND) ACT, 1901.

(1 EDW. 7, c. 9.)

2. It shall not be lawful for any person to take into his employment any child (1) who is under the age of twelve years, or (2) who, being of the age of twelve years and not more than fourteen years, has not obtained exemption from the obligation to attend school from the school board of the district in the manner provided in the next following section ; nor shall any child (1) who is under the age of twelve years, or (2) who, being of the age of twelve years and not more than fourteen years, has not been exempted from the obligation to attend school in manner aforesaid, be employed in any casual employment, as defined by section six of the Education (Scotland) Act, 1878 (*a*), after nine o'clock at night from the first day of April to the first day of October, and after seven o'clock at night from the first day of October to the first day of April.

Provided that nothing in this section shall prevent any employer from employing any child who is lawfully employed by him or by any other person at the date of the commencement of this Act.

3. It shall be lawful for any school board, where after due inquiry 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. . . .

(*a*) The definition referred to is (s. 6) : "Casual employment shall mean employment for purposes of gain in streets or other places in vending or exposing for sale any article whatsoever, and also employment of any other kind, outside the child's own home, not being employment the lawful period whereof is regulated by any Act of Parliament."

EXTRACTS FROM REVISED REGULATIONS OF THE 21ST MARCH, 1901.

AS TO

CERTIFICATES OF AGE, PROFICIENCY, AND SCHOOL ATTENDANCE.

(Elementary Education Act, 1876, s. 24.)

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 (*a*). The prescribed form of requisition is annexed to this Order (Schedule I.). The fee for such certificate is not to exceed 6*d*. (*Order of Local Government Board, dated 20th October*, 1891.)

(*a*) Now s. 134 of the Factory and Workshop Act, 1901.

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 byelaw 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 his 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, and employed under the provisions of the Elementary Education Act, 1876, in the form given in the Fifth Schedule to this Order.

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.

LABOUR CERTIFICATES.

12. Any parent or other person interested in the employment or education of any child may apply to the local authority of the district in which the child resides for a labour certificate. The applicant must present to the local authority the evidence of age prescribed above; he must further present *either* the certificate of proficiency, *or* that of school attendance prescribed above, and the local authority, if they are satisfied that the child is qualified for total or partial exemption from school attendance under the byelaws of the district, or for employment in agriculture under any byelaw made in that behalf, or for employment under the First Schedule to the Elementary Education Act, 1876, shall furnish the certificate asked for in one of the forms given in the Third Schedule to this Order.

GENERAL.

13. No certificate purporting to be granted under these regulations will be recognised unless given in one of the printed forms annexed to this Order. All these forms shall be kept by every local authority, from whom they are to be obtained free of charge, except in the cases where any fee is specially allowed.

Board of Education.
Form 123.

SCHEDULE I.

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 (*a*), 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 abovementioned, 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 .

(*a*) See Factory Act, 1901, s. 134, *ante*, p. 185.

Board of Education.
Form 123 (a).

SCHEDULE II.

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 (*a*) of this day of 19 .

Signed , Justice of the Peace for the (*a*) of .

(Signed) .

(*a*) County or borough.

Board of Education.
Form 146 (a).

SCHEDULE III.

School District of .

LABOUR CERTIFICATE, No. 1.

Age and Employment.

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 (*a*), and has been shown to the satisfaction of the local authority for this district to be beneficially employed.

(Signed)
(*b*) Clerk to the (*c*)
for the above district.

Proficiency.

I certify that *A.B.*, residing at has received a certificate from one of His Majesty's Inspectors of Schools, that he (*or* she) has (*d*) reached the Standard.

(Signed) ,
Principal Teacher of the School.
or (*b*) Clerk to the (*c*)
for the above district.

(*a*) Strike out what follows if the child is qualified for full time employment.
(*b*) Or other officer.
(*c*) School Board or School Attendance Committee.
(*d*) 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.

Board of Education.

Form 146 a (1).

School District of .

LABOUR CERTIFICATE, No. 1 (a) (for total exemption after 13 years of age).

Age and Employment.

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, and has been shown to the satisfaction of the local authority for this district to be beneficially employed.

(Signed) ,
(*a*) Clerk to the (*b*)
for the above district.

Previous Attendance.

I certify that *A.B.*, residing at , has made 350 attendances in not more than two schools during each year for five preceding years, whether consecutive or not, as shown by the (*c*) certificate furnished by the Principal Teacher of the (*d*) School.

(Signed) ,
(*a*) Clerk to the (*b*)
for the above district.

(*a*) Or other officer.
(*b*) School Board or School Attendance Committee.
(*c*) For this certificate see Schedule VI.
(*d*) Here name School or Schools in which the attendances have been made.
N.B.—In districts where the byelaws extend to the age of 14, this certificate can only be granted if the byelaws permit full time exemption on an attendance qualification.

Board of Education.

Form 146 (b).

School District of .

LABOUR CERTIFICATE, No. 2 (for partial exemption only).

Age and Employment.

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, and has been shown to the satisfaction of the local authority for this district to be beneficially employed.

(Signed) ,
(*a*) Clerk to the (*b*)
for the above district.

Previous Attendance.

I certify that *A.B.*, residing at , has made 300 attendances in not more than two schools during each year for five preceding years, whether consecutive or not, as shown by the (*c*) certificate furnished by the Principal Teacher of the (*d*) School.

(Signed) .
(*a*) Clerk to the (*b*)
for the above district.

(*a*) Or other officer.
(*b*) School Board or School Attendance Committee.
(*c*) For this certificate see Schedule VI.
(*d*) Here name School or Schools in which the attendances have been made.

Board of Education.
Form 146 (c).

School District of .

LABOUR CERTIFICATE, No. 3 (Agriculture).

Age and Employment.

I certify that *A.B.*, residing at , was on the day of , 19 , not less than **eleven** 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, and that notice has been given to the local authority for this district that he is to be employed in agriculture.

(Signed) ,
(*a*) Clerk to the (*b*)
for the above district.

Proficiency.

I certify that *A.B.*, residing at , has received a certificate from one of His Majesty's Inspectors of Schools, that he (*or* she) has (*c*) passed the Standard, being that prescribed by the byelaws for partial exemption.

(Signed) ,
Principal Teacher of the School.
or (*a*) Clerk to the (*b*)
for the above district.

(*a*) Or other officer.
(*b*) School Board or School Attendance Committee.
(*c*) To 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.
N.B.—This certificate can only be given in school districts where a special "agricultural" byelaw is in force.

Board of Education.
Form 144 (a).

SCHEDULE IV.

(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 (*a*) ,
of .

(*a*) School Board or School Attendance Committee.

Board of Education.
Form 144 (b).

SCHEDULE V.

(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 His Majesty's Inspectors of Schools, that he (*or* she) has reached (*a*) 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 (*b*)
of .

(*a*) 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.
(*b*) School Board or School Attendance Committee.

Board of Education.
Form 144 (c).

SCHEDULE VI.

CERTIFICATE OF SCHOOL ATTENDANCE FOR THE PURPOSE OF EMPLOYMENT UNDER SECTION 5, ELEMENTARY EDUCATION ACT, 1876, OR FOR TOTAL OR PARTIAL EXEMPTION UNDER THE BYELAWS.

(*a*) 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 five 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.

(*a*) Enter name in full, and state whether a Public Elementary or Certified Efficient School.

PREVENTION OF CRUELTY TO CHILDREN ACT, 1894.

(57 & 58 VICT. c. 41.)

3. *Licences for employment of children.*]—(1.) A petty sessional court, or in Scotland the School Board, may, notwithstanding anything in this Act, grant a licence for such time and during such hours of the day, and subject to such restrictions and conditions as the court or board think fit, for any child exceeding seven years of age,—

(a) to take part in any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid ; or

(b) to be trained as aforesaid ; or

(c) for both purposes ;

if satisfied of the fitness of the child for the purpose, and if it is shown to their satisfaction that proper provision has been made to secure the health and kind treatment of the children taking part in the entertainment or series of entertainments or being trained as aforesaid, and the court or board may, upon sufficient cause, vary, add to, or rescind any such licence.

Any such licence shall be sufficient protection to all persons acting under or in accordance with the same.

(2.) A Secretary of State may assign to any inspector appointed under section sixty-seven of the Factory and Workshop Act, 1878 (*a*), specially and in addition to any other usual duties, the duty of seeing whether the restrictions and conditions of any licence under this section are duly complied with, and any such inspector shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector has to enter, inspect, and examine a factory or workshop under section sixty-eight of the same Act.

(*a*) Now s. 118 of the Factory and Workshop Act, 1901.

(3.) Where any person applies for a licence under this section he shall, at least seven days before making the application, give

notice thereof to the chief officer of police for the district in which the licence is to take effect, and that officer may appear or instruct some person to appear before the authority hearing the application, and show cause why the licence should not be granted, and the authority to whom the application is made shall not grant the same unless they are satisfied that notice has been properly so given.

(4.) Where a licence is granted under this section to any person, that person shall, not less than ten days after the granting of the licence, cause a copy thereof to be sent to the inspector of factories and workshops acting for the district in which the licence is to take effect, and if he fails to cause such copy to be sent, shall be liable on summary conviction to a fine not exceeding five pounds.

(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.

The penalty for illegally employing children under this Act is a fine not exceeding £25, or in default of payment, or in addition thereto, imprisonment for not exceeding three months (s. 2).

A special form of licence has been drawn up, and is used in the Metropolitan Police Division : it prescribes the hours for rehearsal and performance with proper intervals ; the safe conduct and care of the child ; and authorises the inspector to require proof of age and to interfere if the employment of the child appear to be injurious.

For powers of inspector to make full investigation, see p. 172, *ante*.

EXPLOSIVES ACT, 1875.

(38 & 39 VICT. c. 17.)

63. Whenever there occurs any accident by explosion or by fire in or about or in connexion with any factory, magazine, or store . . . the occupier of such factory, magazine, store . . . 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 . . . of factories or any inspector of mines.

Where in, about, or in connexion 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 (*a*), 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.

(*a*) By Order in Council of November, 1875, the amount is fixed at 200 lbs., provided that nothing in the Order shall apply where no explosive is conveyed, loaded, or unloaded other than ammunition of the first division of the sixth class.

PUBLIC HEALTH ACT, 1875.

(38 & 39 VICT. c. 55.)

38. *Privy accommodation for factories.*]—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 waterclosets earthclosets 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.

Failure to make adequate provision as above required is also an offence punishable under s. 9 of the Factory Act, 1901 (see p. 17, *ante*. See also note (*c*) to s. 2 of that Act, *ante*, p. 9).

91.—(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 . . . shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act.

See note (*a*) to s. 2 of the Factory Act, 1901, *ante*, p. 8.

PUBLIC HEALTH ACTS AMENDMENT ACT, 1890.

(53 & 54 VICT. c. 59.)

22.—*Sanitary conveniences for manufactories, etc.*]—(1.) Every building, used as a workshop or manufactory, or where persons are employed or intended to be employed in any trade or business, whether erected before or after the adoption of this part of this Act in any district, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at such building, and also where persons of both sexes are employed, or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

(2.) Where it appears to an urban authority on the report of their surveyor that the provisions of this section are not complied with in the case of any building, the urban authority may, if they think fit, by written notice, require the owner or occupier of any such building to make such alterations and additions therein as may be required to give such sufficient, suitable, and proper accommodation as aforesaid.

(3.) Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a daily penalty not exceeding forty shillings.

(4.) Where this section is in force (*a*), section thirty-eight of the Public Health Act, 1875, shall be repealed.

(*a*) This Act being adoptive, its provisions only apply where they have been adopted by the local authority, but s. 38 of the Public Health Act, 1875, *supra* (which contains similar provisions), and s. 9 of the Factory Act, 1901, provide for cases where this Act is not in force. See note (*e*) to s. 2 of the Factory Act, 1901, *ante*, p. 9.

PUBLIC HEALTH (LONDON) ACT, 1891.

(54 & 55 VICT. c. 76.)

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, earthcloset, 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 also 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 note (*a*) to s. 2 of the Factory Act, 1901, *ante*, p. 8.

25. *Lime-washing and washing of workshops.*]—(1.) Where, on the certificate of a medical officer of health or sanitary inspector, it appears to any sanitary authority that the lime-washing, cleansing, or purifying of any workshop (other than a bakehouse), or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall serve notice in writing on the owner or occupier of the workshop to limewash, cleanse, or purify the workshop or part as the case requires, within the time specified in the notice; and, if the person on whom 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.

(2.) This section shall apply to any factory which is not subject to the provisions of the Factory and Workshop Act, 1878, and the Acts amending the same, and to any workplace, in like manner as it applies to a workshop.

26. *Enactments respecting bakehouses.*]—(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 (*a*) (which relate to cleanliness, ventilation, and other sanitary conditions), shall, as respects every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate, and they shall be the local authority within the meaning of those sections.

(2.) For the purposes of this section, the provisions of this Act with respect to the admission of the sanitary authority and their officers into any premises for any purpose in relation to nuisances shall apply in like manner as if they were herein re-enacted and in terms made applicable to this section; and every person refusing or failing to allow the sanitary authority or their officer to enter any premises in pursuance of those provisions for the purposes of this section shall be subject to a fine.

(*a*) Now ss. 97—100, and 135 of the Factory and Workshop Act, 1901, pp. 128—131, and p. 187, *ante*.

27. *Notice to factory inspector respecting child or woman in workshop.*]—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.

38. *Sanitary conveniences for manufactories, etc.*]—(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 are 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 (*e*) to s. 2 of the Factory Act, 1901, *ante*, p. 9.

SHOP HOURS ACT, 1892.

(55 & 56 VICT. c. 62.)

1. *Short title.*]—This Act may be cited as the Shop Hours Act, 1892.

2. *Commencement of Act.*]—This Act shall come into operation on the first day of September one thousand eight hundred and ninety-two.

3. *Hours of employment in shops.*]—(1.) No young person shall be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week (*a*).

(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.

(*a*) The period of seventy-four hours a week limited by this section for the employment of a young person in or about a shop is inclusive of time occupied upon the employer's business elsewhere than in the shop (*Collman* v. *Roberts*, [1896] 1 Q. B. 457; 65 L. J. M. C. 63).

4. *Notice of hours to be given.*]—In every shop (*a*) 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 (*b*).

(*a*) The notice need not be exhibited in a temporary bookstall consisting of boards laid upon trestles (*W. H. Smith & Son* v. *Kyle*, [1902] 1 K. B. 286).

(*b*) The penalty is under the Shop Hours Act, 1895. See p. 370, *post*.

5. *Fine for employing persons contrary to the Act.*]—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.

6. *Power of occupier to exempt himself from fine on conviction of actual offender.*]—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 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.

7. *Summary proceedings.*]—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 (*a*), 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.

(*a*) Now the Factory and Workshop Act, 1901. The sections are now ss. 143—147, *ante*, pp. 195—199.

8. *Appointment of inspectors.*]—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 (*a*), 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.

(*a*) Now ss. 119, 121, and 139 of the Factory and Workshop Act, 1901, *ante*, pp. 172, 176, 192.

9. *Interpretation.*]—In this Act, unless the context otherwise requires,—

"Shop" means retail and wholesale shops, markets, stalls (*a*), and warehouses in which assistants are employed for hire, and includes licensed public-houses (*b*) and refreshment houses of any kind :

"Young person" means a person under the age of eighteen years :

Other words and expressions have the same meanings respectively as in the Factory and Workshop Act, 1878.

(*a*) In *W. H. Smith & Son* v. *Kyle*, [1902] 1 K. B. 286, Lord ALVERSTONE, C.J., expressed an opinion that a temporary bookstall consisting of boards laid upon trestles, would be a "shop" for most of the purposes of the Act.

(*b*) The expression "licensed public-house" means any place having a public-house license, and therefore includes a first-class residential hotel (*Savoy Hotel Co.* v. *London County Council*, [1900] 1 Q. B. 665 ; 69 L. J. Q. B. 274 ; 82 L. T. 56 ; 48 W. R. 351 ; 64 J. P. 262).

10. *Exemption of members of the same family, and servants.*]—Nothing in this Act shall apply to a shop where the only persons employed are members of the same family, dwelling in the building of which the shop forms part or to which the shop is attached, or to members of the employer's family so dwelling, or to any person wholly employed as a domestic servant.

SHOP HOURS ACT, 1893.

(56 & 57 VICT. c. 67.)

1. *Short title.*]—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.

2. *Salaries and expenses.*]—(1.) Any salaries payable or other expenses incurred by the council of a county or borough for the purposes of the Shop Hours Act, 1892, shall be defrayed by the council of a county out of the county fund, and by the council of a borough out of the borough fund or borough rate.

(2.) In Ireland, such salaries and expenses shall be defrayed, if payable or incurred by the council of a municipal borough out of the borough fund or borough rate, and, if payable or incurred by the commissioners of a town or township, out of any rate leviable by them as such commissioners throughout the whole of their district.

3. *Definitions.*]—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. c. 5.)

1. *Penalty on failure to comply with* 55 & 56 *Vict. c.* 62, *s.* 4.]—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.

2. *Short title and construction.*]—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.

WELLCOME LIBRARY INSTITUTE

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