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REDGRAVE'S FACTORY ACTS

Fourteenth Edition.

BY

JOSEPH OWNER,

Of the Middle Temple, Barrister-at-Law,
Sometime His Majesty's Deputy Superintending Inspector of Factories.

21/-

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A large number of cases have been argued in the Divisional Court and, in addition, the Court of Appeal have decided many cases under the Derating Acts, in which the definition of "Factory" has been reviewed. The more important of these decisions are noted under the appropriate sections, and all the Regulations and Orders have been brought up to date.

JOSEPH OWNER.

2, PAPER BUILDINGS,
TEMPLE,
March, 1931.

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INTRODUCTION TO THE FACTORY ACTS.

Historical Sketch.

THE first germ of factory legislation in this country is to be found in the Act 42 Geo. 3, c. 73, passed in 1802, which provided for the cleansing and ventilation of cotton mills and factories, and for the clothing, hours of labour, and religious education of apprentices employed therein. Nothing further was done till 1819, but from that year to 1856 by a succession of Acts a system of regulations as to the safety, hours, mealtimes and holidays of children, young persons and women was gradually built up on the same general lines as those which exist to-day.

Up to this point the legislation had only affected what are now known as textile industries, and a few others allied to them, but by Acts passed in 1864 and 1867 certain non-textile factories and workshops were for the first time included.

During the first three quarters of the nineteenth century the course of legislation was from hand to mouth. Whenever new regulations were required, or defects appeared in old ones, or fresh classes of workers seemed to need protection, an Act of Parliament was passed *ad hoc*, with the result that in 1875 the law as to factories and workshops consisted of a perfect chaos of regulations contained in nineteen different statutes. In that year the whole subject was considered by a Royal Commission, whose report, published in 1876, led to the Factory and Workshop Act, 1878, by which all the parts of the puzzle were fitted together in logical sequence with such alterations as were deemed desirable.

No sooner, however, had that Act been passed than further extensions of the law were found necessary. Additional legislation took place in 1883, 1889, 1891, 1895 and 1897, which restored the old state of chaos and

rendered it necessary to do the work of 1878 over again. This was done by the Act of 1901, which (subject to the alterations which it in its turn has received in 1903, 1906, 1907, 1911, 1916, 1920, 1921, 1923, 1925 and 1929) is, therefore, a complete code of the law relating to Factories and Workshops.

EFFECT OF FACTORY LEGISLATION.

Places to which the Act applies.

The Act applies to "factories" and "workshops." The only short way of defining the difference between the two is to say that a place where a manufacturing process is carried on is a factory if mechanical power is used, and a workshop if it is not (see s. 149); but, as will be seen, this is by no means universally accurate.

The factories to which the Act applies are either textile or non-textile.

Textile factories are places in which any of the processes mentioned in the first part of s. 149 are carried on, and in which mechanical power is used. Typical examples are spinning and weaving factories. Speaking generally, textile industries are more injurious to health than others, and the regulations affecting them are more stringent.

Non-textile factories consist (a) of the places mentioned in Sched. VI., Part 1, whether mechanical power is used or not; (b) of the places mentioned in Sched. VI., Part 2, provided that mechanical power is used; and (c) all places where (to summarise the definition in s. 149) manual labour is exercised by way of trade or for purposes of gain in a manufacturing process aided by mechanical power. These definitions overlap, for class (c) obviously includes most of the others.

Two other classes of factories are mentioned in the Act: tenement factories, that is factories occupied by different persons, but within the same building and supplied with power from the common source (see s. 149), and domestic factories, that is non-textile factories of class (a) above where no mechanical power is used, and where the only persons employed are members of the same family living there (see s. 115). To each of these special regulations are applied.

Workshops are places which would be non-textile

factories of classes (b) or (c) above if mechanical power were used, provided, in the case of class (c), that the employer of the persons working there has the right of access or control. Special provision is made for the following classes of workshops: Men's workshops, *i.e.*, workshops where only male adults are employed (s. 157); women's workshops, *i.e.*, workshops where only adults of either sex are employed (s. 29); domestic workshops, *i.e.*, workshops where the only persons employed are members of the same family dwelling there (ss. 111–115), and tenement workshops, *i.e.*, places where two or more persons work, and which would be workshops if the workers were in the employment of the owner or occupier (ss. 14, 82, 149).

Besides factories and workshops, some of the provisions of the Act are made applicable to docks, wharves, quays and warehouses (s. 104), certain buildings (s. 105) and private railway lines or sidings used in connection with factories (s. 106), and certain requirements are made as to places where work is done by outworkers (ss. 107—110).

Workpeople to whom the Act applies.

A great distinction is drawn between adult males and all other classes of workers. Men are supposed to be able to take care of themselves, and, speaking generally, the only parts of the Act which apply to them are those relating to health and safety, such as cleanliness and ventilation, fencing of machinery, means of escape in case of fire, and regulations for dangerous trades.

The other classes of workers are women (*i.e.*, females of eighteen years and upwards), young persons (*i.e.*, persons from fourteen to eighteen), and children (*i.e.*, those under fourteen).

Women and young persons, who for the most part are treated alike, receive the protection of the general provisions as to health and safety mentioned above, together with a great number of special regulations designed to the same end. Their working hours are exactly defined, provision is made for mealtimes and for holidays, and stringent conditions are imposed upon overtime work.

Children are naturally the most favoured class of all. They receive the same protection as the other classes,

though their hours are shorter and the provisions for their health and safety are more stringent. Their employer, as well as their parents, is bound to see that they are properly educated. No child under twelve may be employed in a factory or workshop at all, the age having been gradually raised from eight, the figure at which it stood in the earliest Factory Acts. And now, by the Act of 1920 referred to below, the employment of children in factories and workshops is forbidden altogether.

EPITOME OF THE ACT OF 1901.

The following paragraphs give a brief outline of the main provisions of the Act. For a detailed reference to the sections the reader is referred to the "Arrangement of Sections," *post*, pp. 3—9.

The first part of the Act is headed "Health and Safety." Sections 1—9, which deal with health, enact that factories and workshops must be kept clean and sweet, properly ventilated, and not overcrowded. A reasonable temperature must be maintained, wet floors must be drained, and proper sanitary conveniences provided. As to safety, ss. 10—18 provide that certain machinery must be fenced, steam boilers be kept in proper condition and periodically examined, and means of escape in case of fire provided. Restrictions are placed upon the use of self-acting machines, and cleaning machinery in motion; the doors of the factory or workshop must open from the inside, and the use of dangerous machinery or premises may be prohibited. Sections 19—22, which deal with accidents, have been altered and extended by the Notice of Accidents Act, 1906. All serious accidents must be notified to the inspector, and in some cases to the certifying surgeon, and powers are given for holding investigations into their cause.

Part II. is headed "Employment." Sections 23—35 fix the hours of work, mealtimes and holidays of women, young persons and children in textile and non-textile factories and workshops respectively, ss. 36—48 allow these to be varied in certain cases, and ss. 49—56 regulate overtime and night work. The Home Secretary is also empowered to make Special Orders authorising exceptional hours of work in certain industries. Sections 61—67 prohibit the

employment of children under twelve, and of females within four weeks after childbirth, and compel occupiers of factories to obtain medical certificates of the fitness for employment of young persons under sixteen and children employed by them.

Part III. (ss. 68—79) is headed "Education," and imposes upon the employer, as well as the parent, of a child the obligation of seeing that he attends school.

Part IV., "Dangerous and Unhealthy Industries," contains ss. 73—86. It compels the notification of certain industrial diseases, imposes special conditions upon employment in certain specified industries, and empowers the Home Secretary to make regulations for the safety of persons employed in all dangerous trades. It should be observed that somewhat similar powers were given him by the Acts of 1891 and 1895, and that the necessary sections of those Acts, and the "Special Rules" made thereunder, are temporarily kept alive by Sched. 7, Part II., of the Act of 1901.

Part V., "Special Modifications and Extensions," deals with two classes of industries, those in which additional regulations are required, and those to which part only of the general law is applied. In the first class are tenement factories (ss. 87—89), cotton cloth and other humid factories (ss. 90—96, now largely replaced by the Regulations made under the Act of 1929), and bakehouses (ss. 97—102), and in the second, docks, wharves, quays and warehouses (s. 104), buildings (s. 105), and railways used in connection with factories (s. 106) By s. 103 (now repealed) laundries were included in the second class, but the Factory Act, 1907, has now brought them within the general law, though special modifications are allowed in the case of laundries forming part of certain charitable or reformatory institutions.

Part VI., "Home Work" (ss. 107—115), directs that lists of outworkers shall be kept in certain trades, and prohibits work in premises which are unwholesome, or in which there is infectious disease. It also prescribes the conditions of labour in domestic factories and workshops, permitting a very considerable latitude.

Part VII., "Particulars of Work and Wages" (ss. 116, 117), is designed to prevent piece workers in certain trades from being cheated over their wages. Such particulars of the work to be done and of the scale of

remuneration must be furnished as will enable the worker to check his wages for himself.

Part VIII., "Administration," deals first with the appointment, powers and duties of Factory Inspectors and Certifying Surgeons (ss. 118—124). It then gives certain powers to local authorities (s. 125), and lays down the procedure for making and publishing the Special Orders by which the Home Secretary can extend or curtail the application of the Act to particular industries (s. 126). By ss. 127—134 it directs occupiers of factories and workshops to notify the inspector of such occupation, to fix up in the works an abstract of the Act and certain other information, and to keep a register of various particulars as to employment, health and accidents, and, when required, to make periodical returns of persons employed by them. Duties are also imposed upon councils and their medical officers.

Part IX., "Legal Proceedings" (ss. 135—148), fixes the punishment for infringements of the Act, and the procedure for enforcing it.

Part X., "Supplementary," contains a number of miscellaneous provisions, such as definitions, application of the Act to Crown Factories, and to London, Scotland and Ireland, and repeal of former Acts.

SUBSEQUENT LEGISLATION.

During the twenty-nine years which have elapsed since the Act of 1901 came into operation, sixteen statutes have been passed which affect the law relating to factories and workshops. Their effect is, shortly, as follows:

The Employment of Children Act, 1903 (3 Edw. 7, c. 45), prohibits the employment of children in lifting heavy weights, or in any dangerous or unhealthy occupation, or, while engaged as "half-timers" under the Factory Act, in any other occupation whatever.

The Notice of Accidents Act, 1906 (6 Edw. 7, c. 53), repeals s. 19 of the Act of 1901, and substitutes a more stringent set of provisions as to notice of accidents. In particular, notice may be ordered of certain "dangerous occurrences," even though no bodily injury is caused by them.

The Census of Production Act, 1906 (6 Edw. 7, c. 49),

authorises a small alteration in the time for sending in returns of persons employed, prescribed by s. 130 of the Act of 1901.

The Factory and Workshop Act, 1907 (7 Edw. 7, c. 39), which repeals s. 103 of the Act of 1901, brings what may be termed "commercial laundries" under the general law, making them non-textile factories if power is used, and workshops if it is not. It allows women to work a certain amount of overtime, and makes special regulations as to ventilation, etc. It also applies the Act, subject to many modifications, to work such as needlework, embroidery and laundry work carried on in charitable and reformatory institutions, unless the institution is already subject to Government inspection. The laundries of private houses are, of course, outside the Factory Acts altogether.

The Employment of Women Act, 1907 (7 Edw. 7, c. 10), repeals s. 57 of the Act of 1901, which allowed unrestricted labour by women in certain flax scutch mills, in order to bring the law of the United Kingdom into conformity with the rules laid down by the Berne Convention of 1906.

The White Phosphorus Matches Prohibition Act, 1908 (8 Edw. 7, c. 42), prohibits the use of white or yellow phosphorus in the manufacture of matches, and the sale or importation of matches so made.

The Factory and Workshop (Cotton Cloth Factories) Act, 1911 (1 & 2 Geo. 5, c. 21), empowered the Secretary of State to make regulations superseding ss. 90—94 and Schedule IV. of the Act of 1901 as regards cotton cloth factories. This power was exercised by the Regulations of 1912.

NOTE.—This Act and the Regulations made thereunder have been repealed by the Act of 1929 (see p. 264), and new Regulations have been made (see p. 480).

The Police, Factories, etc. (Miscellaneous Provisions) Act, 1916 (6 & 7 Geo. 5, c. 31), enables the Secretary of State, by Orders known as "Welfare Orders," to compel the occupiers of factories and workshops to make provision for the health and comfort of workers on the same general lines as the provision made for their safety by the Regulations for Dangerous Trades. It also makes an alteration in the duties of Certifying Surgeons.

The Women and Young Persons (Employment in Lead

Processes) Act, 1920 (10 & 11 Geo. 5, c. 62), passed to give effect to a recommendation of the International Labour Organisation of the League of Nations, forbids the employment of women and young persons in certain processes involving the use of lead compounds, and imposes conditions upon their employment in other processes of a similar kind.

The Employment of Women, Young Persons, and Children Act, 1920 (10 & 11 Geo. 5, c. 65), passed to give effect to other recommendations of the same Organisation, forbids the employment of children in any industrial undertakings except domestic factories and workshops; and restricts the employment of women and young persons.

The Education Act, 1921 (11 & 12 Geo. 5, c. 51), forbids the employment of children and young persons in such a manner as to prevent their attendance at school.

The Celluloid and Cinematograph Film Act, 1922 (12 & 13 Geo. 5, c. 35), applies only to a very small number of factories and workshops.

The Workmen's Compensation Act, 1923 (13 & 14 Geo. 5, c. 42), makes some new provisions as to notices of accidents, and directs that in every factory suitable appliances shall be kept for rendering first aid to injured workmen.

The Workmen's Compensation Act, 1925 (15 & 16 Geo. 5, c. 84), consolidated the law relating to workmen's compensation.

The Lead Paint (Protection against Poisoning) Act, 1926 (16 & 17 Geo. 5, c. 37), made provision for the protection against lead poisoning of persons engaged in painting buildings.

The Factory and Workshop (Cotton Cloth Factories) Act, 1929 (19 Geo. 5, c. 15), repealed the previous Act of 1911 together with certain sections of the Act of 1901, and empowered the Secretary of State to make regulations with respect to cotton cloth factories.

The material parts of all the above Acts will be found in the book.

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FACTORY AND WORKSHOP AND KINDRED ACTS.

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THE FACTORY AND WORKSHOP ACT, 1901.

(1 EDW. 7, c. 22.)

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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.]

PART I.

HEALTH AND SAFETY.

(i) HEALTH.

1. *Sanitary condition of factory.*]—(1) The following provisions shall apply to every factory (*a*) 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 (*c*) arising from any drain, water-closet, earth-closet, privy, urinal or other nuisance ;

(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 (*g*) made in pursuance of this section) be limewashed once at least within every

fourteen months, to date from the time when they were last limewashed; and, if they have been so painted or varnished, shall be washed with hot water and soap once at least within every fourteen months, to date from the time when they were last washed.

(4) Where it appears to the Secretary of State that in any class of factories or parts thereof the provisions of this section with respect to limewashing or washing are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by Special Order (*h*) grant to that class of factories or parts thereof a special exception (*g*) that the said provisions shall not apply thereto.

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

As to the power of the Secretary of State to order arrangements to be made for preparing and taking meals; supply of drinking water, protective clothing, ambulance and first-aid arrangements, and seats in workrooms; facilities for washing; accommodation for clothing; supervision of workers, and similar matters, see Police, Factories, etc. Act, 1916, s. 7, *post*, p. 281.

Special sanitary regulations for bakehouses are made by ss. 97—102, *post*, pp. 122—127.

(*a*) **Definitions.**—For definitions of the terms "factory" and "domestic factory," see s. 149, *post*, p. 213, and s. 115, *post*, p. 152.

(*b*) **Cleanly State.**—These words require the factory to be so kept, *i.e.*, the walls, ceilings, floors, and appurtenances. What is a cleanly state must depend largely upon the class of work carried on. Accumulations of material which are in course of process are probably outside the scope of the section, but if they remain so long as to render the premises unclean an offence would probably exist.

(*c*) **Effluvia.**—Where effluvia is present in a factory an offence arises under this section. The Justices have power to impose a penalty, and, where the facts justify it, may order such means to be adopted as will bring the factory into conformity with the Act. See s. 135 (2), p. 200.

(*d*) **Overcrowding** is defined in s. 3, *post*, p. 18.

(*e*) **Ventilation.**—Further provisions relating to ventilation are contained in ss. 7 and 74, *post*, pp. 22, 23, 100. The latter section gives the inspector power to require the means for mechanical ventilation.

(*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). See also s. 60, p. 88. The special exception does not apply until notice in the prescribed form No. 60 has been served upon the inspector for the district. 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*, p. 123, and for whitewashing of the roofs of cotton cloth factories, regulation 8 of the Cotton Cloth Factories Regulations, *post*, p. 480.

(*h*) **Special Order—Factories exempt from Limewashing.**—BY THE CONSOLIDATING AND AMENDING ORDER OF THE SECRETARY OF STATE, DATED NOVEMBER 2ND, 1903, exemptions from the requirements with respect to limewashing or washing were granted to the factories and parts of factories enumerated in the Schedules below, subject to the following provisoes:

(1) that the special exception shall not apply to any part of a factory included in Schedule A which does not afford clear 500 cubic feet, or to any part of a factory included in Schedule B which does not afford clear 2,500 cubic feet for each person employed therein;

(2) that the exception shall not apply to mess rooms, engine-houses, fitting shops, or sanitary conveniences, except as regards walls or tops made of glazed bricks, tiles, glass, slate, marble, or galvanized iron, and washed with water and soap once at least within every fourteen months;

(3) that nothing in this order shall be taken to affect the obligation of keeping the factory in a cleanly state, as prescribed by s. 1 (1);

(4) that if it appear to an inspector that any part of a factory to which the exception applies is not in a cleanly state, he may, by written notice, require the occupier to lime-wash or wash the same; and in the event of the occupier failing to comply with such requisition within two months from the date of the notice, the special exception shall cease to apply to such part of a factory.

SCHEDULE A.

Blast furnaces.
Iron mills.
Copper mills.
Stone, slate and marble works.
Brick and tile works in which unglazed bricks or tiles are made.
Cement works.
Chemical works.
Gas works.
Flax scutch mills in which neither children nor young persons are employed.
Sugar factories.
The following parts of factories:
Rooms used for the storage of articles, and not for the constant carrying on therein of any manufacturing process.
Parts in which dense steam is continuously evolved in the process of manufacture.
Parts in which pitch, tar, or like material is used, except in brush works.
Parts in which unpainted or unvarnished wood is manufactured.
The part of a glass factory known as the glass house.
Parts in which there are no glazed windows in the walls or roof.
Walls, or tops of rooms which are made of glazed bricks, tiles, glass, slate, marble, or galvanized iron, on condition that they are washed with water and soap once at least within every fourteen months.
Tops of rooms, which are at least twenty feet from the floor.
Tops of rooms—
(1) in print works, bleach works, or dye works, with the exception of finishing rooms or warehouses; or
(2) in grist mills; or
(3) in works in which are carried on the processes of—
Agricultural implement making;
Coach making;
Engraving;
Manufacture of starch, soap, candles;
Salting, tanning or dressing of hides and skins.

SCHEDULE B.

Shipbuilding works.
Gun factories.
Engineering works.

Electric generating works.
Frame dressing rooms of lace factories.
Foundries other than foundries in which brass casting is carried on.

BY FURTHER ORDER, DATED JULY 1ST, 1911, the Secretary of State has granted to all factories and parts of factories which have been painted with at least two coats of a washable water paint as defined below, and are repainted with at least one coat of such paint once in every three years, a special exception that the provisions in sub-section (3) of the section with respect to limewashing shall not apply thereto.

Provided—

(1) that the paint shall be washed at least once in every fourteen months;

(2) that the name of the paint used and the name and address of the makers of the paint, together with a certificate, in the form shown in the Schedule hereto, from the makers of the paint, and the date of the original painting and of each washing and repainting, shall be entered in or attached to the General Register;

(3) that nothing in the Order shall be taken to affect the obligation of keeping the factory in a cleanly state, as prescribed by sub-section (1) of the section;

(4) that if it appear to an inspector that any part of a factory to which the exception applies is not in a cleanly state, he may, by written notice, require the occupier to limewash, wash or paint 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.

In this Order a washable water paint means a washable paint which when finished for use contains—

(i) at least half its weight of solid pigment containing not less than twenty-five parts by weight of zinc sulphide as zinc white (lithopone) in each hundred parts by weight of solid pigment; and

(ii) at least ten parts by weight of oil and varnish to each hundred parts by weight of solid pigment.

Schedule.

CERTIFICATE.

It is hereby certified that the washable water paint made by me / us and known as will when finished for use in accordance with the directions given below / on the label attached to each tin comply with the definition of washable water paint in the Order of the Secretary of State, dated 1st July, 1911.

(*Date*) (*Signature*)

BY FURTHER ORDER, DATED APRIL 19TH, 1912, the Secretary of State has granted to parts of factories which are rooms in

which **lace making by machine** is carried on the following special exception :—

The period within which the inside walls and ceilings or tops of such rooms are required (if they have not been painted with oil, or varnished, once at least within seven years) to be limewashed shall be twenty-six months, to date from the time when they were last limewashed.

Provided that—

(1) the special exception shall not apply to any room which does not afford clear 800 cubic feet for each person employed therein ;

(2) the inside walls and ceilings or tops of such rooms shall be thoroughly swept at a date not less than ten months nor more than fourteen months from the time when they were last limewashed, and the date of such sweeping shall be recorded in the General Register ;

(3) nothing in this Order shall be taken to affect the obligation of keeping the factory in a cleanly state, as prescribed by subsection (1) of the said section ;

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

(*i*) **Penalty.**—For penalty, see s. 135, *post*, p. 200. In the case of tenement factories the owner and not the occupier is the person liable (s. 87, *post*, p. 112).

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

(2) Every workshop and every workplace within the meaning of the Public Health Act, 1875, must be kept free from effluvia (*f*) arising from any drain, water-closet, earth-closet, privy, urinal or other nuisance, and, unless so kept, shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(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 (*g*).

(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 (*h*) 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 (*i*).

Sections 1 and 2 deal with the sanitary condition of factories and workshops respectively. The latter 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, 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.

(*a*) **The Public Health Act, 1875.**—Section 91 of the Public Health Act, 1875, which is set out in the Appendix, *post*, p. 688, contains the same provisions as those of s. 1 (1) (a), (c), (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*) **Workplace.**—In *Bennett* v. *Harding*, [1900] 2 Q. B. 397; 64 J. P. 676; 69 L. J. Q. B. 701; 83 L. T. 51; 48 W. R. 647, GRANTHAM and CHANNELL, JJ., held that a stableyard and stables at which 110 horses and many cabs were kept, and to which many cabmen went every day to hire cabs, was a "workplace."

(*c*) **Ventilation.**—Further provisions as to ventilation are contained in ss. 7 and 74, *post*, and, as regards laundries, in s. 3 of the Act of 1907.

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

(*e*) **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.

(*f*) **Effluvia.**—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.

(*g*) **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.*

(*h*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

(*i*) **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 (*d*), 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 (*e*), the Secretary of State may, by Special Order (*f*), modify the proportion of cubic feet of space prescribed by this section and substitute therefor any higher figures, and thereupon this section shall have effect as modified by the order.

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

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

(*b*) **Overcrowding in Workshops.**—See s. 91 of the Public Health Act, 1875, and s. 2 of the Public Health (London) Act, 1891, in the Appendix, *post*, pp. 688, 689.

(*c*) **Overtime.**—See ss. 49—53, *post*, pp. 76–81.

(*d*) **Special Order.**—BY ORDER DATED DECEMBER 30TH, 1903,

the proportion of cubic feet of space to be provided in certain bakehouses has been modified as follows:

(1) as regards **underground bakehouses** by substituting "five hundred cubic feet of space to every person" for "two hundred and fifty cubic feet of space to every person"; and

(2) as regards **bakehouses** (other than such as are underground) **where work is carried on at night by artificial light other than electric light** by substituting in respect of the period between 9 in the evening and 6 in the succeeding morning "four hundred cubic feet of space to every person" for "two hundred and fifty cubic feet of space to every person."

See also the Special Order dated December 26th, 1907, p. 61, for letterpress bookbinding works in the County of London, and certain laundries, in which 400 cubic feet of space per person is required.

(*e*) **Workshop used as Sleeping Place.**—The power given to the Secretary of State by this sub-section does not extend to domestic workshops, which are defined in s. 115, *post*, p. 152.

(*f*) **Special Order.**—By an Order dated January 17th, 1902, the proportion has been fixed at four hundred cubic feet.

(*g*) **Notice Specifying the Number of Persons.**—The notice is embodied in the Abstract of the Act which must be affixed in every factory and workshop (see s. 128, p. 194), except in a domestic factory, or domestic workshop (s. 111 (4) (b), p. 148), and men's workshops (s. 157 (5), p. 231).

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 (*a*), 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.

(*a*) **Order.**—No Order is at present in force under this section.

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, water-closet, earth-closet, privy, ashpit, water supply, nuisance or other matter in a factory or workshop is punishable or remediable under the law relating to public health, but not under this Act (*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 (*b*) 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 ensures the proper carrying out of the provisions of the Public Health Acts with regard to sanitary defects 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.

(*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 Acts Amendment 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 Acts Amendment 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*, pp. 24, 25.

(*b*) **Duty of District Council.**—This duty is enforceable by mandamus: see *R.* v. *Stepney Corporation*, [1902] 1 K. B. 317; 71 L. J. K. B. 238; 86 L. T. 21; 18 T. L. R. 98, *per* LORD ALVERSTONE, C.J.

6. *Temperature in factories and workshops.*]—(1) In every factory and workshop adequate measures must be taken for securing and maintaining a reasonable temperature (*a*) in each room in which any person is employed; but the measures so taken (*b*) 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 (*c*), 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 (*d*).

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" were inserted in consequence of the decision in *Deane* v. *Beach* (K. B. D., June 13th, 1901, unreported), in which RIDLEY and BIGHAM, JJ., held that it was no offence under s. 32 of the Act of 1895 to bring a room to a reasonable temperature by lighting the

gas and stopping all ventilation. The section does not apply to men's workshops (s. 157, *post*, p. 231). Special provision for the regulating the temperature in laundries is made by s. 3 of the Act of 1907, *post*, p. 258. It is doubtful whether it applies to domestic factories and workshops. See s. 111 (4) (e), *post*, p. 149. 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.

(*a*) **Reasonable Temperature.**—This is a question of fact, depending *inter alia* upon the nature of the work carried on, and upon the season of the year. In *Deane* v. *Barnes* (1901), 65 J. P. 235, a metropolitan police magistrate (Mr. Curtis Bennett) held that 50—55 was not a reasonable temperature for a dressmakers' workroom in winter, and that it should be at least 60 degrees. In *Peter Robinson, Limited* v. *Plowden* (1903), 67 J. P. 152, the justices at North London Sessions held that a temperature of from 54 to 61 was reasonable for a dressmakers' workshop.

(*b*) **Measures so taken.**—It is therefore illegal to adopt any method of maintaining a reasonable temperature which either uses up the air of the room without renewal, or vitiates the air by returning thereto the products of combustion.

(*c*) **Provision of Thermometers.**—Orders which require the provision of thermometers have been made as follows: electricity stations, see p. 68; fruit preserving, see p. 70. See also Regulations for cotton cloth factories, p. 480; flax spinning, p. 520; merino, cashmere or wool, p. 116; potteries, p. 574.

(*d*) **Penalty.**—For penalty, see s. 135, *post*, p. 200.

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

(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 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 (*d*), regard being had to the terms of any contract between the parties.

This section enables the Secretary of State to prescribe a standard of sufficient ventilation in any class of factory or workshop in which he thinks the establishment of such a standard to be necessary. It does not apply to domestic factories or workshops (s. 111, *post*, p. 148) or to men's workshops (s. 157, *post*, p. 231). Special Provision for the ventilation of laundries is made by s. 3 of the Act of 1907, *post*, p. 258.

(*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 s. 94 (3), *post*, p. 118.

(*c*) **Penalty.**—For penalties for not keeping a factory in conformity with the Act, see s. 135, *post*, p. 200. 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. 16.

(*d*) **Effect of Sub-section.**—This sub-section is almost identical with s. 101 (8), *post*, p. 125, and is similar to s. 14 (4), *post*, p. 35. The effect and meaning of this peculiar provision is discussed in the notes to those sections, which will be found at pp. 35–38, 126, and are applicable here *mutatis mutandis*.

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 section does not apply to men's workshops (s. 157, *post*, p. 231), nor to domestic factories or workshops (s. 111, *post*, p. 148). Special provision for the drainage of floors in laundries is made by s. 3 (c) of the Act of 1907, *post*, p. 258.

(*a*) **Penalty.**—See s. 135, *post*, p. 200, and note (*a*) to s. 2, *ante*, p. 16.

9. *Sanitary conveniences in factories and workshops.*]—(1) Every factory and workshop must be provided with sufficient and suitable accommodation (*a*) 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 (*b*), 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 (*c*).

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

This section does not apply to men's workshops (s. 157, *post*, p. 231). 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.

(*a*) **Sufficient and suitable accommodation.**—By sub-s. (2) the Secretary of State is the sole judge of what accommodation is to be deemed sufficient and suitable; the justices have no jurisdiction to inquire into the question. See *Tracey* v. *Pretty*, [1901] 1 Q. B. 444; 70 L. J. Q. B. 234.

(*b*) **Special Order.**—BY ORDER DATED FEBRUARY 4TH, 1903, the Secretary of State has determined that the accommodation in the way of sanitary conveniences provided in a factory or workshop shall be deemed to be sufficient and suitable within the meaning of this section if the following conditions are complied with, and not otherwise:

1. In factories or workshops where females are employed or

in attendance there shall be one sanitary convenience for every twenty-five females.

In factories or workshops where males are employed or in attendance there shall be one sanitary convenience for every twenty-five males: provided that—

(a) in factories or workshops where the number of males employed or in attendance exceeds one hundred, and sufficient urinal accommodation is also provided, it shall be sufficient if there is one sanitary convenience for every twenty-five males up to the first hundred, and one for every forty after;

(b) in factories or workshops where the number of males employed or in attendance exceeds five hundred, and the district inspector of factories certifies in writing that by means of a check system, or otherwise, proper supervision and control in regard to the use of the conveniences are exercised by officers specially appointed for that purpose it shall be sufficient if one sanitary convenience is provided for every sixty males, in addition to sufficient urinal accommodation. Any certificate given by an inspector shall be kept attached to the general register, and shall be liable at any time to be revoked by notice in writing from the inspector.

In calculating the number of conveniences required by this Order, any odd number of persons less than twenty-five, forty, or sixty, as the case may be, shall be reckoned as twenty-five, forty, or sixty.

2. Every sanitary convenience shall be kept in a cleanly state, shall be sufficiently ventilated and lighted, and shall not communicate with any workroom except through the open air or through an intervening ventilated space; provided that in workrooms in use prior to 1st January, 1903, and mechanically ventilated in such manner that air cannot be drawn into the workroom through the sanitary convenience, an intervening ventilated space shall not be required.

3. Every sanitary convenience shall be under cover and so partitioned off as to secure privacy, and if for the use of females shall have a proper door and fastenings.

4. The sanitary conveniences in a factory or workshop shall be so arranged and maintained as to be conveniently accessible to all persons employed therein at all times during their employment.

5. Where persons of both sexes are employed, the conveniences for each sex shall be so placed or so screened that the interior shall not be visible, even when the door of any convenience is open, from any place where persons of the other sex have to work or pass; and, if the conveniences for one sex adjoin those for the other sex, the approaches shall be separate.

(*c*) **Penalty.**—See s. 135, *post*, p. 200.

(*d*) **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.

(*e*) **Exception of Places where Public Health Acts Amendment Act, 1890, is Operative.**—The Public Health Acts Amendment Act, 1890, contains in s. 22 (see Appendix, *post*, p. 688) 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*, p. 688. 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 (*a*), the following provisions shall have effect:

(a) Every hoist or teagle (*b*) 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 (*c*) of any water wheel or engine worked by any such power, must be securely fenced (*d*); and

(b) Every wheel-race not otherwise secured must be securely fenced (*d*) close to the edge of the wheel-race; and

(c) All dangerous parts of the machinery (*e*) and every part of the mill gearing (*f*) must either be securely fenced (*d*), 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 (*d*); 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 (*g*).

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

(*a*) **Machinery in a Factory.**—The machinery referred to is that within the factory itself, and not machinery which is outside the factory, though within its precincts, and is not used for the manufacturing process carried on in the factory. Such machinery may, however, form part of a separate factory and so come within the section. See s. 149 (4), *post*, p. 215, and the case of *Lewis* v. *Gilbertson & Co., Limited*, there referred to.

(*b*) **Hoist or Teagle.**—The section should be read as if there were a comma after the word "teagle"; and all hoists and teagles must be fenced, whether connected with mechanical power or not (*Jackson* v. *A. G. Mulliner Motor Body Co., Limited*, [1911] 1 K. B. 546; 75 J. P. 103; 80 L. J. K. B. 173; 104 L. T. 181).

(*c*) **Part of Engine.**—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.

(*d*) **Securely Fenced.**—The machinery must be fenced according to the best method known at the time, not merely in the manner usual in the best regulated factories in the district. See *Schofield* v. *Schunk* (1855), 24 L. T. (o.s.) 253. In *Blenkinsop* v. *Ogden*, [1898] 1 Q. B. 783; 67 L. J. (Q. B.) 537; 78 L. T. 554; 46 W. N. 542, it was held that there was an obligation to fence machinery upon which an injury had occurred to a worker, notwithstanding the

fact that the injury was proximately caused through carelessness and wilful disobedience to the foreman's orders on the part of the injured person. If it is so fenced as to be safe when the machine is working forwards, and dangerous when working backwards, an offence is committed whenever the machinery is reversed (*Pursell* v. *Clement Talbot, Limited* (1914), 79 J. P. 1; 111 L. T. 827 (C. A.)). And "the obligation to fence is absolute. It is an obligation not merely to fence but to fence securely. The statute does not say that dangerous machinery shall be fenced if that is commercially practicable or mechanically possible. If a machine cannot be securely fenced while remaining commercially practicable or mechanically useful the statute in effect prohibits its use" (*per* SALTER, J., in *Davies* v. *Thomas Owen & Co. Limited,* [1919] 2 K. B. 39; 83 J. P. 193; 88 L. J. K. B. 887; 121 L. T. 156; 17 L. G. R. 407).

Further, in *Menzies* v. *Wm. Prewett* (*Exors. of*) K. B. May 2nd, 1928 (unreported), see 92 J. P. 520, it was held that the provision of a loose cover for a dough mixer, coupled with warnings against using the machine without the cover, was not secure fencing, and that if a safety lid had been provided it would have restricted the opening and rendered the insertion of a worker's hand more difficult and an accident unlikely.

(*e*) **Dangerous Machinery.**—By s. 156 the expression "machinery" is defined as including every driving strap or band.

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; 59 J. P. 293; 64 L. J. M. C. 155; 72 L. T. 565; 43 W. R. 527; 18 Cox C. C. 149, 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.

In *Hindle* v. *Birtwistle,* [1897] 1 Q. B. 192; 61 J. P. 70; 66 L. J. Q. B. 173; 76 L. T. 159; 45 W. R. 207; 18 Cox C. C. 508, it was 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. This decision was followed in the Scotch case of *Fotheringham* v. *Babcock & Wilcox, Ld.,* [1922] S. C (J.) 60.

It may be observed that paragraph (c) differs slightly from its two predecessors, (a) and (b), in that the machinery of the kind described in (c) need not be fenced if it is as safe as it would be if

fenced, whereas the particular kinds of machinery described in (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 El. & Bl. 856; 25 L. J. Q. B. 124; 4 W. R. 232; 2 Jur. (N.S.) 218.

In *Shaxby* v. *A. W. Smith & Co.*, [1924] K. B., October 24th (unreported), see 92 J. P. 505, it was held that an offence was committed when an unfenced power press was used, even if tongs had been provided for the workers' use and warnings given and notices affixed that the press must not be fed without use of the tongs.

(*f*) **Mill Gearing.**—See definition, s. 156, p. 228. Every part of the mill gearing must be securely fenced unless it falls within the proviso allowed by the section. Consequently, all mill gearing is deemed to be dangerous.

In *Butler* v. *Glacier Metal Co., Limited.*, [1924] K. B. (unreported), see 93 J. P. 504, it was held that where a workman—not employed by the occupier but working in the factory—had placed a ladder so as to obtain access to overhead shafting, and was injured by the shafting, that the only question for the justices to consider was not who was the man's employer, but whether the mill gearing was in such a position as to be equally safe to every person employed or working in the factory as it would be if it had been securely fenced.

In *Atkinson* v. *L. & N. E. Rly. Co.* (1925), 42 T. L. R. 79; 23 L. G. R. 702; W. N. 267, it was held that the enactment applies to shafting 13 feet from the floor when such shafting was approached by a workman using a ladder for the purpose of replacing a belt.

In *Wesley Turner* v. *Charles Venables & Co.*, [1927] K. B. (unreported), see 92 J. P. 520, it was held that where an occupier had railed off certain shafting, and into which railed-off portion it was the duty of a workman to go for oiling or adjusting the machinery, an offence had been committed.

Further, in *Thomas* v. *Thomas Bolton & Son, Limited*, 44 T. L. R. 640; 139 L. T. 397; 92 J. P. 147, it was held that an offence had been committed where a guard was left off coupling gears in a rolling mill, in consequence of which a worker was killed. The occupier had provided guards for all such gears, had employed a manager to supervise the department, and had exhibited notices requiring guards to be used. The Court held that as the occupiers had not availed themselves of the course open to them under s. 141 to produce the person blameworthy before the Court, and as the accident was due to the failure at the critical time to have this dangerous machinery securely fenced, it mattered not that somewhere upon the premises there was a guard which had been removed.

Similar decisions have been given by the Divisional Court in a number of unreported cases in connection with unfenced mill gearing. It has therefore been clearly laid down that an offence is committed whenever any person employed, or working in a factory, approaches unfenced mill gearing for any purpose whatever when the mill gearing is in motion. Consequently, no such alternatives as the giving of instructions or the affixing of notices can relieve the occupier of his obligation to provide efficient fencing

for the dangerous parts of the machinery and every part of the mill gearing.

(*g*) **Machinery under repair, etc.**—This paragraph means that when the machinery is under repair, etc., the whole of the fencing need not be maintained in an efficient state, but nevertheless the general obligation under (c) continues (*Scott* v. *Brookfield Linen Co., Limited*, [1910] 2 I. R. 509).

(*h*) **Penalty.**—See s. 135, *post*, p. 200. The occupier is the person liable; but see s. 142, *post*, p. 208, which makes the owner or hirer of a machine liable in certain cases. Also, in the case of tenement factories, by s. 87, *post*, p. 112, the liability is transferred to the owner, except as regards machinery supplied by the occupier.

See also s. 136, p. 201, for fine consequent upon death or injury in consequence of neglect.

11. *Steam boilers.*]—(1) Every steam boiler (*a*) 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 (*b*), 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 (*c*).

(5) This section shall not apply to the boiler of any locomotive (*d*) 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 (*e*), and he shall register the report referred to in this section.

For prohibition of the use of a dangerous boiler, see s. 17, *post*.

(*a*) **Steam Boiler.**—This is not defined in the Act. In view of the words "used for generating steam," only boilers so used are affected by the section.

Note.—The Regulations for Locomotives, p. 563, and Buildings, p. 454, require fencing for gauge glasses.

(*b*) **Prescribed Form.**—Official Form No. 55.

(*c*) **Penalty.**—See 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.

(*d*) **Locomotive.**—In *Murphy* v. *Wilson* (1883), 48 J. P. 24; 52 L. J. Q. B. 524; 48 L. T. 788, it was held that a steam crane fixed on a trolley, and propelled by steam on rails when it was necessary to move it, is not a "locomotive engine" within the meaning of the Employers' Liability Act, 1880, s. 1 (5).

See also Regulations for the use of Locomotives, p. 559.

(*e*) **Owner Substituted for Occupier.**—These words are presumably intended to apply only in the case of tenement factories.

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 (*a*) 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 (*a*) 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 (*a*) 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*).

Note.—It should be noted that this section applies to any self-acting machine in which a portion of the machine runs out over a space which any person is liable to pass. The most common examples are, the self-acting spinning machine (mule), rack-saw benches, metal planing machines, box mangles.

(*a*) **Allowed.**—In *Crabtree* v. *Fern Spinning Co., Limited* (1901), 66 J. P. 181; 85 L. T. 459; 50 W. R. 167; 20 Cox C. C. 82, 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" 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.

13. *Restrictions on cleaning when machinery is in motion.*] —(1) A child (*a*) must not be allowed (*b*) to clean (*c*) in any factory—

(a) any part of any machinery; or

(b) any place under any machinery other than overhead mill gearing (*d*),

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

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

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

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

(*a*) **Child.**—The expression "child" is defined in s. 156, *post*, p. 228.

By the Employment of Women, Young Persons and Children Act, 1920, s. 1, the employment of a child under 14 is forbidden. The above sub-s. (1) and succeeding sections which contain restrictions on the employment of children are therefore no longer operative.

(*b*) **Allowed.**—See note (*a*) to s. 12, *ante*.

(*c*) **Cleaning.**—In *Taylor* v. *Mark Dawson & Son, Limited*, [1911] 1 K. B. 145; 75 J. P. 5; 80 L. J. K. B. 102; 103 L. T. 508; 27 T. L. R. 45, a child was removing fluff from the rollers of a machine in motion. If it were not removed, the machine would have become clogged; but the fluff had a commercial value, and was in fact sold. It was held that the child was "cleaning" the machine.

(*d*) **Machinery.**—For definition, see s. 156, *post*, p. 228.

(*e*) **Machinery in Motion.**—In *Pearson* v. *Belgian Mills Co.*, [1896] 1 Q. B. 244; 60 J. P. 151; 65 L. J. M. C. 48; 74 L. T. 101; 44 W. R. 334; 18 Cox C. C. 241, which was decided under s. 9 of the 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.

(*f*) **Young Person.**—The expression "young person" is defined in s. 156, *post*, p. 228.

(*g*) **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.

(*h*) **Woman.**—The expression "woman" is defined in s. 156, *post*, p. 228.

(*i*) **Penalty.**—See s. 137, *post*, p. 204.

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 (*a*) 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 (*a*) must be furnished with a certificate from the district council of the district in which the factory or workshop is situate that the factory or workshop is provided with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case, and if the factory or workshop is not so furnished it shall be deemed not to be kept in conformity with this Act (*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.

(2) With respect to all factories and workshops to which the foregoing provisions of this section do not apply (*c*) 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 (*d*) of the factory or workshop a notice (*e*) 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 (*i*) 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 (*k*) 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 (*l*).

(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 (*m*), and those provisions shall apply accordingly.

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

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

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

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

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

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

In the county of London, the London Building Acts (Amendment) Act, 1905 (5 Edw. 7, c. ccix) has introduced a number of further rules for the provision and maintenance of means of escape in case of fire in certain buildings in which persons are employed. But by s. 26 of that Act its provisions are not to apply to any

building the whole of which is a factory or workshop within the meaning of the present section, or to such parts of buildings as are used as factories or workshops if within three years before the passing of the Act of 1905 means of escape have been provided in compliance with the Factory Act.

(*a*) **Factory or Workshop in which More than Forty Persons are Employed.**—In *London County Council and Tubbs, In re* (1903), 68 J. P. 29; 1 L. G. R. 746, two houses, A. and B., were let by the same owner to the same tenant on separate leases. A. was a factory in which more than forty persons were employed, and B. was a workshop in which less than forty persons were employed. The two houses were connected by an iron bridge at the height of the first floor, and manufacturing processes begun in A. were completed in B.:—*Held*, that there was evidence upon which an arbitrator might find that A. and B. together constituted one factory in which more than forty persons were employed within the meaning of this section.

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

(*d*) **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.

For definition of "owner," see s. 156, *post*, p. 228. In *London County Council* v. *Leyson*, (1913), 78 J. P. 91; 110 L. T. 200; 12 L. G. R. 253; where four houses together formed a factory, and A. was the "owner" of two of them, but not of the other two, it was held that he was not the owner of the factory for the purposes of the present section, and could not be compelled to provide means of escape from his two houses, unless they had been treated as a separate factory under s. 149 (2), *post*, p. 215.

(*e*) **Notice.**—See note (*h*), *infra*.

(*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), 64 J. P. 39; 69 L. J. Q. B. 277; 82 L. T. 195, 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. Similar decisions have been given in *London County Council* v. *Brass* (1901), 17 T. L. R. 504, and *Toller* v. *Spiers and Pond, Limited, infra*, note (*i*).

(*g*) **Fine.**—Recoverable summarily (see s. 144, *post*, p. 209).

In proceedings for its recovery the justices ought to hear evidence tending to show that the measures specified are impossible to carry out; but under those circumstances the defendant's proper course is to demand an arbitration under sub-s. (3) (*Consolidated Properties Co.* v. *Chilvers* (1901), 18 T. L. R. 59).

(*h*) **Arbitration Rules.**—See p. 237, *post*.

(*i*) **Award.**—Where two or more separate factories (not being tenement factories) are in the same building and belong to the same owner the notice and award must deal with them separately, and will be ineffectual if they do not do so. In *Toller* v. *Spiers and Pond, Limited*, [1903] 1 Ch. 362; 67 J. P. 234; 72 L. J. Ch. 191; 87 L. T. 578; 51 W. R. 381; 1 L. G. R. 193, the plaintiff owned an eight-floored building, of which the basement, ground, first, third, and fourth floors were let to the defendants and were a factory, while the fifth, sixth and seventh floors were let to another person, and were another factory. One notice to provide means of escape was given by the county council, and one award was made by the arbitrator, which directed that a staircase would be made from the third to the seventh floor, communicating with each floor. BUCKLEY, J., held that the notice and award were bad, because they did not deal with the two factories separately.

It was further held in the same case that the mere fact that the defendants were not present at the arbitration did not prevent the award being binding upon them.

(*k*) **May apply to the County Court.**—The word "may" means "must" (*per* VAUGHAN WILLIAMS, L.J., in *Horner* v. *Franklin*). It has been decided by the Court of Appeal in *Horner* v. *Franklin*, [1905] 1 K. B. 479; 69 J. P. 117; 74 L. J. K. B. 291; 92 L. T. 178; 21 T. L. R. 225; 3 L. G. R. 423; and *Stuckey* v. *Hooke*, [1906] 2 K. B. 20; 70 J. P. 393; 75 L. J. K. B. 504; 94 L. T. 723; 54 W. R. 509; 22 T. L. R. 508; 4 L. G. R. 815, that the effect of this sub-section and of the similar provisions in s. 7 (4) (ventilation) and s. 101 (8) (underground bakehouses), is to exclude the jurisdiction of the High Court altogether, and that even when the lease contains a covenant that the occupier is to pay these expenses the owner cannot bring an action on the covenant, but must apply to the inferior court. The contrary decision of LAWRANCE, J., in *Shephard* v. *Barber* (1902), 67 J. P. 238, is therefore overruled.

(*l*) **Just and Equitable.**—A question has arisen as to how far the county court judge, in determining what is just and equitable, is bound by the terms of the covenants in the lease or other contract between the parties. In *Monk* v. *Arnold*, [1902] 1 K. B. 761; 71 L. J. K. B. 441; 86 L. T. 580; 50 W. R. 667, Lord ALVERSTONE, C.J., and DARLING and CHANNELL, JJ., decided that although the county court judge ought to have regard to any covenants in

the occupier's lease, yet he is not bound by them if he considers that in the particular circumstances it would be inequitable to insist upon their being strictly carried out, at any rate unless expenses under this section are expressly mentioned in the lease. This case was approved by the Court of Appeal in *Horner* v. *Franklin*, *supra*, where it was expressly stated that the terms of the tenancy constituted one of the circumstances of the case which the county court judge was to consider, and in *Stuckey* v. *Hooke*, *supra*, FLETCHER MOULTON, L.J., thought that the covenant was only part of the circumstances of the case, and that the judge was not necessarily bound by it. In *Goldstein* v. *Hollingsworth*, [1904] 2 K. B. 578; 68 J. P. 383; 73 L. J. K. B. 826; 91 L. T. 85, where there was a covenant including these expenses, which were incurred in the first year of a term of twenty-one years, the inferior court refused to make the landlord pay any part of them, and Lord ALVERSTONE, C.J., and WILLS and KENNEDY, JJ., upheld the decision, but intimated that the case might have been different if the expenses had been incurred towards the end of the term. But in *Morris* v. *Beal*, [1904] 2 K. B. 583; 68 J. P. 542; 73 L. J. K. B. 830; 91 L. T. 486, where there was a similar lease, the expenses were incurred in the fourth year of the term, and the inferior court ordered the landlord to pay about half of them. This decision was reversed by Lord ALVERSTONE, C.J., and KENNEDY and PHILLIMORE, JJ., who held that where the tenant has covenanted to pay the expenses there is no jurisdiction to apportion them at all. These last two decisions, which appear to have been doubted by ROMER, L.J., in *Horner* v. *Franklin*, and FLETCHER MOULTON, L.J., in *Stuckey* v. *Hooke*, were under s. 101, which expressly directs the inferior court to have regard to the contract, and empowers it to determine the lease if necessary, and in *Morris* v. *Beal* the court laid stress on these provisions, but having regard to *Horner* v. *Franklin* and *Stuckey* v. *Hooke*, it is not easy to see any real distinction between the two sections. This question did not arise in *Arding* v. *Economic Printing and Publishing Co.* (1898), 79 L. T. 420; 15 T. L. R. 11, since the covenant in that case was for the tenant to bear "a fair share and proportion of all costs and expenses" which the landlord might be called upon to bear, and therefore had the same effect as the proviso in sub-s. (4).

It should be observed that in all the above cases expenses under the Factory Acts were not mentioned by name, but were merely supposed to be included in the general words of the covenants. The question as to what general words are wide enough to cover them is far too complicated for a work of this description, and the reader is therefore referred to works on the law of landlord and tenant. It may be mentioned, however, that the King's Bench Division in *Monk* v. *Arnold*, *Goldstein* v. *Hollingsworth* and *Morris* v. *Beal*, and DARLING, J., in *Horner* v. *Franklin*, held that they were included in the expressions "impositions" and "outgoings," but these rulings were doubted by FLETCHER MOULTON, L.J., in *Stuckey* v. *Hooke*, and apparently also by ROMER, L.J., in *Horner* v. *Franklin*.

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

(*n*) **Tenement Factory.**—See note (*o*) to s. 149, p. 220.

(*o*) **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.

(*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.

A set of model byelaws issued by the Local Government Board (now the Ministry of Health) in 1909, after consultation with the Home Secretary, will be found at p. 659, *post*.

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 (*b*).

(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 does not apply to men's workshops (s. 157, *post*, p. 231).

(*a*) **Penalty.**—See s. 135, *post*, p. 200.

(*b*) **Doors to Open Outwards.**—See also the Regulations for Celluloid, p. 455; Cinematograph Film Manufacture, p. 470; and Cinematograph Film Stripping, p. 476.

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 (*c*) not exceeding forty shillings a day during the contravention.

This section 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. 231).

(*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 (43 & 44 Vict. c. 42). The words have been interpreted in the following cases:

Ways.—The floor of a workshop is a "way" (*Willets* v. *Watt & Co.*, [1892] 2 Q. B. 92; 56 J. P. 772; 61 L. J. Q. B. 540; 66 L. T. 818; 40 W. R. 497). So also are a temporary staging of loose planks, or a hole in the ground in a mill yard, covered over with planks, intended for the erection of a weighing machine (*Giles* v. *Thames Ironworks Co.* (1885), 1 T. L. R. 469; *Bromley* v. *Cavendish Spinning Co., Limited* (1886), 2 T. L. R. 881); but the open joists of an unfinished house, over which a labourer has to pass in his work, are not (*M'Gowan* v. *Smith*, [1907] Sess. Cas. 548). An aperture to a staircase may be a defect in "ways" (*Wood* v. *Dorrall & Co.* (1886), 2 T. L. R. 550; *Pegram* v. *Dixon* (1886), 51 J. P. 198; 55 L. J. Q. B. 447); but an obstruction negligently allowed to project temporarily into a roadway is not a defect in the way (*McGiffin* v. *Palmer* (1882), 10 Q. B. D. 1; 47 J. P. 70; 52 L. J. Q. B. 25; 47 L. T. 346; 31 W. R. 118).

Works.—"Works used" means works completed and in use, and not partly constructed works which are about to be used, and therefore the partly built wall of an unfinished warehouse is not part of the "works" of a factory (*Howe* v. *Finch & Co.* (1886), 17 Q. B. D. 187; 51 J. P. 276; 34 W. R. 593). In *Brannigan* v. *Robinson*, [1892] 1 Q. B. 344; 56 J. P. 328; 61 L. J. Q. B. 202; 66 L. T. 647, a house was being pulled down, and a wall was left in a dangerous condition. It fell and injured a workman:—*Held*, that the dangerous state of the wall was a defect in the condition of the works.

Machinery.—Machinery which is so out of repair that it cannot be used may be "machinery or plant" (*Thompson* v. *City Glass Bottle Co.*, [1902] 1 K. B. 233; 71 L. J. K. B. 145; 85 L. T. 661).

Plant.—A collier chartered by a firm of coal merchants to convey coals from Cardiff to Newhaven, is part of the "plant" of the charterers (*Carter* v. *Clarke* (1898), 78 L. T. 76). A horse is part of the plant of any one who uses horses in the ordinary course of his business, and vice in the horse is a defect in the plant (*Yarmouth* v. *France* (1887), 19 Q. B. D. 647; 57 L. J. Q. B. 7; 36 W. R. 281; *Haston* v. *Edinburgh Tramways Co.* (1887), 14 Rettie, 621; *Fraser* v. *Hood* (1887), 15 Rettie, 178).

Careless packing of goods on a proper trolley is not a defect in plant (*Corcoran* v. *East Surrey Ironworks Co.* (1888), 58 L. J. Q. B. 145). Unfenced machinery may be defective plant (*Iles* v. *Abercarn Welsh Flannel Co.* (1886), 2 T. L. R. 547); but machinery perfectly constructed, but dangerous if improperly used, is not, and does not become so because a young and inexperienced workman is not instructed in its use, or warned of the danger (*Greenwood* v. *Greenwood* (1907), 97 L. T. 771; 24 T. L. R. 24).

For the purposes of the Employers' Liability Act it is probably immaterial that the plant is not the property of, or under the control of, the occupier of the factory (*Biddle* v. *Hart*, [1907] 1 K. B. 649; 76 L. J. K. B. 418; 97 L. T. 66; 23 T. L. R. 262).

(*b*) **Steam boiler.**—For other provisions as to steam boilers, see s. 11, *ante*, pp. 30, 31.

(*c*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

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

have been executed as are, in the opinion of the court, necessary to remove the danger.

(2) Provided that proceedings shall not be taken under this section in cases where proceedings might be taken by or at the instance of any district council under the provisions of the law relating to public health, unless the inspector is 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 (*b*) of the place shall be liable to a fine (*c*) not exceeding forty shillings a day during the contravention.

(*a*) **Powers of Inspector.**—See ss. 1, 2, 4, 5, *supra*.

(*b*) **Occupier.**—In the case of tenement factories the owner is the person liable (s. 87, *post*, p. 112).

(*c*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

(iii) ACCIDENTS.

19. *Notice of accidents causing deaths 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,*

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

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

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

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

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

This section was repealed by s. 7 of the Notice of Accidents Act, 1906, and new provisions were substituted; see p. 273.

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 (*a*) 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 repealed by s. 8 of the Police, Factories, etc. Act, 1916, *post*, p. 284; except in so far as it is applied by s. 73 (3) of this Act, *post* p. 100; and other provisions are substituted.

It and the two following sections apply to docks, wharves, warehouses, etc. (s. 104, *post*, p. 130), certain buildings (s. 105, *post*, p. 135), and railway lines and sidings used in connection with factories (s. 106, *post*, p. 140), but not to domestic factories or workshops (s. 111, *post*, p. 148).

(*a*) **Accident.**—By s. 73, p. 99, industrial diseases are to be treated as if they were accidents, and see s. 4 of the Notice of Accidents Act, 1906, *post*, p. 267.

21. *Inquest in case of death by accident in factory or workshop.*]—(1) Where a death has occurred by accident (*a*) in a factory or workshop, the coroner shall forth-

with 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 applies to docks, etc. (see preliminary note to s. 20, *supra*), but not to men's workshops. See s. 157, *post*, p. 231.

(*a*) **Accident.**—See note (*a*) to s. 4 of the Notice of Accidents Act, 1906, *post*, p. 267.

22. *Power to direct formal investigation of accidents.*]—Where it appears to the Secretary of State that a formal investigation of any accident (*a*) 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 (*a*) 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 (*a*) 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 applies to docks, etc. See preliminary note to s. 20, *ante*, p. 43.

(*a*) **Accident.**—See note (*a*) to s. 4 of the Notice of Accidents Act, 1906, *post*, p. 269.

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 (*b*) hereinafter mentioned.

By ss. 1 and 3 of the Employment of Women, Young Persons and Children Act, 1920 (*post*, pp. 294, 299), no child may be employed in any industrial undertaking, other than a domestic factory or workshop, unless lawfully so employed on the 31st December, 1920.

The Act also imposes restrictions on night work by women and young persons. See pp. 301, 303, *post*.

(*a*) **Definitions.**—For definition of "employment," see s. 152, *post*, p. 226, and for definition of "woman," "young person," and "child," see s. 156 (1), *post*, p 228.

(*b*) **Period of Employment.**—As to whether the period of employment includes time during which the worker is in the factory without his master's knowledge, or on his own business, see note (*a*) to s. 152, *post*, p. 226.

Penalty.—See s. 137, *post*, p. 204.

The Scotch courts have held that a master who employs any person contrary to the provisions of this Part of the Act is guilty of negligence, and that if the person so employed suffers any injury in consequence of such employment he may bring an action for damages. See *Gibb* v. *Crombie* (1875), 2 Rettie, 886; *Sharp* v. *Pathhead Spinning Co., Limited* (1885), 12 Rettie, 574; and *Morris* v. *Boase Spinning Co., Limited* (1895), 22 Rettie, 336. The same rule probably holds good in England. See *Caswell* v. *Worth*, and the other cases cited in note (*d*) to s. 136, *post*, p. 202. But there is no negligence if the young person or child has misrepresented his age and the master has not had a reasonable opportunity of ascertaining the true facts (*Carty* v. *Nichol* (1878), 6 Rettie, 194). The Scotch courts have been reluctant to admit the plea of contributory negligence (*Sharp* v. *Pathhead*). Of course the injury must be a natural consequence of the illegal employment (*Morris* v. *Boase*).

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

In domestic factories the hours of employment are regulated by s. 111, *post*, p. 148.

As to employment in 8-hour shifts, see Employment of Women, Young Persons and Children Act, 1920, s. 2, *post*, p. 297.

(*a*) **Definitions.**—The expressions "woman" and "young person" are defined by s. 156, *post*, p. 228, and "textile factory" by s. 149, *post*, p. 213. 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. 53.

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

Continuous employment for five hours (s. 39, *post*, pp. 63, 64).

Recovery of lost time in water-mills (s. 52, *post*, p. 80).

Employment on Saturday and overtime in factories of Jewish occupiers (s. 47, *post*, p. 75).

Employment of male young persons above sixteen in lace factories (s. 37, *post*, pp. 61, 62).

Overtime employment of women on polishing, packing, etc., in warehouses (Sched. 2 (4), *post*, p. 240).

(*c*) **Manufacturing Process.**—In *Crabtree* v. *Commercial Spinning Mills Co., Limited* (1910), 75 J. P. 6; 103 L. T. 879, a spinning machine was being cleaned by the women in charge of it, after the

hours for manufacturing. It was working at full speed, and was producing yarn, but this was necessary for the purpose of cleaning. It was held that the women were not employed in a manufacturing process.

(*d*) **Continuous Employment.**—That is, not interrupted by an interval of at least half an hour. See s. 156 (2), *post*, p. 229.

Penalty.—See s. 137, *post*, p. 204.

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 :

(1) Children shall not be employed except on the system either of employment in morning and afternoon sets or of employment on alternate days only.

(2) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person and end either—

(a) at one o'clock in the afternoon ; or

(b) if the dinner time begins before one o'clock, at the beginning of dinner time ; or

(c) if the dinner time does not begin before two o'clock, at noon.

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

(a) at one o'clock in the afternoon ; or

(b) at any later hour at which the dinner time terminates ; or

(c) if the dinner hour does not begin before two o'clock, and the morning set ends at noon, at noon ;

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

(4) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person.

(5) A child shall not be employed in two successive periods of seven days in the morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on two successive Saturdays, nor on Saturday in any week if on any other day in the same week his period of employment has exceeded five hours and a half.

(6) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be employed on two successive days, and shall not be employed on the same day of the week in two successive weeks.

(7) A child shall not on either system be employed continuously for more than four hours and a half without an interval of at least half an hour for a meal.

Note, that by ss. 1 and 3 of the Employment of Women, Young Persons and Children Act, 1920 (*post*, pp. 294, 299), no child may be employed in any industrial undertaking, other than a domestic factory or workshop, unless lawfully so employed on the 31st December, 1923. This section is therefore practically obsolete. And see also ss. 90 to 95 of the Education Act, 1921, *post*, pp. 668, 669.

(*a*) **Definitions.**—The expression "child" is defined in s. 156, *post*, p. 228, and "textile factory" in s. 149, *post*, p. 213.

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 (*d*) for more than five hours without an interval of at least half an hour for a meal (*e*).

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. 60.

In domestic factories and workshops the hours of employment are regulated by s. 111, *post*, p. 148.

For hours of employment of women in laundries, see ss. 2 and 5 (2) (a) of the Act of 1907, *post*, pp. 257, 260.

As to employment in 8-hour shifts, see Employment of Women, Young Persons and Children Act, 1920, s. 2, *post*, p. 297.

(*a*) **Definitions.**—The expression "non-textile factory" is defined in s. 149, *post*, p. 213, and "woman" and "young person" in s. 156, *post*, p. 228.

(*b*) **Exceptions.**—The exceptions are: Print works, bleaching and dyeing works (s. 28, *post*, p. 53); women's workshops (s. 29, *post*, p. 52); factories and workshops mentioned in Special Orders of Secretary of State (s. 36, *post*, p. 60); employment of male young persons above sixteen in bakehouses (s. 38, *post*, p. 62); employment upon fish and fruit preserving (s. 41, *post*, p. 68), and in creameries (s. 42, *post*, p. 71); factories and workshops occupied by Jews; and the regulations with regard to overtime in certain cases (ss. 42—53 inclusive, *post*, pp. 71—81); also the employment of male young persons on night-work in certain cases (ss. 54—56, *post*, pp. 81—86).

(*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, *post*, p. 55, and the Saturday employment of women and young persons in Turkey red dyeing in s. 44, *post*, p. 73. As to substitution of another day for Saturday, see s. 43, *post*, p. 72.

(*d*) **Continuous Employment.**—That is, not interrupted by an interval of at least half an hour. See s. 156 (2), *post*, p. 229.

(*e*) **Penalty.**—See s. 137, *post*, p. 204.

Further Restrictions.—Restrictions as regards employment both inside and outside the factory or workshop on the same day are imposed by s. 31, *post*, p. 55.

And by ss. 90—108 of the Education Act, 1921, *post*, pp. 668—672, special restrictions are imposed upon the employment of young persons.

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

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

(2) The period of employment for a child in the morning set on every day, including Saturday, shall begin at six or seven or eight o'clock in the morning and end either—

(a) at one o'clock in the afternoon ; or

(b) if the dinner time begins before one o'clock, at the beginning of dinner time ; or

(c) if the dinner time does not begin before two o'clock, at noon.

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

(a) at one o'clock in the afternoon ; or

(b) at any hour, later than half-past twelve, at which the dinner time terminates ; or

(c) if the dinner time does not begin before two o'clock and the morning set ends at noon, at noon ;

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

(4) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on Saturday in any week in the same set in which he has been employed on any other day of the same week.

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

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

(b) The period of employment for such child shall on Saturday begin at six or seven o'clock in the morning and end at two o'clock in the afternoon, or begin at eight o'clock in the morning and end at four o'clock in the afternoon;

(c) There shall be allowed to such child for meals during the said period of employment not less, on any day except Saturday, than two hours and, on Saturday, than half an hour; but

(d) The child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks.

(6) A child shall not, on either system, be employed continuously for more than five hours without an interval of at least half an hour for a meal.

By ss. 1 and 3 of the Employment of Women, Young Persons and Children Act, 1920 (*post*, pp. 294, 299), no child may be employed in any industrial undertaking, other than a domestic factory or workshop, unless lawfully so employed on the 31st December, 1920. The section is therefore practically obsolete.

And by ss. 90—108 of the Education Act, 1921, *post*, pp. 668—672, further restrictions are imposed upon the employment of children.

(*a*) **Children.**—For definition, see s. 156, *post*, p. 228.

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 (*a*), 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 (*b*) of a woman, young person or child in the works for five hours without an interval of half an hour for a meal.

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.

(*a*) See pp. 47, 48, *ante*,

(*b*) **Continuous Employment.**—That is, not interrupted by an interval of at least half an hour. See s. 156, *post*, p. 228.

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*). A change in the system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

(*a*) **Penalty.**—See s. 137, *post*, p. 204.

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 (*a*), and notice (*b*) 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.

(*a*) **Week.**—For definition, see s. 156, *post*, p. 228.
(*b*) **Notice.**—The Official Form is No. 30.

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*).

Exceptions.—By s. 46, *post*, p. 74, the Secretary of State has power to except certain factories and workshops from the provisions of this section.

(*a*) **Shop.**—By s. 2 (2) of the Shops Act, 1912, *post*, p. 383, 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 present 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. 204.

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

This section does not apply to domestic factories or workshops. See s. 111 (4), *post*, p. 150. 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. 222.

(*a*) **Occupier.**—By s. 87, if the factory is a tenement factory, the owner is made liable for non-observance of this provision, instead of the occupier, but it is further provided that the occupier may affix his own notices if he pleases. See p. 112, *post*. See also note (*a*) to s. 135, p. 200.

(*b*) **Limitation.**—*I.e.*, the period specified in the notice must be one of the periods allowed by the Act.

(*c*) **Special Exceptions.**—*I.e.*, the special exceptions contained in ss. 36—56, *post*.

(*d*) **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. 194.

33. *Meal times to be simultaneous, and employment during meal times forbidden.*]—With respect to meals the following regulations shall (save as is 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.

(*a*) **Exceptions.**—This section does not apply to domestic factories or workshops (see s. 111, *post*, p. 148), or to the occupations referred to in ss. 40, 41 and 42 (*post*, pp. 64—72), an exemption which the Secretary of State has authorised to be extended to other occupations (see note (*a*) to s. 40, *post*, p. 66).

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.

(*a*) **Exceptions.**—Sunday employment is allowed in creameries in certain cases (see s. 42, *post*, p. 71). Young persons and women of the Jewish religion may, under certain circumstances, work on Sundays (see s. 48, *post*, p. 75), and male young persons working day and night by relays in blast furnaces and paper mills may also work on Sundays (see s. 54, *post*, p. 81). 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 (*c*) 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 (*c*) 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 (*d*).

(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 (*e*) not exceeding five pounds.

(*a*) **Exceptions.**—These provisions do not apply to fish and fruit preserving (s. 41, *post*, p. 68) ; certain creameries (s. 42, *post*, p. 71) ; to male young persons employed in day and night sets (s. 54, *post*, p. 81) ; or to domestic factories or workshops (s. 111, *post*, p. 148). 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. 73.

(*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 the Bank Holidays Act, 1871 (34 & 35 Vict. c. 17), and the Holidays Extension Act, 1875 (38 & 39 Vict. c. 13).

(*c*) **Notice.**—The prescribed form is Official Form No. 34.

(*d*) **Penalty.**—See s. 137, *post*, p. 204.

(*e*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

(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 (*a*), 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 (*b*), 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 enactment is necessary to provide for the customs of some trades in which work never begins before 9 a.m.

(*a*) **Special Order.**—BY ORDER DATED DECEMBER 26TH, 1907, the exception authorised by this section is allowed in the following classes of factories and workshops:

Factories in the county of London in which letterpress bookbinding is carried on.

Laundries in the county of London and the following urban and rural districts, viz.: Tottenham, Edmonton, Hornsey, Wood Green, Finchley, Hendon (urban), Willesden, Acton, Ealing, Southall-Norwood, Chiswick, Heston and Isleworth, Twickenham, Teddington, Hampton, Hampton Wick, Richmond, Walthamstow, Brentford, Barnes, Ham, Kingston-upon-Thames, Surbiton, Malden and Coombe, Wimbledon, Merton, Croydon (rural) (parish of Mitcham only), Croydon (urban), Penge, Beckenham, Bromley, Barking Town, West Ham, East Ham, Leyton, Ilford, Wanstead.

Subject in each case to the following conditions:

(1) After 8 p.m., in each room in which any woman or young person is being employed, the number of persons employed therein shall not exceed the proportion of one person for every 400 cubic feet of space.

(2) The period of employment for a child in a morning set shall begin at nine o'clock in the morning, and for a child in the afternoon set shall end at eight o'clock in the evening.

(3) In the case of factories in the county of London in which letterpress bookbinding is carried on the special exception shall not apply except between the first day of September and the last day of February following.

(*b*) **Notice.**—The prescribed form is Official Form No. 9.

37. *Employment of male young persons above sixteen in lace factories.*]—(1) In the part of a textile factory (*a*) in which a machine for the manufacture of lace is moved by steam, water or other mechanical power (*a*), the period of employment for any male young person above the age of sixteen years may be between four o'clock in the morning (*b*) 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 (*c*), 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 (*c*), 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 (*c*), 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.

(*a*) For the meaning of these expressions see s. 149, *post*, p. 213.

(*b*) By s. 1 (3) and Sched. Part II. of the Employment of Women, Young Persons and Children Act, 1920, *post*, pp. 294, 301, the employment of young persons at night, *i.e.* eleven consecutive hours, including the period between 10 p.m. and 5 a.m., is forbidden.

(*c*) **Ordinary Period of Employment.**—See sub-s. (2) of this section, and s. 24, *ante*, p. 47.

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Official Form No. 10. See s. 60, *post*, p. 88.

38. *Employment of male young persons above sixteen 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.

(*a*) **Ordinary Period of Employment.**—See sub-s. (2) of this section and s. 26, *ante*, p. 50.

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Official Form No. 11. See s. 60, *post*, p. 83.

Note.—See also the restrictions imposed by the Employment of Women, Young Persons and Children Act, 1920, s. 1 (3), and Sched., Part II., Art. 3, p. 302, by which the employment of young persons under 18 years of age is prohibited at "night," which is defined as being eleven consecutive hours, including the period between 10 p.m. and 5 a.m.

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 (*a*) 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 (*b*), extend this exception accordingly. The limitation of this exception to the period between the first day of November and the following last day of March shall not, if the Secretary of State by Special Order so directs, apply to hosiery factories (*c*).

(*a*) **Notice.**—The prescribed form of notice is Official Form No. 15. See s. 60, *post*, p. 88.

(*b*) **Special Orders.**—BY ORDER, DATED DECEMBER 20TH, 1882, this exception has been extended to—

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 raw silk or either of such processes.

(*c*) **Hosiery Factories.**—BY ORDER, DATED MAY 12TH, 1902, the exception has also been extended to hosiery factories, and it is further directed that the limitation of the exception to the period between November 1st and the following last day of March shall not apply to such factories: provided that the exception shall apply to any hosiery factory only during such period of the year as may be specified by the occupier in the notice which an occupier availing himself of a special exception is required by s. 60 to serve on the inspector and to exhibit in the factory.

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.

Notice.—The occupier must give notice of his intention to avail himself of the exceptions contained in sub-ss. (3) and (4). See s. 60, *post*, p. 88.

The form of notice under sub-s. (1) is Official Form No. 19, and under sub-s. (2) the form is No. 20.

(*a*) **Special Orders.**—Exception (a), and so much of exception (b) as relates to women, young persons, and children, during the times allowed for meals, being allowed to remain in a room in which a manufacturing process or handicraft is being carried on, have been extended, by ORDERS DATED DECEMBER 20TH, 1882, 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 ORDERS, DATED FEBRUARY 24TH, 1887, to

non-textile factories wherein is carried on the making of bread or biscuits by means of travelling ovens.

Also by ORDER DATED MAY 1st, 1896, exception (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.

A further ORDER DATED MARCH 11TH, 1903, directs that the following special exceptions, namely :

(a) An exception permitting young persons employed in a factory or a workshop to have the times allowed for meals at different hours of the day; and

(b) An exception permitting young persons during the times allowed for meals in the factory or workshop to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on;

shall extend to young persons above the age of sixteen, employed in

electrical stations,

subject to the following conditions:

(1) For the purpose of ensuring that a reasonable temperature shall be maintained as required by s. 6 of the Act, thermometers shall be provided, maintained and kept in working order in suitable positions in each room where such young persons are employed;

(2) Sufficient and suitable sanitary accommodation complying with the requirements of any special order made by the Secretary of State under s. 9 of the Act shall be provided;

(3) The exception shall apply only to young persons employed as assistants to adults who are actually present with them during the whole time of their employment.

A further ORDER DATED JUNE 23RD, 1904, directs that the following special exceptions, namely:

(a) An exception permitting young persons employed in a factory or a workshop to have the times allowed for meals at different hours of the day; and

(b) An exception permitting young persons during the times allowed for meals in the factory or workshop to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on;

shall extend to male young persons employed in

iron and steel foundries.

A further ORDER DATED OCTOBER 13TH, 1908, directs that the following special exceptions, namely:

(a) An exception permitting women and young persons employed in a workshop to have the times allowed for meals at different hours of the day; and

(b) An exception permitting women and young persons during the times allowed for meals in the workshop to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on;

shall extend to women and young persons employed in

florists' workshops

subject to the condition that in every workshop the occupier of which avails himself of this exception there shall be affixed a notice showing the names of the women and young persons employed in the workshop and the times allowed to each of them for meals.

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

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

(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 (*b*).

(2) Where an occupier avails himself of this exception, the notice (*c*) 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.

By ss. 90—108 of the Education Act, 1921 (*post*, pp. 668—672), further restrictions are imposed upon the employment of young persons; and by s. 1 of the Employment of Women, Young Persons and Children Act, 1920 (*post*, p. 294) young persons under 18 and women must not be employed at night, *i.e.* eleven consecutive hours, including the period between 10 p.m. and 5 a.m., subject to certain exceptions.

(*a*) **Fish and Fruit Preserving.**—Care must be taken not to confuse these exceptions with the provisions of s. 50, *post*, p. 77, 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.

(*b*) **Special Order.**—The Secretary of State has directed, by ORDER DATED SEPTEMBER 11TH, 1907, that the following conditions shall be observed in factories and workshops in which women or young persons are employed in the process of **cleaning or preparing fruit** in pursuance of the special exception allowed by this section:

1. There shall be sufficient and suitable sanitary accommodation for the use of all persons employed, as defined in the Special Order made by the Secretary of State under section 9 of the Factory and Workshop Act, 1901.
2. There shall be sufficient and suitable washing accommodation for the use of all persons employed in cleaning or preparing fruit.

3. In each room in which women or young persons are employed in pursuance of the special exception :
   (a) There shall not be less than 400 cubic feet of air space for each person employed in the room.
   (b) If any process is carried on which entails the giving off of steam, a fan or other efficient means shall be maintained and used for the removal of steam at or near to the point of origin.
   (c) A thermometer shall be kept affixed.
   (d) The floors shall be maintained in good condition ; and, if any wet process is carried on, so drained as to carry the wet away from the workers.
   (e) The walls and ceilings shall once in every six months be limewashed, or, if the surface be such as not to admit of limewashing, washed.
   (f) There shall be adequate lighting.
4. No woman or young person shall be employed in pursuance of the special exception unless and until the occupier holds a certificate from the inspector of the district, to the effect that provision has been made to his satisfaction for compliance with the foregoing requirements of this Order, for the maintenance of a reasonable temperature, and for ventilation.

   Such certificate shall be in writing, and shall be kept attached to the general register, and shall be revocable at any time by one week's notice in writing from the inspector of the district.
5. No young person shall be employed to lift, carry, or move any weight so heavy as to be likely to cause injury to such young person.
6.—(a) No woman or young person shall be employed before six o'clock in the morning or after ten o'clock in the evening.

   (b) In the case of young persons, a period of not less than ten hours shall elapse between the termination of work on one day and the commencement of work on the following day.
7. No woman or young person shall be employed continuously for more than five hours without an interval of at least half an hour.
8. There shall be an interval of one hour at least, either at the same time or at different times, before three o'clock in the afternoon.
9. No woman or young person shall be employed in pursuance of the exception who has since the first day of October last preceding been employed by the same occupier outside the ordinary period of employment in pursuance of any other special exception.
10. The occupier shall each year, before employing any person in pursuance of the special exception, enter in the prescribed notice, which shall be kept affixed in the factory or workshop, the name of such person, and whether under 16,

under 18, or over 18 years of age, and a declaration that such person has not been employed outside the ordinary period of employment in pursuance of any other special exception since the first day of October last preceding.

11. On every day on which a woman or young person is employed in pursuance of the special exception, the occupier shall enter in the prescribed register (*d*), and report to the inspector of the district in the prescribed form (*d*), the hour at which the fruit arrived at the factory or workshop, the processes on which women or young persons were employed in pursuance of the exception, the periods of employment of such women and young persons, and the intervals allowed them for meals.

(*c*) **Notice.**—The special exception prescribed form for fish curing is Form 63; and that for cleaning and preparing fruit is Form 64. See s. 60, *post*, p. 88.

(*d*) The register is Form No. 740 and is supplied by the inspector in charge of the district where the factory is situated.

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 (*a*).

Care must be taken not to confuse this section with the provisions of s. 50, *post*, p. 77, which allow women to work a certain amount of overtime upon the process (*inter alia*) of making condensed milk.

By ss. 90—108 of the Education Act, 1921 (*post*, pp. 668—672), further restrictions are imposed upon the employment of young persons. And by s. 1 of the Employment of Women, Young Persons and Children Act, 1920 (*post*, p. 294), young persons under 18 and women must not be employed at night, *i.e.* eleven consecutive hours, including the period between 10 p.m. and 5 a.m., subject to certain exceptions.

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Official Form No. 65. See s. 60, *post*, p. 88.

(*a*) **Special Order.**—The Secretary of State has granted the following special exceptions to **creameries** by ORDER DATED OCTOBER 23RD, 1903:

(1) During the months of May to October inclusive women and young persons may be employed during a period of

employment which shall on Saturdays or any day substituted for Saturday, in pursuance of s. 43, begin at 6 a.m. and end at 2 p.m., and on the other week days begin at 6 a.m. and end at 9 p.m., and shall on Sundays and holidays be a period of three consecutive hours to be fixed between 6 a.m. and 7 p.m., subject to the following conditions :

(i) A woman or young person shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal ;

(ii) There shall be allowed for intervals on Saturday, or the day substituted for Saturday, not less than one hour, and on the other week days not less than five hours, including the whole time from 12 noon to 4 p.m.

(iii) No overtime shall be worked in the creamery in pursuance of any other exception.

(2) In creameries where the above exception is not used, women and young persons may be employed during the said months on Sundays and holidays during a period of three consecutive hours to be fixed between 6 a.m. and 7 p.m., subject to the following conditions :

(i) An interval of not less than half an hour shall be allowed within the period of employment on each week day in addition to those required by the Act.

(ii) No overtime shall be worked in the creamery in pursuance of any other exception.

Note.—*Before this exception is used in any creamery, a notice must, in pursuance of s.* 60 *of the Factory and Workshop Act,* 1901, *be posted in the creamery showing the beginning and end of the period of employment and the intervals to be allowed, and a copy of such notice must be sent to the inspector. The notice must be kept affixed so long as the exemption is used.*

No change may be made in the periods or intervals specified in the notice until the occupier has served on the inspector, and affixed in the creamery, notice of his intention to make the change, nor more often than once a quarter unless for special cause allowed in writing by an inspector.—Section 32.

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 (*a*), 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 (*b*) 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 (*c*), 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*) **Special Order.**—This exception has been granted by ORDER DATED DECEMBER 26TH, 1907, to—

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;

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

Non-textile factories and workshops in which is carried on the manufacture of any article of wearing apparel or of food;

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;

Laundries.

(*b*) **Notice.**—The prescribed form is Official Form No. 13. See s. 60, *post*, p. 88.

(*c*) **Newspapers.**—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.

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Official Form No. 14. See s. 60, *post*, p. 88.

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 (*a*), 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 (*b*) 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.

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Official Form No. 16. See s. 60, *post*, p. 88.

(*a*) **Special Orders.**—This exception 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.

And by further ORDER DATED OCTOBER 13TH, 1908 (as amended by ORDER DATED DECEMBER 13TH, 1909), the exception, so far only as it applies to women and young persons, has been extended to the following factories and workshops:

Hospital laundries in Scotland.

(*b*) **Holidays.**—See s. 35, *ante*, p. 58.

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.

(*a*) **Inside and Outside Employment.**—See s. 31, *ante*, p. 55.

(*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.

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Official Form No. 17. See s. 60, *post*, p. 88.

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.

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Official Form No. 18. See s. 60, *post*, p. 88.

(*a*) **Open for Traffic.**—In *Goldstein* v. *Vaughan*, [1897] 1 Q. B. 549; 61 J. P. 277; 66 L. J. Q. B. 380; 76 L. T. 262; 45 W. R. 399; 18 Cox C. C. 523, 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 (*a*); 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 (*b*), 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 (*c*).

(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 (*d*), extend this exception to those factories or workshops or parts thereof.

By s. 3 (1), *ante*, p. 18, a cubic space of 400 feet is required for every person working overtime. See also note (*b*) to s. 58, *post*, p. 87.

By s. 151, *post*, p. 222 (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.

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.

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Official Form No. 21. See s. 60, *post*, p. 88.

(*a*) **Week.**—For definition, see s. 156, *post*, p. 228.

(*b*) *Post*, p. 239.

(*c*) **Women's Workshops.**—For hours of employment in these, see s. 29, *ante*, p. 54.

(*d*) **Special Order.**—See notes to Sched. 2, *post*, p. 240.

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 (*a*) ; 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 (*b*) ; or

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

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

(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 (*d*), extend this exception to those factories or workshops or parts thereof.

(*a*) **Week.**—For definition, see s. 156, *post*, p. 228.

(*b*) **Fruit and Fish Preserving.**—This provision must not be confused with s. 41, *ante*, p. 68, which allows unlimited overtime where there is immediate danger of decomposition.

(*c*) **Condensed Milk.**—This provision must not be confused with s. 42, *ante*, p. 71, which gives the Secretary of State power to vary the times of employment of women and young persons employed in creameries.

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

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Official Form No. 24. See s. 60, p. 88.

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 (*c*), 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 (*d*) extend this exception accordingly.

Note.—See note (*a*) to s. 13, p. 33.

(*a*) See ss. 43, 47, *supra*, pp. 72—75.

(*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*) **Week.**—For definition, see s. 156, *post*, p. 228.

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

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Official Form No. 22. See s. 60, p. 88.

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 regards factories liable to be stopped by drought, the special exception shall not extend to more than ninety-six days in any period of twelve months and, as regards factories liable to be stopped by floods, the special exception shall not extend to more than forty-eight days in any period of twelve months. This overtime shall not extend in any case beyond the time already lost during the previous twelve months.

(*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.

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Official Form No. 25. See s. 60, p. 88.

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.

Further restrictions upon the employment of young persons are imposed by the Education Act, 1921, ss. 90—108, *post*, pp. 668—672, and by the Employment of Women, Young Persons and Children Act, 1920. See note to s. 38, p. 63.

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Form No. 23. See s. 60, p. 88.

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 (*a*), 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 hour specified in the notice in this Act mentioned (*b*); and

(b) The provisions of this Part of this Act with respect to the allowance of times for meals (*c*) 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 (*d*); 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 (*e*).

(2) The provisions of this Act with respect to the period of employment on Saturday (*f*) and with respect to the allowance to young persons of whole or half-holidays (*g*) 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 (*h*), 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.

By the Employment of Women, Young Persons and Children Act, 1920, s. 1, and Sched. (*post*, pp. 294, 300), the employment of young persons under eighteen at night, *i.e.* eleven consecutive hours including the period between 10 p.m. and 5 a.m. is forbidden, subject to certain exceptions.

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form is Official Form No. 26. See s. 60, p. 88.

(*a*) **Night.**—For definition, see s. 156, *post*, p. 228, which has been extended as above.

(*b*) See s. 32, *ante*, p. 56, and s. 60, *post*, p. 88.

(*c*) See ss. 26, 33, 40, *ante*, pp. 50, 57, 64.

(*d*) **Week.**—For definition, see s. 156, *post*, p. 228.

(*e*) *Post*, p. 248.

(*f*) See s. 26, *ante*, p. 50.

(*g*) See s. 35, *ante*, p. 58.

(*h*) **Special Orders.**—BY ORDER DATED MARCH 11TH, 1903, this exception has been extended to male young persons of the age of sixteen and upwards employed in

electrical stations,

subject to the conditions prescribed in sub-s. (1) and to the following further conditions:

(1) For the purpose of ensuring that a reasonable temperature shall be maintained as required by s. 6 of the Act, thermometers shall be provided, maintained and kept in working order in suitable positions in each room where such young persons are employed;

(2) Sufficient and suitable sanitary accommodation complying with the requirements of any Special Order made by the Secretary of State under s. 9 of the Act shall be provided;

(3) The exception shall apply only to young persons employed as assistants to adults who are actually present with them during the whole time of their employment.

BY ORDER DATED MAY 4TH, 1903 (as amended by ORDERS DATED MAY 21ST, 1913, and JUNE 14TH, 1913), the exception has been extended to male young persons of the age of sixteen years and upwards employed in

china clay works

subject to the conditions prescribed in sub-s. (1).

Note.—The Orders above mentioned must be taken to be amended by the Employment of Women, Young Persons and Children Act, 1920. See the preliminary note to this section.

BY ORDER DATED MAY 21ST, 1913, the exception has been extended, so far as regards young persons of the age of sixteen years and upwards, to that part of any factory in which

reverberatory or regenerative furnaces

are used and are necessarily kept in operation day and night in order to avoid waste of material or fuel, subject to the conditions prescribed in sub-s. (1) and to the following further conditions:

(1) The exception shall apply only to young persons employed in such processes requiring to be carried on continuously throughout the night as are defined in the certificate of the Inspector hereinafter mentioned.

(2) Every young person employed in pursuance of the exception shall be submitted by the occupier to the Certifying Surgeon for the district once at least in every six months for examination at the factory, for which examination the like fee shall be payable by the occupier as for examinations for certificates of fitness in pursuance of the Act, and a register of such examinations shall be kept at the factory in the prescribed form and containing the prescribed particulars.

(3) No young person who on examination is certified by the Certifying Surgeon, by signed entry in the register, to be unfit for such employment shall be employed again in pursuance of the exception without the written sanction of the Certifying Surgeon entered as above.

(4) No young person shall be employed in pursuance of the exception unless and until the occupier holds a certificate from the Inspector of the district to the effect that provision has been made to his satisfaction for compliance with the conditions specified in this Order, which certificate shall define the processes to which the exception applies.

Note.—This Order is rescinded by the Order of 17th January, 1924, *infra*, except as regards young persons of sixteen or upwards who were employed in pursuance of it prior to the 1st September, 1923.

BY ORDER, DATED MAY 21ST, 1913, the exception has been extended, so far as regards young persons of the age of sixteen years and upwards, to the factories or parts thereof in which is carried on the process of

galvanising sheet metal and wire,

subject to the conditions prescribed in sub-s. (1) and to the following further conditions:

(1) The exception shall apply only to young persons employed in the process aforesaid.

(2) Every young person employed in pursuance of the exception shall be submitted by the occupier to the Certifying Surgeon for the district once at least in every six months for examination at the factory, for which examination the like fee shall be payable by the occupier as for examinations for certificates of fitness in pursuance of the Act, and a register of such examinations shall be kept at the factory in the prescribed form and containing the prescribed particulars.

(3) No young person who on examination is certified by the Certifying Surgeon, by signed entry in the register, to be unfit for such employment shall be employed again in pursuance of the exception without the written sanction of the Certifying Surgeon entered as above.

(4) No young person shall be employed in pursuance of the exception unless and until the occupier holds a certificate from the Inspector of the district to the effect that provision has been made to his satisfaction for compliance with the conditions specified in this Order.

Note.—Young persons between sixteen and eighteen may not be employed at night on the pickling process (Employment of Women, Young Persons and Children Act, 1920, Sched. Part II. 2 (a), *post*, p. 302).

BY ORDER DATED JANUARY 17TH, 1924, the exception has been extended, as regards young persons of the age of sixteen years and upwards, to the parts of factories in which REVERBERATORY OR RE-

GENERATIVE FURNACES are used in connection with (i) smelting of ores, (ii) metal rolling, (iii) forges, or (iv) manufacture of metal tubes or rods, and are necessarily kept in operation day and night in order to avoid waste of material and fuel, subject to the conditions prescribed in sub-s. (1) and to the following further conditions:

(1) The exception shall apply only to young persons employed in such processes requiring to be carried on continuously throughout the night as are defined in the certificate of the Inspector hereinafter mentioned.

(2) Every young person employed in pursuance of the exception shall be submitted by the occupier to the Certifying Surgeon for the district once at least in every six months for examination at the factory, for which examination the like fee shall be payable by the occupier as for examinations for certificates of fitness in pursuance of the Act, and a register of such examinations shall be kept at the factory in the prescribed form and containing the prescribed particulars.

(3) No young person who on examination is certified by the Certifying Surgeon, by signed entry in the register, to be unfit for such employment shall be employed again in pursuance of the exception without the written sanction of the Certifying Surgeon entered as above.

(4) No young person shall be employed in pursuance of the exception unless and until the occupier holds a certificate from the Inspector of the district to the effect that provision has been made to his satisfaction for compliance with the conditions specified in this Order, which certificate shall define the processes to which the exception applies.

Provided that any young person of sixteen years of age or upwards who, prior to 1st September, 1923, was employed at night, in pursuance of the said Order of the 21st May, 1913, on premises where such employment is not authorised by this Order, may continue to be so employed as if this Order had not been made.

55. *Night employment of male young persons of fourteen 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 (*a*) in any one week (*b*); and

(b) The periods of employment must not exceed fourteen hours in four separate turns per week (*b*) 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.

Note.—That the provisions of the Employment of Women, Young Persons and Children Act, 1920, as to night work of young persons under eighteen do not apply to persons between sixteen and eighteen employed in glass works. So that young persons under sixteen years of age cannot be employed in glass works at night, *i.e.* eleven consecutive hours including the period between 10 p.m. and 5 a.m.

(*a*) The limitation of the period of employment to sixty hours per week seems to apply only to young persons while employed on night work. If they are employed for the week on the day shift only, their employment is governed by the ordinary requirements of the Act.

(*b*) **Week.**—For definition, see s. 156, *post*, p. 228.

56. *Night employment of male young persons of sixteen 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*), a male young person above the age of sixteen years may be employed at night (*a*) 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.

Notice.—The occupier must give notice of his intention to avail himself of this exception. The prescribed form of notice is Official Form No. 27. See s. 60, p. 88.

(*a*) **Week—Night.**—For definitions see, s. 156, *post*, p. 228, and see also the restrictions as to night work of young persons under eighteen, Women, Young Persons and Children Act, 1920, p. 301.

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 which*

are conducted on the system of not employing either young persons or children therein, and which are worked intermittently and for periods only which do not exceed in the whole six months in any year.

(2) *A flax scutch mill shall not be deemed to be conducted on the system of not employing either young persons or children therein, until the occupier has served on an inspector notice of his intention to conduct the mill on that system.*

This section was repealed by the Employment of Women Act, 1907, *post*, p. 683, which was passed in order to bring the law of the United Kingdom into conformity with the requirements of the Berne Convention of 1906.

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 (*a*) ; 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 (*a*),

he may, by Special Order (*b*), 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.

(*a*) **Night.**—For definition, see s. 156, *post*, p. 228.

(*b*) **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. 76. 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. 18. But with respect to the workshops covered by the order (*i.e.*, those mentioned in Sched. 2, *post*, p. 239, 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, and s. 3 (1) of this Act, 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.

See Order dated 11th September, 1907, pp. 69, 70.

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.

60. *Notices, registers, etc., relating to special exceptions.*]—(1) An occupier (*a*) 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 (*b*) 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 (*b*) so served and affixed must, except as otherwise provided by this Act (*c*), 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 (*d*) 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 (*e*) 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 (*f*); 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 section does not apply to domestic workshops and factories (see s. 111, *post*, p. 148), unless a dangerous process is carried on therein (s. 112).

Laundries.—The provisions of s. 2 of the Act of 1907, *post*, p. 257, with regard to hours of employment in laundries are declared to be special exceptions within the meaning of this section.

(*a*) **Occupier.**—In the case of tenement factories this liability is transferred to the owner by s. 87, *post*, p. 112

(*b*) **Notice.**—The prescribed official form has been noted under each section which permits the use of an exception.

(*c*) **Exception.**—See s. 41, *ante*, p. 68.

(*d*) **Prescribed Register.**—The prescribed register (Official Form, No. 338) is issued by the Factory Inspectors.

(*e*) This notice is Official Form No. 12. It forms a record of days upon which overtime was worked.

(*f*) **Penalty.**—See ss. 135 and 137, *post*, pp. 200, 204.

(iii) FITNESS FOR EMPLOYMENT.

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

This section is now administered by the Ministry of Health, and not by the Home Office. See Order of 27th May, 1921, *post*, p. 122.

Penalty.—See s. 137, *post*, p. 204.

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 unless lawfully so employed at the commencement of this Act (*a*).

Note.—That by the Employment of Women, Young Persons and Children Act, 1920, s. 1 (*post*, p. 294) persons under fourteen may not be employed in any industrial undertaking, except in domestic factories and workshops. And note also the further restrictions upon the employment of children imposed by the Education Act, 1921, ss. 90—108, *post*, pp. 668—672.

(*a*) **Penalty.**—See s. 137, *post*, p. 204.

63. *Certificates of fitness for employment of young persons under sixteen 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 (*b*).

(2) When a child becomes a young person (*c*), a fresh certificate of fitness must be obtained.

(3) The occupier shall, when required, produce to an inspector at the factory in which a young person or child is employed the certificate of fitness of that young person or child for employment.

This 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 young person or child under age before the grant of a certificate of fitness is probably illegal (see preliminary note to s. 62, *ante*), and care should be taken that certificates of birth or other sufficient evidence of age are produced when fresh hands are taken on.

Certificates of fitness are granted by the certifying surgeons by signed entry in the General Register (Official Form No. 37).

Certificates of fitness are not required to be produced in workshops (except in those mentioned in the note to s. 66, *post*). 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, *post*, p. 94), and the Secretary of State has power, by s. 66, *post*, p. 94, to extend the provisions of these sections to workshops. It may also be noted that by s. 67, *post*, p. 95, an inspector may in the special cases mentioned in that section require a certificate of capacity in workshops as well as in factories. In the case of domestic factories the obtaining of certificates of fitness is optional. See s. 111 (3), *post*, p. 150, and s. 65, *post*, p. 94.

(*a*) **Certifying Surgeon.**—For appointment of certifying surgeons, their duties, etc., see ss. 122—124, *post*, pp. 190—192. When no certifying surgeon has been appointed, the poor law medical officer may act in England (s. 123, *post*, p. 190); the medical officer under the Public Health Act in Scotland (s. 159 (3), *post*, p. 232), and the dispensary doctor in Ireland (s. 160 (6), *post*, p. 235).

(*b*) **Penalty.**—See s. 137, *post*, p. 204.

(*c*) **Young Person.**—See the definitions of "child" and "young person" in s. 156, *post*, p. 228.

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 (*c*) (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.

(*a*) **Certifying Surgeon.**—For appointment of certifying surgeons, their duties, etc., see ss. 122—124, *post*, pp. 190—192.

(*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. 190.

(*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. 197.

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 certi-

ficate. See sub-s. (9), *infra*. As to what shall be considered a certificate of birth, see also sub-s. (8).

(*d*) **Other Sufficient Evidence.**—As respects children, a statutory declaration before a magistrate is considered to be "sufficient evidence."

(*e*) **Powers of Certifying Surgeon.**—See s. 119, *post*, p. 186—189.

(*f*) **Elementary Education Act, 1876.**—Now ss. 135—138 of the Education Act, 1921, *post*, p. 672, 673

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.

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, rescind the order of extension, without prejudice to the subsequent making of another order.

(*a*) **Special Order.**—BY ORDER DATED AUGUST 31ST, 1906, the prohibition in this section has been extended to the classes of workshops in which the following processes are carried on:

File-cutting; Carriage building; Rope and twine making; Brick and tile-making; Making of iron and steel cables, chains, anchors, grapnels and cart gear; Making of nails, screws, and rivets; Baking bread, biscuits, or confectionery; Fruit preserving; Making, altering, ornamenting, finishing, or repairing of wearing apparel by the aid of treadle sewing machines.

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.

Penalty.—See s. 137, *post*, p. 204. The inspector may also, in a proper case, prosecute the employer under ss. 92 and 96 of the Education Act, 1921, *post*, pp. 668, 670.

PART III.

EDUCATION OF CHILDREN.

Note.—By ss. 1 and 3 of the Employment of Women, Young Persons and Children Act, 1920, no child under fourteen years of age may be employed in any industrial undertaking. This part of the Act, ss. 68—72, is therefore practically obsolete, and the notes which have appeared in former editions of this work are now omitted.

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

(a) The child, when employed in a morning or afternoon set, must in every week, during any part of which he is so employed, be caused to attend on each work day for at least one attendance ; and

(b) The child, when employed on the alternate day system, must, on each work day preceding each day of employment, be caused to attend for at least two attendances ;

(c) An attendance for the purposes of this section shall be an attendance as defined for the time being by the Secretary of State, with the consent of the Board of Education, and be between the hours of eight in the morning and six in the evening :

Provided as follows :

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

(ii) The non-attendance of a child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause and when the school is closed during the ordinary holidays or for any other temporary cause :

(iii) Where there is not within the distance of two miles,

measured according to the nearest road, from the residence of the child a recognised efficient school 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.

(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.

69. *Obtaining of school attendance certificate by occupier.*]—(1) The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week in which the child began to work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by a child a certificate (according to the prescribed form and directions) respecting the attendance of the child at school in accordance with this Act.

(2) If a child is employed without such certificate being obtained as is required by this section, the child shall be deemed to be employed contrary to the provisions of this Act.

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

70. *Payment by occupier of sum for schooling.*]—The persons who manage a recognised efficient school 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.

71. *Employment as a 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 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, 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.

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

The expression "certified efficient school" means a public elementary school within the meaning of the Elementary Education Acts, 1870 to 1900, and any workhouse school in England certified to be efficient

by the Local Government Board, and any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of His Majesty's inspectors of schools and requires the like attendance from its scholars as is required in a public elementary school and keeps such registers of those attendances as are for the time being required by the Board of Education and is certified by the Board to be an efficient school; and

The expression "recognised efficient school" means a certified efficient school, and any school which the Board of Education have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district and which is 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.

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 (*b*) 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 (*c*), apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this section and the provisions referred to therein shall apply accordingly.

(*a*) **Fine.**—Recoverable summarily (s. 144, *post*, p. 209).

(*b*) **Accidents.**—See ss. 4, 5 of the Notice of Accidents Act, 1906, *post*, pp. 267—273.

(*c*) **Special Orders.**—By ORDER DATED NOVEMBER 27TH, 1915, the provisions of this section are applied to all cases of **toxic jaundice** occurring in a factory or workshop; that is, jaundice due to tetrachlorethane or nitro- or amido- derivatives of benzene or other poisonous substance.

And, by ORDER DATED NOVEMBER 28TH, 1919, to EPITHELIOMATOUS ULCERATION due to tar, pitch, bitumen, mineral oil or paraffin, or any compound, product or residue of any of these substances; and to CHROME ULCERATION, *i.e.*, ulceration due to chromic acid or bichromate of potassium, sodium or ammonium or any preparation of these substances.

And, by ORDER DATED DECEMBER 31ST, 1924, to poisoning by carbon bisulphide, aniline poisoning, chronic benzene poisoning, occurring in a factory or workshop.

Note.—The requirements of this section have been applied by the Lead Paint (Protection against Poison) Act, 1926, s. 3, p. 315, to cases of lead poisoning arising from the painting of buildings.

Leaflets have been prepared upon the Notification of Industrial Poisoning (Form 304); Mercurial Poisoning (Form 332); Epitheliomatous and Chrome Ulceration (Form 1710). These forms may be obtained from the Inspectors of Factories.

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 does not apply to men's workshops. See s. 157, *post*, p. 231.

(*a*) **Injurious Extent.**—It was held in *Hoare* v. *Ritchie*, [1901] 1 Q. B. 434; 65 J. P. 261; 70 L. J. Q. B. 279; 84 L. T. 54; 49 W. R. 351, 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. 200. Section 87 (1) (iv), *post*, p. 112, 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*).

This section does not apply to men's workshops. See s. 157, *post*, p. 231.

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.

A Memorandum (Form 351) has been prepared upon Washing Conveniences. Copies may be obtained from the Inspectors of Factories.

(*a*) **Penalty.**—See s. 135, *post*, p. 200.

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*).

(*a*) **Penalty.**—See s. 135, *post*, p. 200.

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 (*c*),

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.

(*a*) Regulations are in force in this trade ; see *post*, p. 549. See also the notes to s. 79, *post*, p. 105.

(*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), 65 J. P. 467; 84 L. T. 535; 19 Cox C. C. 695).

(*c*) The White Phosphorus Matches Prohibition Act, 1908, prohibits the manufacture, sale and importation of matches made with white phosphorus. See *post*, p. 693.

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 (*b*), 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 (*c*).

(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 (*d*), 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.

(*a*) See note (*c*) to s. 77, *ante*.

(*b*) In this trade and in those marked (*b*) in the Order set out in note (*d*), *infra*, Regulations are in force. In the case of grinding, glazing or polishing on a wheel, the Regulations are applicable as regards certain articles, *e.g.*, tools and cutlery. The codes of Regulations are set out at p. 438. See also the notes to s. 79, *infra*.

(*c*) **Penalty.**—See s. 137, *post*, p. 204.

(*d*) **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 (*b*).
Sorting, dusting, or grinding rags.
Fur-pulling.
Grinding, glazing, or polishing on a wheel (*b*).
Brass-casting (*b*), type-founding.
Dipping metal in aquafortis or other acid solution.
Metal-bronzing (*b*).
Majolica painting on earthenware (*b*).
Cleaning and repairing catgut.
Cutting, turning, or polishing bone, ivory, pearl-shell, snail-shell.
Manufacturing chemicals or artificial manures (*b*).
Manufacturing white lead (*b*).
Lithographic printing.
Playing-card making.
Fancy box making.
Paper staining.
Almanac making.
Artificial flower making.
Paper colouring and enamelling.
Colour making (*b*).

} 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 (*a*); and thereupon the Secretary of State may, subject to the provisions of this Act, make such regulations (*b*) as appear to him to be reasonably practicable and to meet the necessity of the case.

This section, and ss. 80—85 inclusive, correspond to ss. 8, 9 and 10 of the Act of 1891, *post*, p. 684, as amended by ss. 12, 24 (3), and 28 of the Act of 1895, *post*, p. 687; but the procedure has been considerably altered. The principal difference is that "special rules" under the Act of 1891 had to be made for each separate factory or workshop, whereas "regulations" under the Act of 1901 apply to every factory or workshop of the class specified. 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, *post*, pp. 236, 253, 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 applies to docks, etc., buildings and railways (ss. 104—106, *post*, pp. 130—140).

Additional provisions for the safety and welfare of workers in many trades are made by the Women and Young Persons (Employment in Lead Processes) Act, 1920, the Anthrax Prevention Act, 1919, the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, and the Celluloid and Cinematograph Film Act, 1922, and the numerous Rules and Orders made thereunder.

It has been decided in Scotland that regulations made under this section enure only for the benefit of the persons actually employed in the dangerous trade, and not for that of strangers. In *O'Brien* v. *Arbib* (1907), Sess. Cas. 975, the regulations required that when a ship is lying at a wharf or quay there shall be provided means of access by a proper gangway or ladder. For want of a proper gangway the plaintiff, who was visiting one of a ship's crew, fell into a dock and was injured. The Court of Session held that the regulation was intended solely for the use and benefit of persons employed in loading and unloading, etc., and could not affect the

liability of shipowners towards persons not so employed, even if lawfully there.

In *Howlett* v. *Shaw, Savill and Albion* (1923), 40 T. L. R. 778, a joiner's labourer working on a steamship in a dock at a time when the cargo was not being unloaded, was killed by falling down an unfenced hatchway which was not being used, but which should have been fenced if loading or unloading was being carried on. *Held*, that as the deceased was not employed on unloading the vessel there was no breach of duty towards him, and as the unloading, though not finished, had so completely stopped that it could not be said to be still going on within the meaning of the regulations, the action failed.

(*a*) Certificates that certain processes are dangerous.

The following is a list of the processes certified to be dangerous under s. 8 of the Factory and Workshop Act, 1891, and s. 79 of this Act:

Aerated water, manufacture of, etc.
Alkali waste, treatment of or drainage therefrom.
Arsenic, extraction of.
Brass, etc., casting of.
Bronzing (use of dry metallic powders in letterpress printing, lithographic printing, and coating metal sheets).
Building construction and structural work in connection with buildings.
Celluloid, etc., manufacture, etc., of.
Chemicals, manufacture of.
Cinematograph film manufacture.
Cinematograph film stripping.
Docks, wharves and quays, loading and unloading at, etc.
Electric, accumulators, manufacture of.
Electricity, generation, transformation, distribution or use of.
Enamelling, vitreous, of metal or glass.
Explosives in which nitro compounds are used, manufacture of.
Felt hats, manufacture of (with aid of inflammable solvent).
File cutting by hand.
Flax and tow, spinning and weaving of.
Grinding of cutlery and edge tools.
Grinding of metals (miscellaneous industries).
Hemp and jute and hemp or jute tow, spinning and weaving of, etc.
Hides and skins from Africa or Asia, etc., handling of.
Horizontal milling cutters.
Horsehair from China, Siberia, or Russia, use of.
Indiarubber, certain processes incidental to the manufacture of.
Iron or steel, casting of.
Lead, manufacture of certain compounds of.
Lead, smelting of materials containing, manufacture of red or orange lead and of flaked litharge.
Locomotives and waggons, use of, on lines or sidings.
Metal, extraction by a wet process.
Mules, self-acting, spinning by means of.

Painting of vehicles.
Paints and colours, manufacture of.
Patent fuel (briquettes), manufacture of with addition of pitch.
Pottery, manufacture and decoration of; making of lithographic transfers, frits, or glazes.
Quarries, processes in.
Refractory materials, crushing, grinding, etc.
Ships, construction and repair of.
Tar or shale oil, distillation of, etc.
Tinning of metal articles.
Woodworking machinery, use of.
Wool, goat hair and camel hair, sorting, willeying, washing, combing and carding.
Woollen and worsted textiles (lifting of heavy weights).
Yarn dyed by means of a lead compound, heading of.

(*b*) The regulations and special rules in force for processes certified to be dangerous will be found fully set out, *post*, pp. 439—622.

80. *Procedure for making regulations.*]—(1) Before the Secretary of State makes any regulations under this Act (*a*), 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 not be 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 hereinafter 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. I. of the Act of 1891 (see pp. 684, 685, *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.

(*a*) **Preliminary Steps.**—It is at least doubtful whether the validity of any Regulation can be impugned on the ground that any of these preliminary steps have not been carried out. See the notes to ss. 84, 126, *post*, pp. 109, 192.

81. *Inquiries.*]—(1) The Secretary of State may appoint (*a*) 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 (*b*).

(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*.

(*a*) **May appoint.**—He must do so, except in the cases referred to in sub-s. (4) of s. 80.

(*b*) **Rules.**—By Order dated February 5th, 1903, the Secretary of State has made rules for the conduct of inquiries with regard to draft regulations for dangerous trades. See *post*, p. 438.

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-sections (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 p. 687, *post*. Sub-section (3) is a re-enactment of s. 8 (7) of the Act of 1891, *post*, p. 685.

(*a*) **Certificate of Danger.**—See s. 79, *supra*, p. 105.

(*b*) **Tenement Factories and Workshops.**—For definition, see s. 149, *post*, pp. 214—220, and for provisions, s. 87, *post*, p. 112.

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. 687, *post*. Provisions (b), (c) are new.

(*a*) **Certificate of Danger.**—See s. 79, *supra*, p. 105.

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. 687), but is much more elaborate.

It is submitted that when the forty days have elapsed the Regulations cannot be impugned on account of any defect in the preliminary steps under ss. 80, 81, *ante*. See note (*a*) to s. 126, *post*, p. 192. But it should be noted that there is nothing in this section corresponding to sub-s. (4) of s. 126; and it is difficult to understand the reason for this difference.

But if the Regulations, or any of them, are *ultra vires* (as distinguished from a mere defect in procedure), it would appear that they can be impugned after the forty days. See *Mackey* v. *Monks*, [1918] A. C. 59; 82 J. P. 105; 87 L. J. P. C. 28; 118 L. T. 65; 34 T. L. R. 34; and also the report of the same case in the Court below, [1916] 2 I. R. 200.

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 (*b*) 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. 685), but the fine for a continuing offence is new.

(*a*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

(*b*) **Reasonable Means.**—In *Baker* v. *Carter* (1878), 3 Ex D. 132, a case decided under the last part of s. 51 of the Coal Mines Regulation Act, 1872 (practically identical with the present section), the owner of a coal mine, who took no part in the management, appointed a certificated manager to manage the business. The manager neglected to enforce the regulations. The justices held that the owner had taken all reasonable means to enforce them, and the Exchequer Division held that the justices were justified in so holding.

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. 209.

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 (*k*), be substituted for the occupier for the purpose of the requirements of section seven (*l*) and section ninety-four of this Act (*m*) or of any order of the Secretary of State with respect to ventilation (*n*).

(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.

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.

Note that the section does not apply to tenement workshops.

(*a*) **Owner.**—For definition, see s. 156, *post*, p. 228.
(*b*) **Tenement Factory.**—For definition, see s. 149, *post*, p. 214.
(*c*) **Cleanliness, etc.**—*Ante*, p. 10.
(*d*) **Limewashing.**—*I.e.*, sub-s. (3) of s. 1, *ante*, p. 10.
(*e*) **Fencing of Machinery, etc.**—Sections 10, *ante*, p. 26, and 136, *post*, p. 201.
(*f*) **Notices.**—Sections 32 and 60, *ante*, pp. 56, 88.
(*g*) **Ventilation by Fan.**—Section 74, *ante*, p. 100.
(*h*) **Abstract, etc.**—Section 128, *post*, p. 194.
(*i*) **Dangerous Premises.**—Section 18, *ante*, p. 41.
(*k*) **Order.**—No such Order is at present in force.
(*l*) *Ante*, p. 22.
(*m*) *Post*, p. 118.
(*n*) **Ventilation.**—Section 7, *ante*, p. 22.

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

(*a*) **Tenement Factory.**—For definition, see s. 149, *post*, p. 214.
(*b*) **Owner.**—For definition, see s. 156, *post*, p. 228.
(*c*) **Penalty.**—See s. 135, *post*, p. 200.
(*d*) **Textile Factory.**—For definition, see s. 149, *post*, p. 214.

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.

(*a*) **Certificate of Fitness.**—See ss. 63, 64, *ante*, pp. 90, 91.

(ii) COTTON CLOTH AND OTHER HUMID FACTORIES.

(Note.—*This part of the Act—ss.* 90 *to* 95—*has been greatly altered by the Act of* 1929 *and the Regulations made thereunder. Ss.* 90, 91, 92, *and* 94 *have been repealed so far as those provisions relate to cotton cloth factories. See Cotton Cloth Factories Act*, 1929, *s.* 3 (4), post, *p.* 265.)

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 now applies only in those factories to which it has been applied by s. 96, *post*, p. 119. In cotton cloth factories it is superseded by the Regulations of 1929, *post*, p. 480. See also note (*b*) to s. 96, *post*, p. 120.

(*a*) *Post*, p. 243.

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, 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 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.*

This section, though not in terms repealed, is practically obsolete. It does not apply to cotton cloth factories (see the Regulations of 1929, *post*, p. 480); and in other humid factories it is replaced by s. 96 (*a*), *post*, p. 119.

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] (*a*), *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* (*b*);

(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* (*b*) *;*

(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 now applies only in those factories to which it has been extended by s. 96, *post*, p. 119. In cotton cloth factories it is superseded by the Regulations of 1929, *post*, p. 480. See also note (*b*) to s. 96, *post*, p. 120.

(*a*) **Repeal.**—The words in roman type and square brackets are in effect repealed. They do not apply to cotton cloth factories (Regulations of 1929, *post*, p. 480), nor to any other humid factories (s. 96 (*b*), *post*, p. 120).

(*b*) *Post*, p. 243.

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.

(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.

This section is not affected by the Regulations of 1929, *post*, p. 480, and therefore is in force in cotton cloth factories as well as in other humid factories.

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.

This section is in effect repealed. It does not apply to cotton cloth factories (Regulations of 1929, *post*, p. 480); nor to any other humid factories (s. 96 (c), *post*, p. 120).

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* (*a*) 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 (*b*) and not exceeding ten pounds and, for every subsequent offence, to a fine not less than ten pounds (*b*) and not exceeding twenty pounds.

This section is not affected by the Regulations of 1929, *post* p. 480, and therefore applies to cotton cloth factories as well as to other humid factories.

(*a*) **Twelve months.**—The period is now 24 months (Act of 1929, s. 1 (2), *post*, p. 264).

(*b*) **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; 61 J. P. 118; 66 L. J. Q. B. 178; 45 W. R. 319; 18 Cox C. C. 494). These fines are recoverable summarily. See s. 144, *post*, p. 209.

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 (*b*), but subject to the following qualifications, namely:

(a) The Secretary of State may, by Special Order (*c*), 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 (*d*), respecting regulations for the protection of health in cotton cloth factories, shall not apply; and

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

(*a*) **Humidity.**—See ss. 76 and 79, *ante*, pp. 102, 105.

(*b*) The following processes are subject to Regulations, viz. Flax and Tow Spinning, and Hemp and Jute Spinning, *post*, pp. 519 and 533.

(*c*) **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

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.)
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
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

(*d*) *Ante*, p. 118.
(*e*) *Ante*, p. 116.

(iii) BAKEHOUSES.

97. *Sanitary regulations for bakehouses* (*a*).]—(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 water-closet, earth-closet, 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 water-closet ;

(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 (*b*) 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.

By Order in Council dated 27th May, 1921 (S. R. O., 1921, No. 958), made under the powers conferred by s. 3 (2) (c) of the Ministry of Health Act, 1919 (9 & 10 Geo. 5, c. 21), the powers and duties of the Home Secretary as regards this and the following three sections are transferred to the Minister of Health, in England and Wales, and, by a similar Order dated 10th August, 1921 (S. R. O., 1921, No. 1011 / S. 52), to the Scottish Board of Health in Scotland.

The powers and duties of local authorities are of course unaffected by this change.

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*) An Order prescribing the proportion of cubic feet of space to be provided in certain bakehouses will be found in note (*d*) to s. 3, *ante*, p. 18.

(*b*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

Application to London.—See note (*a*) to s. 102, *post*, p. 127.

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.

See the preliminary note to s. 97, *supra*.

The provisions of this section are very wide; they appear to embrace any sanitary objection that can possibly be taken to the bakehouse, and not to be 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. 127.

(*b*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

99. *Limewashing, painting, and washing of bakehouses.*] —(1) All the inside walls of the rooms of a bakehouse and all the ceiling 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 bakehouse is limewashed, the limewashing must be renewed once at least in every six months.

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

See the preliminary note to s. 97, *supra*.

(*a*) **Penalty.**—See s. 135, *post*, p. 200. For application to London, see note (*a*) to s. 102, *post*, p. 127.

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.

See the preliminary note to s. 97, *supra*.

(*a*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209. For application to London, see note (*a*) to s. 102, *post*, p. 127.

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 (*b*) 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 (*c*).

(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 (*d*).

(7) In the event of the refusal of a certificate by the district council, the occupier of the bakehouse may, within twenty-one days from the refusal, by complaint apply to a court of summary jurisdiction and, if it appears to the satisfaction of the court that the bakehouse is suitable for use as regards construction, light, ventilation and in all other respects, the court shall thereupon grant a certificate of suitability of the bakehouse, which shall have effect as if granted by the district council.

(8) Where any place has been let as a bakehouse (*e*), 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 (*f*), 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 (*g*); or in the alternative the court may, at the request of the occupier, determine the lease.

(*a*) **Used at the Passing of the Act.**—In the case of *Schwerzerhof* v. *Wilkins*, [1898] 1 Q. B. 640; 62 J. P. 247; 67 L. J. Q. B. 476; 78 L. T. 229; 19 Cox C. C. 22, 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*) **Certified by the District Council.**—In *Evans* v. *Gallon* (1904), 68 J. P. 537; 2 L. G. R. 1004, Lord ALVERSTONE, C.J., and KENNEDY and PHILLIMORE, JJ., said that the effect of sub-ss. (1) and (2) is that no underground bakehouse may be used, unless it was used at the passing of the Act and also has been certified by the district council to be suitable for the purpose.

(*c*) **The Public Health (London) Act, 1891.**—See p. 689, *post*. 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*.

(*d*) **Penalty.**—See s. 135, *post*, p. 200.

Note.—As the section is applicable to a bakehouse which may be either a factory or a workshop, in the case of a factory bakehouse it is deemed to be a workshop for the purposes of this section.

(*e*) **Let as a Bakehouse.**—In *Morris* v. *Beal*, [1904] 2 K. B. 583; 68 J. P. 542; 73 L. J. K. B. 830; 91 L. T. 486, KENNEDY and PHILLIMORE, JJ., thought that premises are not let as a bakehouse unless the lease compels, and not merely permits, the tenant so to use them. This point, however, was not necessary to the decision of the case, and Lord ALVERSTONE, C.J., took the opposite view. The doubts cast upon this case by the decisions mentioned in note (*g*), *infra*, have nothing to do with this point.

(*f*) **May apply to a Court of Summary Jurisdiction.**—The word "*may*" means "*must*" (*per* VAUGHAN WILLIAMS, L.J., in *Horner* v. *Franklin*, [1905] 1 K. B. 479; 69 J. P. 117; 74 L. J. K. B. 291; 92 L. T. 178; 21 T. L. R. 225; 3 L. G. R. 423, decided under the similar words in s. 14 (4), *ante*, p. 35). Such an application is the only remedy, for the sub-section excludes the jurisdiction of the High Court altogether, and even if the lease contains a covenant casting the whole burden of these expenses on the tenant, the landlord cannot bring an action on the covenant, but must apply to a court of summary jurisdiction (*per* the Court of Appeal in *Stuckey* v. *Hooke*, [1906] 2 K. B. 20; 70 J. P. 393; 75 L. J. K. B. 504; 94 L. T. 723; 54 W. R. 509; 22 T. L. R. 508; 4 L. G. R. 815).

(*g*) **Effect of Sub-section.**—Questions have arisen as to whether the court of summary jurisdiction is bound to enforce the contract between the parties, when the lease expressly or impliedly throws the whole burden of these expenses upon one of them. In *Goldstein* v. *Hollingsworth*, [1904] 2 K. B. 578; 68 J. P. 383; 73 L. J. K. B. 826; 91 L. T. 85, the expenses were incurred in the first year of a twenty-one years' lease which contained a covenant by the tenant to pay them. The magistrate made him pay them all, and the King's Bench Division upheld his decision, but thought the case might have been different if the tenancy had not had so long to run.

But in *Morris* v. *Beal*, *supra*, where the expenses were incurred in the fourth year of a similar lease, the magistrate made the landlord pay part, and the King's Bench Division reversed his decision, saying that in face of the covenant he had no jurisdiction to apportion the expenses at all. This judgment, however, was doubted by FLETCHER MOULTON, L.J., in *Stuckey* v. *Hooke*, *supra*. This subsection should be compared with s. 14 (4), *ante*, p. 35, and the questions which arise under it are fully discussed in the notes to that section, to which the reader is referred.

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.

(*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. 227.

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. 690), 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. 186—190.

(iv) LAUNDRIES.

103. *Application of Act to laundries.*]—(1) *In every laundry carried on by way of trade or for purposes of gain, the following provisions shall apply :*

(a) *The period of employment, exclusive of meal hours and absence from work, shall not exceed, for women, fourteen hours, for young persons, twelve hours and, for children, ten hours in any consecutive twenty-four hours ; nor a total, for women and young persons, of sixty hours and, for children, of thirty hours in any one week, in addition to such overtime as may be allowed in the case of women ;*

(b) *A woman, young person or child must not be employed continuously for more than five hours without an interval of at least half an hour for a meal ;*

(c) *Women, young persons and children employed in the laundry shall have allowed to them the same holidays as are allowed to women, young persons and children employed in a factory or workshop under this Act ;*

(d) *So far as regards provisions with respect to health and safety, accidents, education of children, notice of occupation of a factory or workshop, the affixing of abstracts and notices and the matters to be specified in those notices (so far as they apply to laundries), powers of inspectors, fines and legal proceedings for any failure to comply with the provisions of this section, this Act shall have effect as if every laundry in which steam, water or other mechanical power is used in aid of the laundry process were a factory, and every other laundry were a workshop, and as if every occupier of a laundry were the occupier of a factory or of a workshop ;*

(e) *The notice to be affixed in the laundry shall specify the period of employment and the times for meals, but the period and times so specified may be varied before the beginning of employment on any day ;*

(f) *The provisions of this Act prohibiting the employment of women within four weeks after childbirth and of children under the age of twelve years shall apply*

to the laundry in like manner as to a factory or workshop.

(2) *Women employed in laundries may work overtime, subject to the following conditions, namely:*

(a) *A woman must not work more than fourteen hours in any day; and*

(b) *The overtime worked must not exceed two hours in any day; and*

(c) *Overtime must not be worked on more than three days in any week or more than thirty days in any year; and*

(d) *The requirements of section sixty of this Act with respect to notices must be observed.*

(3) *In the case of every laundry worked by steam, water or other mechanical power—*

(a) *A fan or other means of a proper construction must be provided, maintained and used for regulating the temperature in every ironing-room and for carrying away the steam in every washhouse in the laundry; and*

(b) *All stoves for heating irons must be sufficiently separated from any ironing-room, and gas irons emitting any noxious fumes must not be used; and*

(c) *The floors must be kept in good condition and drained in such manner as will allow the water to flow off freely.*

A laundry in which these provisions are contravened shall be deemed to be a factory not kept in conformity with this Act.

(4) *Nothing in this section shall apply to any laundry in which the only persons employed are—*

(a) *Inmates of any prison, reformatory or industrial school or other institution for the time being subject to inspection under any Act other than this Act; or*

(b) *Inmates of an institution conducted in good faith for religious or charitable purposes; or*

(c) *Members of the same family dwelling there,*

or in which not more than two persons dwelling elsewhere are employed.

This section is repealed by the Factory Act, 1907, *post*, p. 255, which substitutes a number of new provisions, and brings laundries within the general law relating to factories and workshops.

(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 (*f*), wharf (*g*), quay and warehouse (*h*) and all machinery or plant (*i*) used in the process of loading (*k*) or unloading or coaling any ship in any dock (*l*), harbour or canal were included in the word "factory" (*m*), 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 (*n*) of the premises; and for the purpose of the enforcement of those provisions the person having the actual use or occupation (*n*) 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 (*n*) 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" (*o*) and "harbour" (*p*) have the same meaning as in the Merchant Shipping Act, 1894.

The Workmen's Compensation Act, 1897, applied (see s. 7 of that Act) to "employment in or about a factory," including 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 (now the Act of 1901. See *Stevens* v. *General Steam Navigation Co., Limited*, [1903] 1 K. B. 890; 67 J. P. 415; 72 L. J. K. B. 417; 88 L. T. 542; 51 W. R. 578). The result was that in the case of accidents to workmen whose employment took them into docks, buildings, etc., their right to compensation often depended upon the exact shade of meaning to be attributed to the wording of this and the succeeding section. Very fine distinctions

were drawn by the courts, and on some points the cases are conflicting. The Act of 1906 by extending the right to compensation to almost all workmen has rendered these decisions obsolete as regards the end to which they were directed, but nevertheless they explain the meaning of expressions in the Factory Acts and cannot therefore be altogether omitted here. Any attempt to give them all would involve many pages of notes and would scarcely serve any useful purpose, for it will probably turn out that many of the fine distinctions referred to are of no importance apart from questions of compensation. It has therefore been thought best to give a selection of the more important cases, as in former editions, and to refer the reader for fuller information to treatises on the Workmen's Compensation Act, 1897.

(*a*) *Ante*, p. 40.

(*b*) Sections 19—22, *ante*, pp. 42—46.

(*c*) Sections 79—86, *ante*, pp. 105—111. See Regulations for Docks, p. 487.

(*d*) *Post*, p. 186.

(*e*) *Post*, p. 201.

(*f*) **Dock.**—This includes a wet dock (*Hanlon* v. *North City Milling Co.*, [1903] 2 I. R. 163). See also the cases in note (*l*), *infra*, p. 132.

(*g*) **Wharf.**—In *Haddock* v. *Humphrey*, [1900] 1 Q. B. 609; 64 J. P. 86; 60 L. J. Q. B. 327; 82 L. T. 72; 48 W. R. 292, 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 & Son, Limited*, [1902] 1 K. B. 38; 66 J. P. 116; 71 L. J. K. B. 72; 85 L. T. 499; 50 W. R. 131, 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."

In *Kenny* v. *Harrison*, [1902] 2 K. B. 168; 71 L. J. K. B. 783; 87 L. T. 318, the Court of Appeal held that a piece of land within a system of docks, forty yards from the actual waterside and separated from the wharf by a dock railway, used for stacking timber landed from the various docks and wharves of the system may be a "dock or wharf," and *Haddock* v. *Humphrey*, *supra*, was distinguished.

(*h*) **Warehouse.**—In *Colvine* v. *Anderson and Gibb* (1902), 5 Fraser, 255, a drysalter carried on business in premises consisting of two rooms and two cellars. Nearly 90 per cent. of his business consisted of retail sales, largely over the counter. A large quantity of goods was kept on the premises for the purpose of this trade:—*Held*, by the Court of Session that the premises were not a "warehouse."

In *Green* v. *Britten and Gilson*, [1904] 1 K. B. 350; 68 J. P. 139; 73 L. J. K. B. 126; 89 L. T. 713; 52 W. R. 198; 20 T. L. R. 116, the Court of Appeal held that a place used for storing goods for sale in connection with a shop, but on the other side of the road, is a "warehouse"; but in *Burr* v. *W. Whiteley, Limited* (1902),

19 T. L. R. 117, they held that a room in the basement of a retail shop in which goods are stored pending their sale is not a "warehouse."

In *Middleton* v. *Wade & Sons* (C. A., May, 1905), unreported, but cited in 53 W. R. at p. 629, the Court of Appeal are said to have decided that a roof is necessary to constitute a warehouse, and that because a space is used for storing goods for commercial purposes it does not necessarily become a warehouse. In *Buckingham* v. *Fulham Corporation* (1905), 69 J. P. 297; 53 W. R. 628; 21 T. L. R. 511; 3 L. G. R. 926, a county court judge held that an open yard used for dumping scrap iron, old wood paving blocks, etc., some of which was occasionally sold, was not a warehouse, and the Court of Appeal approved the decision. In *M'Ewan* v. *Perth Corporation* (1905), 7 Fraser, 714, the Court of Session in Scotland held that a yard, partly open and partly covered by a shed, used for stone-breaking and for the storage of road-mending materials is not a warehouse. There is no absolute rule of law that a store attached to a retail business cannot be a warehouse (*per* the Court of Appeal in *Moreton* v. *Reeve*, [1907] 2 K. B. 401; 76 L. J. K. B. 850; 97 L. T. 63).

(*i*) **Machinery or Plant.**—See note (*a*) to s. 17, *ante*, p. 40. Further, in *Durrie* v. *Warren* (1899), 15 T. L. R. 365, and *Medd* v. *McIver* (1899), 15 T. L. R. 364, the Court of Appeal held that (a) iron gangway doors in the side of a ship in dock through which cargo was taken in the process of loading or unloading, and (b) a staging outside the ship used in closing the gangway doors after the loading was complete, were not "machinery or plant used in the process of loading or unloading."

It has been held in a number of cases, both in England and Scotland, that the words refer only to machinery or plant on the dock side, and do not include the ship's own tackle; but this interpretation has been overruled, impliedly by the House of Lords in *Stuart* v. *Nixon*, *infra*, and expressly by the Court of Session in *Reid* v. *Anchor Line* (1903), 5 Fraser, 435; 40 Sc. L. R. 352.

(*k*) **Process of Loading.**—In *Stuart* v. *Nixon and Another*, [1901] A. C. 79; 65 J. P. 383; 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.

See also *Manchester Ship Canal Co.* v. *Director of Public Prosecutions*, [1930] 1 K. B. 547; 46 T. L. R. 163; 99 L. J. K. B. 230, at p. 489, *ante*.

(*l*) **Ship in Dock, etc.**—In *Raine* v. *Jobson*, [1901] A. C. 404; 70 L. J. K. B. 771; 85 L. T. 141; 49 W. R. 705, 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; 66 J. P. 4; 71 L. J. K. B. 173; 85 L. T. 513; 50 W. R. 129; and *Smith* v. *Standard Steam Fishing Co., Limited*, and *Burden* v. *Gregson & Co.*, [1906] 2 K. B. 275; 75 L. J. K. B. 640; 95 L. T. 42; 54 W. R. 582; 22 T. L. R. 578, the Court of Appeal held that for

this purpose there is no difference between a dry and a wet dock.

The Workmen's Compensation Act of 1897 did not apply to seamen doing their ordinary duties as seamen afloat on board ship, although the ship was in dock and the dock was a factory (*per* the House of Lords in *Houlder Line, Limited* v. *Griffin*, [1905] A. C. 220; 74 L. J. K. B. 466; 92 L. T. 580; 53 W. R. 609; and *Morgan* v. *Tydvil Engineering and Ship Repairing Co.* (1908), 98 L. T. 762; 24 T. L. R. 403). But it did apply to seamen doing any other duty (*per* the Court of Session in *Cayzer, Irvine & Co.* v. *Dickson* (1905), 7 Fraser, 723).

Section 7 of the Workmen's Compensation Act, 1906, which gives compensation to seamen, has rendered all the above cases of little practical importance in future.

(*m*) **Factory.**—A dock, wharf, etc., is to be considered a factory for the purpose of carrying out the requirements of the Act mentioned in sub-s. (1) (i to v), *supra*, and the Regulations for Docks see p. 487) made in pursuance of this section.

(*n*) **Occupier; Actual Use or Occupation.**—The meaning of these two phrases is illustrated by the following cases: In *Smith* v. *Standard Steam Fishing Co., Limited* and *Burden* v. *Gregson & Co.*, *supra*, it was held that a ship in dock does not necessarily become part of the dock so as to make the occupier of the ship the occupier of a factory, but that it depends upon the circumstances of the particular case. In *Jackson* v. *Rodger* (1899), 1 Fraser, 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 Fraser, 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 Fraser, 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, and *Hainsborough* v. *Ralli Brothers* (1901), 18 T. L. R. 21, 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; 66 J. P. 308; 71 L. J. K. B. 115; 85 L. T. 658; 50 W. R. 310, 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. In *Carrington* v. *Bannister & Co.*, [1901] 1 K. B. 20; 70 L. J. K. B. 31; 83 L. T. 457, a firm of coal shippers were employed to unload coal from trucks into a ship at a quay. To do so they used machinery which was the property of the railway company:—*Held*, that they were the occupiers of a factory. In *Stewart* v. *Dublin and Glasgow Steam*

Packet Co., Limited (1902), 5 Fraser, 57, a berth at a quay was used principally by the ships of two companies, but occasionally by other vessels. One of these companies had a contract for coaling their vessels, which was performed by a sub-contractor. A servant of the sub-contractor was trimming coal on the quay in anticipation of the arrival of a vessel when he fell into the water and was drowned:—*Held*, that the company were not in actual use or occupation of the quay at the time of the accident. In *Stewart* v. *Darngarvil Coal Co., Limited* (1902), 4 Fraser, 425, a coal company contracted with shipowners to supply bunker coal to their ships. The coal company contracted with a coal porter to put the coal on board at a particular berth. The coal porter employed labourers to do the work, one of whom fell off the quay and was drowned:—*Held*, that under the circumstances the coal company were not occupiers of a factory. In *Fogarty* v. *Wallis & Co.*, [1903] 2 I. R. 522, the post office hired a shed on a wharf temporarily, and employed W. to cart parcels from the town to the shed. A workman of W.'s was crushed between his cart and the wall of the shed:—*Held*, that the shed was a factory, and that W. was its occupier. In *Weavings* v. *Kirk and Randall*, [1904] 1 K. B. 213; 68 J. P. 91; 73 L. J. K. B. 77; 89 L. T. 577; 52 W. R. 209; 20 T. L. R. 152, a warehouse was being built by a contractor, and when it was nearly finished the defendants were employed to construct shelves and pigeon-holes therein:—*Held*, that the defendants were "occupiers," and were in actual use and occupation of a factory, and that there may be more than one "occupier" at the same time. In *Ramsay* v. *Mackie* (1904), 7 Fraser, 106, the owner of a quantity of peas lying in bulk in a grain store which was a "warehouse" sold part to a purchaser and gave him a delivery order. He sent a carter to fetch the peas, but while the carter was loading them a bag fell upon him and killed him. The Court of Session held that the purchaser was not the occupier of a factory. In *Pacific Steam Navigation Co.* v. *Pugh & Sons* (1907), 23 T. L. R. 622, the defendants, who were tenants of a small hut in a dock, supplied horses and men for hauling coal trucks from the railway sidings to the ships in the dock. When men or horses were wanted they telephoned from the hut to their stables outside the dock. The Court of Appeal held that they were in actual use and occupation of the dock.

(*o*) **Ship.**—The definition is as follows (s. 742): "'Ship' includes every description of vessel used in navigation not propelled by oars." The following cases show the meaning of the definition: A ship which has been dismantled and used as a coal hulk for four years is no longer a "ship" (*European and Australian Royal Mail Co., Limited* v. *P. and O. Steam Navigation Co.* (1866), 14 L. T. 704; 14 W. R. 843; 12 Jur. (N.S.) 909). A half-decked herring coble of ten tons, 24 feet long, with two masts, but propelled by oars whenever occasion requires, is a "ship" (*Ex parte Ferguson* or *Hutchinson* (1871), L. R. 6 Q. B. 280; 40 L. J. Q. B. 105; 24 L. T. 96; 19 W. R. 746). A hopper barge used for dredging, and not provided with any means of propulsion is a "ship" (*The Mac* (1882), 7 P. D. 126; 51 L. J. Adm. 81; 46 L. T. 907; followed

in *The Harlow*, [1922] P. 175 ; 91 L. J. P. 119 ; 126 L. T. 763 ; 38 T. L. R. 375). An electric launch used for carrying passengers round an artificial lake half a mile long, 180 yards wide and 3 feet deep is not a "ship" (*Southport Corporation* v. *Morriss*, [1893] 1 Q. B. 359 ; 57 J. P. 231 ; 62 L. J. M. C. 47 ; 68 L. T. 221 ; 41 W. R. 382). A gas-float used as a floating beacon, shaped like a boat, 50 feet long, with no rudder or means of propulsion, but supporting a light and containing a large cylinder of gas, is not a "ship" (*The Gas Float Whitton* (No. 2), [1897] A. C. 337 ; 66 L. J. Adm. 99 ; 76 L. T. 663). A spritsail barge navigating only upon the tidal waters and estuary of the Thames, but never going to sea, is a "ship" within the definition (*Corbett* v. *Pearce*, [1904] 2 K. B. 422 ; 69 J. P. 387 ; 73 L. J. K B. 885 ; 90 L. T. 781 ; 20 T. L. R. 473).

(*p*) **Harbour.**—The definition is as follows (s. 742) : "'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 (*f*) of a building (*g*) or any structural work in connection with a building were included in the word "factory" (*h*), 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 (*i*) 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 (*k*) and which is being constructed or repaired (*l*) by means of a scaffolding (*m*); and

(b) any building which exceeds thirty feet in height and in which more than twenty persons, not being domestic servants, are employed for wages,

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

It should be observed that the Workmen's Compensation Act, 1897 (by s. 7 (1) of that Act), applied "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 that Act (notwithstanding its repeal) are authorities upon the Factory Act. Those cases are briefly referred to in the following notes. See also the introductory note to the last section.

(*a*) *Ante*, p. 40.

(*b*) Sections 19—22, *ante*, pp. 42—46.

(*c*) Sections 79—86, *ante*, pp. 105—111. See Regulations for Buildings, p. 446.

(*d*) *Post*, p. 186.

(*e*) *Post*, p. 201.

(*f*) **Mechanical Power used in Construction.**—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 20 yards away from a building in course of construction, and used for grinding mortar for the new building, are a factory, for the purpose of s. 105, as being machinery used in the construction of a building. In *Barnett* v. *Caxton Floors, Limited*, 45 T. L. R. 141; 140 L. T. 138; 93 J. P. 59:—*Held*, that the words "temporarily used" are not confined to the actual moment when the machinery is in use, but extend to the whole period during which the machinery is available for use in the constructional work.

(*g*) **Building.**—The word "building" occurs in many of the Acts relating to public health, and has there been judicially interpreted; for instance, in *Stevens* v. *Gourley* (1859), 7 C. B. (N.S.) 99; 29 L. J. C. P. 1; 1 L. T. 33; 8 W. R. 85; 1 F. & F. 498; 6 Jur. (N.S.) 147, a large wooden structure 16 ft. by 13 ft. not let

into the ground, but lying on the surface, intended to be used as a shop, was held to be a "building"; and in *Leicester Corporation* v. *Brown* (1892), 57 J. P. 70; 62 L. J. M. C. 22; 67 L. T. 686; 41 W. R. 78, it was held that a wooden structure 9 ft. by 3 ft. by 7 ft. let into the ground and used for exhibiting photographs, is a "building."

In *Aylward* v. *Matthews*, [1905] 1 K. B. 343; 74 L. J. K. B. 336; 92 L. T. 189; 53 W. R. 292; 21 T. L. R. 196, the Court of Appeal held that a temporary wooden structure of a substantial nature, such as a platform 62 feet high for a steam crane, to be used in the construction of a building, may be a "building" within the meaning of s. 7 of the Workmen's Compensation Act, 1897.

For the ordinary meaning of the word, see the judgment of Lord ESHER, M.R., in *Moir* v. *Williams*, [1892] 1 Q. B. at p. 270; 56 J. P. 197; 61 L. J. M. C. 33; 66 L. T. 215; 40 W. R. 69.

An addition to a building is none the less a building. Thus, an open shop with its front built on to the foundation of an old wall and connected to the front of the house by a roof, was held to be a building (*Rex* v. *Gregory* (1833), 5 B. & Ad. 555; *Coburg Hotel Co.* v. *L. C. C.* (1899), 81 L. T. 450).

A high wall is a building (*Morish* v. *Harris* (1865), L. R. 1 C. P. 155; *Bowes* v. *Law* (1870), L. R. 9 Eq. 636). A reservoir held to be a building under the London Building Act (*Moran* v. *Marsland*, [1909] 1 K. B. 744). A tunnel under a road connecting the lands on each side held to be a building within the Gasworks Clauses Act, 1847, s. 7 (*Thompson* v. *Sunderland Gas Co.*, 46 L. J. Ex. 710; *Schweder* v. *Worthing Gas Co.* (1911), 105 L. T. 670).

(*h*) **Factory.**—See note (*m*) to s. 104, *ante*, p. 133.

(*i*) **Occupier.**—In *Purves* v. *Sterne* (1900), 2 Fraser, 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. See also note (*n*) to s. 104, *supra*, p. 133.

(*k*) **Buildings Exceeding 30 feet in Height.**—In *Rixson* v. *Pritchard*, [1900] 1 Q. B. 800; 69 L. J. Q. B. 494; 82 L. T. 186, two adjacent buildings, one more and one less than 30 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 30 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; 68 L. J. Q. B. 16; 79 L. T. 396; 47 W. R. 105). 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 (*m*)), 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; 66 J. P. 180; 71 L. J. K. B. 58; 50 W. R. 162). 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 Fraser, 668).

In *Knight* v. *Cubitt*, [1902] 1 K. B. 31; 66 J. P. 52; 71 L. J. K. B. 65; 85 L. T. 526; 50 W. R. 113, an accident took place while a building was being demolished. At the time of the accident the building was only 11 feet high, but the party-wall between it and the next house was untouched, and was more than 30 feet high. The county court judge found that the building was over 30 feet high:—*Held*, that he was justified in so finding.

In *Hartley* v. *Quick*, [1905] 1 K. B. 359; 74 L. J. K. B. 257; 92 L. T. 191; 21 T. L. R. 207, an old building over 30 feet high was about to be enlarged. For that purpose a new building was in course of erection alongside it, which would eventually be connected with it. At a time when no part of the new building was 30 feet high a workman was injured. The Court of Appeal held that he might be regarded as having been employed about a building over 30 feet high.

(*l*) **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 (*m*)). 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 (*m*)); and decorating may be "constructing" (*Mason* v. *A. R. Dean, Limited*, [1900] 1 Q. B. 770; 64 J. P. 244; 69 L. J. Q. B. 358; 82 L. T. 139; 48 W. R. 353).

A building is still "being constructed" until the scaffolding has been removed and the "measuring up" is complete, even though the building is actually in use (*Frid* v. *Fenton* (1900), 69 L. J. Q. B. 436; 82 L. T. 193; *McCabe* v. *Jopling and Palmer's Travelling Cradle, Limited*, [1904] 1 K. B. 222; 68 J. P. 121; 73 L. J. K. B. 129; 89 L. T. 624; 52 W. R. 358; 20 T. L. R. 119; *Plant* v. *Wright & Co.*, [1905] 1 K. B. 353; 74 L. J. K. B. 331; 92 L. T. 720; 53 W. R. 358; 21 T. L. R. 217).

(*m*) **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; 63 J. P. 212; 68 L. J. Q. B. 492; 80 L. T. 345; 47 W. R. 504; *Maude* v. *Brook*, [1900] 1 Q. B. 575; 64 J. P. 181; 69 L. J. Q. B.

322; 82 L. T. 39; 48 W. R. 290; and *Ferguson* v. *Green*, [1901] 1 Q. B. 25; 64 J. P. 819; 70 L. J. Q. B. 21; 83 L. T. 461; 49 W R. 105, 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 whitewashing ceilings (*Reddy* v. *Broderick*, [1901] 2 I. 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*, [1902] 1 K. B. 494; 66 J. P. 389; 71 L. J. K. B. 252; 85 L. T. 574; 50 W. R. 263).

In the Scotch case of *Halstead* v. *Thomson & Sons* (1901), 3 Fraser, 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.

In *Marshall* v. *Rudeforth*, [1902] 2 K. B. 175; 66 J. P. 627; 71 L. J. K. B. 781; 86 L. T. 752; 50 W. R. 596, a workman while carrying slates up a ladder placed against a house, one end of which rested on the ground and the other on the parapet of the house, fell from the ladder and was injured. The county court judge found that the ladder was not a scaffolding:—*Held*, by the Court of Appeal, that they could not say, as a matter of law, that the ladder must be a scaffolding, and therefore could not interfere with his decision. In *Elvin* v. *Woodward & Co.*, [1903] 1 K. B. 838; 67 J. P. 413; 72 L. J. K. B. 468; 88 L. T. 671; 51 W. R. 518, COLLINS, M.R., and MATHEW, L.J., (*dissentiente* STIRLING, L.J.) held that painters' steps so made that a man can work when standing on them may be a scaffolding. In *Crowther* v. *West Riding Window Cleaning Co.*, [1904] 1 K. B. 232; 68 J. P. 122; 73 L. J. K. B. 71; 52 W. R. 374, a workman was standing on the rungs of a ladder leaning against a wall for the purpose of whitewashing the wall. The county court judge held that the ladder was not a scaffolding:—*Held*, by the Court of Appeal that it was impossible to say as a matter of law that the ladder must be a scaffolding within the meaning of the Act, and therefore that they could not interfere with his decision. In *O'Brien* v. *Dobbie*, [1905] 1 K. B. 346; 74 L. J. K. B. 268; 92 L. T. 721; 53 W. R. 374; 21 T. L. R. 218, a workman employed in repairing a building over 30 feet high was standing on one of the rungs of a ladder, which had been used for this purpose on other occasions. A county court judge held that the ladder was a scaffolding, and the Court of Appeal considered that there was evidence upon which he could so find. It has been held in Scotland that an ordinary ladder used in the ordinary way

by a painter in his work, standing on it to paint, is not a scaffolding (*McDonald* v. *Hobbs and Samuel* (1899), 2 Fraser, 3; *Campbell* v. *Sellars* (1903), 5 Fraser, 900; 40 Sc. L. R. 643).

It is immaterial that the scaffolding was not used by the person injured, or even erected by his employer (*Mason* v. *A. R. Dean, Limited*, (1900) 1 Q. B. 770; 64 J. P. 244; 69 L. J. Q. B. 358; 82 L. T. 139; 48 W. R. 353; *Fletcher* v. *Hawley* (1905), 21 T. L. R. 191).

(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.

(*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. 40.

(*c*) Sections 20—22, *ante*, pp. 42—46, and the Notice of Accidents Act, 1906, *post*, p. 267.

(*d*) Sections 79—86, *ante*, pp. 105—111. See Regulations, p. 559.

(*e*) *Post*, p. 186.

(*f*) *Post*, p. 201.

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 of all persons directly employed by him, either as workmen or as contractors, in the business of the factory or workshop outside the factory or workshop and the places where they are employed; and

(b) send to an inspector such copies of or extracts from those lists as the inspector may from time to time require; and

(c) send on or before the first day of February and the first day of August in each year copies of those lists to the district council of the district in which the factory or workshop is situate.

(2) Every district council shall cause the lists received in pursuance of this section to be examined and shall furnish the name and place of employment of every outworker included in any such list whose place of employment is outside its district to the council of the district in which his place of employment is.

(3) The lists kept by the occupier or contractor shall be open to inspection by any inspector under this Act and by any officer duly authorised by the district council, and the copies sent to the council and the particulars furnished by one council to another shall be open to inspection by any inspector under this Act.

(4) This section shall apply to any place (*d*) from which any work is given out and to the occupier of

that place and to every contractor employed by any such occupier in connexion with the said work, as if that place were a workshop.

(5) In the event of a contravention of this section by the occupier of a factory, workshop or place or by a contractor, the occupier or contractor shall be liable to a fine (*e*) not exceeding forty shillings and, in the case of a second or subsequent offence, not exceeding five pounds.

(*a*) **Special Order.**—BY ORDER DATED APRIL 10TH, 1911, 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;

The making up, ornamenting, finishing and repairing of table linen, bed linen or other household linen (including in the term linen, articles of cotton or cotton and linen mixtures) and any processes incidental thereto;

The making, ornamenting, mending, and finishing of lace and of lace curtains and nets;

The making of curtains and furniture hangings and any processes incidental thereto;

Cabinet and furniture making and upholstery work;

The making of electro-plate;

The making of files;

The manufacture of brass and of any articles or parts of articles of brass (including in the term brass any alloy or compound of copper with zinc or tin).

Fur-pulling;

The making of iron and steel cables and chains;

The making of iron and steel anchors and grapnels;

The making of cart gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds;

The making of locks, latches, and keys;

The making or repairing of umbrellas, sunshades, parasols, or parts thereof;

The making of artificial flowers;

The making of nets other than wire nets;

The making of tents;

The making or repairing of sacks;

The covering of racquet or tennis balls;

The making of paper bags;

The making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, clip, or similar material;

The making of brushes;

Pea picking;

Feather sorting;

The carding, boxing, or packeting of buttons, hooks and eyes, pins, and hair pins;

The making of stuffed toys ;
The making of baskets ;
And any processes incidental to the above.

BY FURTHER ORDER DATED FEBRUARY 9TH, 1912, the provisions of the section are applied to the following classes of work :
The manufacture of chocolates or sweetmeats, and any work incidental thereto.

BY FURTHER ORDER DATED JANUARY 20TH, 1913, the provisions of the section are applied to the following classes of work :
The making or filling of cosaques, Christmas crackers, Christmas stockings or similar articles or parts thereof, and any work incidental thereto.
The weaving of any textile fabric, and any process incidental thereto.

BY FURTHER ORDER DATED NOVEMBER 19TH, 1929, the provisions of the section are applied to the following class of works :
The manufacture of lampshades other than lampshades made wholly of metal or glass or stone.

The Orders further provide 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 of April 10th, 1911, for which see note (*b*), *infra*.

(*b*) **Prescribed Form.—The official form (numbered 44) is on sale.**—The Schedule to the Order of April 10th, 1911, referred to in note (*a*), *supra*, prescribes the form and manner in which lists of outworkers are to be kept as follows :

LIST OF OUT-WORKERS.

A correct list of out-workers employed in the following classes of work :

(1) the making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel ;
(2) the making-up, ornamenting, finishing and repairing of table linen, bed linen, or other household linen (including in the term linen, articles of cotton or cotton and linen mixtures) and any processes incidental thereto ;
(3) the making, ornamenting, mending, and finishing of lace and of lace curtains and nets ;
(4) the making of curtains and furniture hangings and any processes incidental thereto ;
(5) cabinet and furniture making and upholstery work ;
(6) the making of electro-plate ;
(7) the making of files ;
(8) the manufacture of brass and of any articles or parts of articles of brass (including in the term brass any alloy or compound of copper with zinc or tin).

(9) fur-pulling ;
(10) the making of iron and steel cables and chains ;
(11) the making of iron and steel anchors and grapnels ;
(12) the making of cart gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds ;
(13) the making of locks, latches, and keys ;
(14) the making or repairing of umbrellas, sunshades, parasols or parts thereof ;
(15) the making of artificial flowers ;
(16) the making of nets other than wire nets ;
(17) the making of tents ;
(18) the making or repairing of sacks ;
(19) the covering of racquet or tennis balls ;
(20) the making of paper bags ;
(21) the making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, chip, or similar material ;
(22) the making of brushes ;
(23) pea picking ;
(24) feather sorting ;
(25) the carding, boxing, or packeting of buttons, hooks and eyes, pins, and hair pins ;
(26) the making of stuffed toys ;
(27) the making of baskets ;
(28) the manufacture of chocolates or sweetmeats (*c*) ;
(29) the making or filling of cosaques, Christmas crackers, Christmas stockings, or similar articles or parts thereof (*c*) ;
(30) the weaving of any textile fabric (*c*) ;
(31) the making of lampshades other than lampshades made wholly of metal or glass or stone (*c*).

And any processes incidental to the above ;
must be kept in 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.

(*c*) The classes of work numbered (28), (29, (30) and (31) in note (*b*), *supra*, were added by the Orders dated February 9th, 1912, January 20th, 1913, and November 19th, 1929, respectively, referred to in note (*a*), *supra*.

Factory, Workshop, or Place from which the work is given out. } Full Postal Address / Business / Name of Occupier

LIST OF PERSONS directly employed by (*a*) (*b*) in the business of, but outside, the above Factory, Workshop, or Place, in the classes of work specified above.

Name in full. (1.)	Whether employed as Workman (W) or Contractor (C). (2.)	Class of work. (Specify by means of index numbers as above.) (3.)	Place of Employment, *i.e.*, place where the work is actually done. (4.)	Address. [*No entry need be made in this column if the entry in column (4) is a sufficient address.*] (5.)

(*a*) Give name of employer.
(*b*) Say whether the occupier or a contractor employed by the occupier.

(*d*) **Any Place.**—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.

(*e*) **Fines.**—Recoverable summarily. See s. 144, *post*, p. 209.

108. *Employment of person in unwholesome premises.*]—(1) If the district council within whose district is situate a place in which work is carried on for the purpose of or in connexion with the business of a factory or workshop give notice in writing to the occupier of the factory or workshop or to any contractor employed by any such occupier that that place is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor, after the expiration of one month from receipt of the notice, gives out work to be done in that place, and the place is found by the court having cognizance of the case to be so injurious or dangerous, he shall be liable to a fine (*a*) 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 where a workshop.

(3) This section shall not apply except in the case of

persons employed in such classes of work as the Secretary of State may specify by Special Order (*b*).

(*a*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

(*b*) **Special Order.**—By Special Orders dated respectively, April 10th, 1911, February 9th, 1912, and January 20th, 1913, the provisions of this section are applied to the classes of work mentioned in note (*a*) to s. 107, *ante*, p. 142.

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.

By Order in Council dated May 27th, 1921 (S. R. O., 1921, No. 958), made under the powers conferred by s. 3 (2) (c) of the Ministry of Health Act, 1919 (9 & 10 Geo. 5, c. 21), the powers and duties of the Home Secretary as regards this and the following section are transferred to the Minister of Health in England and Wales, and, by a similar Order dated August 10th, 1921 (S. R. O., 1921, No. $\frac{1011}{S.\ 52}$), to the Scottish Board of Health in Scotland. The powers and duties of local authorities are of course unaffected by this change.

(*a*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

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.

See the preliminary note to the previous section.

(*a*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

(*b*) **Infectious Diseases.**—The diseases referred to in s. 6 of the Infectious Disease (Notification) Act, 1889, are as follows: Smallpox, 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 APRIL 10TH, 1911, 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 (as in the said section specified);

The making up, ornamenting, finishing and repairing of table linen, bed linen or other household linen (including in the term linen, articles of cotton or cotton and linen mixtures) and any processes incidental thereto;

The making, ornamenting, mending, and finishing of lace and of lace curtains and nets;

The making of curtains and furniture hangings and any processes incidental thereto;

Upholstery work;

Fur-pulling;

The making or repairing of umbrellas, sunshades, parasols, or parts thereof ;
The making of artificial flowers ;
The making of nets other than wire nets ;
The making of tents ;
The making or repairing of sacks ;
The covering of racquet or tennis balls ;
The making of paper bags ;
The making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, chip, or similar material ;
The making of brushes ;
Pea picking ;
Feather sorting ;
The carding, boxing, or packeting of buttons, hooks and eyes, pins, and hair pins ;
The making of stuffed toys ;
The making of baskets ;
And any processes incidental to the above.

BY FURTHER ORDER DATED FEBRUARY 9TH, 1912, the provisions of the section are applied to the following classes of work :
The manufacture of chocolates or sweetmeats, and any work incidental thereto.

BY FURTHER ORDER DATED JANUARY 20TH, 1913, the provisions of the section are applied to the following classes of work :
The making or filling of cosaques, Christmas crackers, Christmas stockings or similar articles or parts thereof, and any work incidental thereto.
The weaving of any textile fabric, and any process incidental thereto.

BY FURTHER ORDER DATED NOVEMBER 19TH, 1929, the provisions of the section are applied to the following class of works :
The manufacture of lampshades other than lampshades made wholly of metal or glass or stone.

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

(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 (*f*).

(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 (*g*) ;

(b) The provisions as to affixing notices and abstracts and as to specifying certain matters in notices so affixed (*h*) ;

(c) The provisions as to holidays (*i*) ;

(d) The provisions as to notices of accidents (*k*) ;

(e) The provisions as to means of ventilation, the drainage of floors and thermometers (*l*) ;

(f) The provisions as to the keeping of a general register (*m*).

(5) The provisions of section one of this Act (relating to the sanitary condition of a factory) shall not apply to a domestic factory (*n*).

(*a*) **Domestic Factories and Workshops.**—For definition, see s. 115, *post*, p. 152. It should be noted that this section is not affected by the Employment of Women, Young Persons and Children Act, 1920. See s. 3 (2) of that Act, *post*, p. 299. Also, that by s. 114 of this Act, *post*, certain specified domestic workshops are entirely exempted from all the provisions of the Act.

(*b*) **Morning and Afternoon Set.**—Note that a child cannot be employed on the alternate day system in a domestic factory or workshop.

(*c*) **Week.**—For definition, see s. 156, *post*, p. 228.

(*d*) **Entries and Reports.**—See s. 60, *ante*, p. 88.

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

(*f*) **Certificates of Fitness.**—*I.e.*, the obtaining of a certificate is optional and not compulsory. See s. 65, *ante*, p. 94.

(*g*) **Meal Times.**—See s. 33, *ante*, p. 57.

(*h*) **Notices and Abstracts.**—See ss. 127 and 128, *post*, p. 193.

(*i*) **Holidays.**—See s. 35, *ante*, p. 58.

(*k*) **Notices of Accidents.**—See the Notice of Accidents Act, 1906, *post*, p. 267, which repeals s. 19 of the present Act, and substitutes new provisions therefor.

(*l*) **Ventilation, &c.**—See ss. 6, 7, and 8, *ante*, pp. 21—23.

(*m*) **General Register.**—See s. 129, *post*, p. 195.

(*n*) **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. 16, 17.

112. *Dangerous processes in domestic factories and workshops.*]—If any manufacture, process or description of manual labour, which in pursuance of this Act has been certified by the Secretary of State to be dangerous (*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.

(*a*) See s. 79, *ante*, p. 105.

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 (*a*) or otherwise, as he thinks fit.

(*a*) The prescribed abstract is Form No. 58.

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 part of any article; or

(ii) the altering, repairing, ornamenting or finishing of any article (*c*); or

(iii) the adapting for sale of any article,

shall not of itself constitute that house or room a workshop (*d*), where the labour is exercised at irregular intervals and does not furnish the whole or principal means of living to the family.

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. *Parrott* (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 at present in force.

(*b*) **Orders Extending Exceptions.**—For examples of these, see Part II. (ii) of this Act, ss. 36—60, *ante*, pp. 60—90.

(*c*) **Laundries.**—The exemption contained in this part of the sub-section is extended to laundries by s. 4 of the Act of 1907, *post*, p. 259.

(*d*) **Workshop.**—See the definition of "workshop" in s. 149, *post*, p. 214.

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.

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 issued 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 (*a*) 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 (*b*) 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 par-

ticulars for the purpose of divulging a trade secret, he shall be liable to a fine (*b*) 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 (*b*) 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 (*d*), 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 does not apply to men's workshops (s. 157, *post*, p. 231; and cannot be extended by Special Order to outworkers employed in a business carried on in a men's workshop (*Seal* v. *Alexander*, [1912] 1 K. B. 469; 76 J. P. 156; 81 L. J. K. B. 628; 106 L. T. 121; 29 T. L. R. 196).

(*a*) If the particulars supplied by the employer are incorrect, it is no defence to show that the workman could easily have ascertained their falsity (*Nussey* v. *Birtwhistle* (1894), 58 J. P. 735).

(*b*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

(*c*) **Outworkers.**—See ss. 107—116, *ante*. The section cannot be extended to persons employed in connection with a men's workshop (*Seal* v. *Alexander*, *supra*).

(*d*) **Special Orders.**—(1) **Textile Workshops.**—AN ORDER DATED SEPTEMBER 2ND, 1898, applies the provisions of the section 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.

(2) **Making of Pens.**—AN ORDER DATED JULY 12TH, 1900, applies the provisions of the section to the classes of factories and workshops in which is carried on the

making of pens

with the following modifications:

(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.

(3) **Making of Locks, Latches, and Keys.**—AN ORDER DATED JULY 14TH, 1902, applies the provisions of the section to factories and workshops in which is carried on the

Making of Locks, Latches, and Keys,

and to out-workers employed in the making of locks, latches, and keys, and the occupiers or contractors by whom they are employed, with the following modifications:

(1) The occupier or contractor 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 be furnished to him in writing at the time when the work is given out to him, or, in the case of persons employed in a factory or workshop, 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 or contractor 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 the making of locks, latches, and keys, 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.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

(4) **Making of Chains, Anchors, and Cart Gear.**—AN ORDER DATED JULY 14TH, 1902, applies the provisions of the section to factories and workshops in which is carried on any of the following classes of work:

Making of iron and steel cables and chains;
Making of iron and steel anchors and grapnels;
Making of cart gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds;

and to out-workers employed in those classes of work, and to the

occupiers or contractors by whom they are employed, with the following modifications:

(1) The occupier or contractor 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) in the case of persons employed in a factory or workshop, 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 by the workers.

(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 or contractor 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 classes of work, 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.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

(5) **Making of Felt Hats.**—AN ORDER DATED APRIL 22ND, 1903, applies the provisions of the section to factories and workshops in which is carried on the following class of work:

Making of felt hats,

and to out-workers employed in that class of work, and to the occupiers or contractors by whom they are employed, with the following modifications:

(1) The occupier or contractor 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,

(i) by handing him a written or printed statement of such particulars when the work is given out to him; or

(ii) in the case of persons employed in a factory or workshop, 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 by the workers.

(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 or contractor 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 classes of work, 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.

In this Order, the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

(6) **Various Industries.**—AN ORDER DATED MAY 23RD, 1907, applies the provisions of the section with modifications, to non-textile factories and workshops in which any of the industries mentioned in the Schedule is carried on, and to out-workers employed in those industries and the occupiers and contractors by whom they are employed.

The section is modified so as to read as follows:

(1) The occupier or contractor 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 to him such particulars in writing when the work is given out to him; or

(ii) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rate of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.

(b) Such particulars of the work given out 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 or contractor 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 industries mentioned in the Schedule, 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.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

SCHEDULE.

The making of boots and shoes ; (*a*)
The making or repairing of umbrellas, sunshades, parasols or parts thereof ;
The making of artificial flowers ;
Fustian cutting ;
The making of tents ;
The making or repairing of sacks ;
The making of rope or twine ;
The covering of racquet or tennis balls ;
The making of paper bags ;
The making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, chip, or similar material ;
The making of brushes ;
Relief stamping ;
Warehouse processes in the manufacture of articles of food, drugs, perfumes, blacking or other boot and shoe dressings, starch, blue, soda, or soap ;
And any processes incidental to the above.

(*a*) This Order, in so far as it relates to the making of boots and shoes, was revoked by, and its provisions re-enacted with modifications in the Wearing Apparel Order, dated September 14th, 1909 ; *post*, p. 164.

(7) **Making of Nets ; Pea-picking.**—AN ORDER DATED MAY 23RD, 1907, applies the provisions of the section, with modifications, to non-textile factories and workshops in which any of the industries mentioned in the Schedule is carried on, and to out-workers employed in those industries and the occupiers and contractors by whom they are employed.

The section is modified so as to read as follows :

(1) The occupier or contractor 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 to him such particulars in writing when the work is given out to him; or

(ii) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rate of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.

(b) Such particulars of the work given out 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; provided that where, owing to the nature of the work, any of the said particulars are not ascertainable until the work is completed, those particulars may be furnished in writing when the work is completed.

(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 or contractor 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 industries mentioned in the Schedule, 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.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

SCHEDULE.

The making of nets other than wire nets;
Pea-picking;
And any processes incidental to the above;

(8) **Mixing, Casting, or Manufacture of Brass or of Articles of Brass, and the Electro Depositing of Brass.**—AN ORDER DATED

SEPTEMBER 23RD, 1907, applies the provisions of the section, with modifications, to factories and workshops in which the undermentioned processes or any of them are carried on, and to outworkers employed in those processes, and the occupiers or contractors by whom they are employed:

The mixing, casting, and manufacture of brass and of any articles or parts of articles of brass and the electro depositing of brass (including in the term brass any alloy or compound of copper with zinc or tin), except when carried on as a subsidiary process in shipbuilding yards or in marine locomotive or other engine building works, or in general engineering works, or in machine tool works.

The section is modified so as to read as follows:

(1) The occupier or contractor 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 such particulars, in writing, when the work is given out to him; or

(ii) by supplying him with such particulars in writing at the time of his employment, and on every subsequent occasion when the rates are fixed or altered; or

(iii) in the case of persons employed in a factory or workshop, 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 by the workers.

Provided that if in any case the work given out is of a novel kind for which no rate of wages has been fixed, and if the employer and workman for the purpose of arriving at a rate for the work so agree, it shall not be necessary for particulars of the rate of wages to be furnished when the work is given out provided such particulars are furnished to the worker when the work is completed.

(b) Such particulars of the work given out 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; but this shall not prevent the occupier or contractor from describing any work which is of a standard kind known to the persons employed by a particular number, letter, or name, by means of such number, letter, or name.

(2) If the occupier or contractor 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 classes of work, 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.

In this Order the term "out-worker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

(9) **Wearing Apparel.**—AN ORDER DATED SEPTEMBER 14TH, 1909, applies the provisions of the section, with modifications, to factories and workshops in which the undermentioned processes, or any of them, are carried on, and to out-workers employed in those processes and the occupiers and contractors by whom they are employed:

The making, altering, ornamenting, finishing, and repairing of wearing apparel; and any work incidental thereto.

The Order does not apply to any work to which the Felt Hat Particulars Order dated April 22nd, 1903, applies.

The section is modified so as to read as follows:

(1) The occupier or contractor 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 given out, 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 given out to him either

(i) by furnishing him with a written or printed statement of such particulars when the work is given out to him; or

(ii) in the case of persons employed in a factory or workshop, 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 by the workers.

(b) Such particulars of the work given out to 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 or contractor 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 processes aforesaid 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.

In this Order the term "outworker" means—

(a) Any workman employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him.

(b) Any workman employed by the occupier of any place from which work is given out or by a contractor employed by him in connection with the said work.

(c) Any contractor employed by the occupier of a factory or workshop on the business of the factory or workshop outside the factory or workshop, or employed by the occupier of a place from which work is given out in connection with the said work, except a contractor who does not personally do any part of the work which he undertakes.

Provided that in the last-mentioned case a person employing a contractor shall not be liable to a fine for any failure to furnish him with particulars if he shows to the satisfaction of the Court that he had reasonable ground for believing that the contractor was the occupier of a factory or workshop and that the work given out would be wholly done by persons employed by the contractor and no part thereof by the contractor personally.

The Orders of the 5th January and 17th December, 1903, relating to wholesale tailoring and the making, altering, ornamenting, finishing, and repairing of wearing apparel, and so much of the Order of the 23rd May, 1907, as relates to the making of boots and shoes are hereby repealed.

(10) **Manufacture of Cartridges ; Manufacture of Tobacco.**—AN ORDER DATED NOVEMBER 15TH, 1909, applies the provisions of the section, with modifications, to factories or workshops in which any of the following industries is carried on :—

The Manufacture of Chocolates or Sweetmeats (*a*) ;

The Manufacture of Cartridges ;

The Manufacture of Tobacco.

The section is 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 work and rate of wages applicable thereto, as follows :—

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him, either on each occasion when the work is given out to him, or at or before the time of his first employment on the work, and on every subsequent occasion when the rates are fixed or altered ; or he shall exhibit such particulars on a placard in the department in which the work is done.

(b) Such particulars of the nature and amount of the work to be done by each worker as affect the amount of wages payable to him shall be furnished in writing at the time when the work is given out to him. Provided that

(i) it shall not be necessary to furnish particulars of the nature of the work where the work is of a standard class which is sufficiently indicated by the materials given out and which is denoted in a placard exhibited as aforesaid and containing the rate of wage for the work by a description or name sufficiently indicating its nature ;

(ii) if particulars of the amount of work on which the worker is paid are not ascertainable until the work is completed, such particulars shall as soon as practicable after the completion of the work be furnished in writing to the worker or exhibited on a placard in the department in which the work is done.

(2) Where the work is given out to be done in common by a gang of workers the particulars required to be given shall be—

(a) the rate of wages applicable to the work to be done by the gang and the proportions (if fixed by the employer) according to which the wages of the several members of the gang are calculated ;

(b) such particulars of the work to be done by the gang as affect the amount payable to the gang.

The occupier may in lieu of furnishing each member of the gang with written particulars of the work, exhibit them on a placard in the department in which the work is to be done.

(3) If the worker is required to return any written particulars or to hand them on with the work to another worker, either

(a) a copy shall be furnished to the worker which he may retain for his own use, or

(b) a book shall be supplied to the worker in which he may enter such particulars, and such entry shall at the worker's request be examined by the person who receives the work on behalf of the employer, and, if found correct, initialled by him.

(4) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(5) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages or of work as the case may be, and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

(6) 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.

(7) If anyone engaged as a worker in any of the aforesaid classes of work, 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.

(8) 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.

(*a*) This Order so far as it relates to the manufacture of chocolates and sweetmeats was revoked by, and its provisions re-enacted with modifications in the Order dated February 27th, 1912, *post*, p. 176.

(11) **Bleaching and Dyeing ; Printing of Cotton Cloth.**—AN ORDER DATED NOVEMBER 22ND, 1909, applies the provisions of the section, with modifications, to—

Bleaching and Dyeing Works, and

Factories and Workshops or parts thereof in which the Printing of Cotton Cloth is carried on.

The section is 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 work and rate of wages applicable thereto, as follows:—

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him, either on each occasion when the work is given out to him, or at or before the time of his first employment on the work, and on every subsequent occasion when the rates are fixed or altered; or he shall exhibit such particulars on a placard in the department in which the work is done.

(b) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished in writing at the time when the work is given out to him.

(2) Where the work is given out to be done in common by a gang of workers, the particulars required to be given shall be—

(a) the rate of wages applicable to the work to be done by the gang and the proportions (if fixed by the employer) according to which the wages of the several members of the gang are calculated;

(b) such particulars of the work to be done by the gang as affect the amount payable to the gang.

The occupier may, in lieu of furnishing each member of the gang with written particulars of the work, exhibit them on a placard in the department in which the work is to be done.

(3) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(4) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages or of work as the case may be, and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

(5) 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.

(6) If anyone engaged as a worker in any of the aforesaid classes of work, 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.

(7) 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.

(12) **Making of Iron Safes.**—AN ORDER DATED APRIL 29TH, 1911, applies the provisions of the section, with modifications, to factories and workshops or parts thereof in which is carried on the following class of work:—

The Making of Iron Safes.

The section is 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 written particulars of the rate of wages applicable to the work done by him, either on each occasion when the work is given out to him or at or before the time of his first employment, and on every subsequent occasion when the rates are fixed or altered; or he shall exhibit such particulars on a placard in the department where the work is done.

Provided that if the rates are not ascertainable before the work is given out, the particulars shall be furnished to the worker in writing when the work is completed.

(b) Such particulars of the work given out 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) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols; but this shall not prevent the occupier from describing any work which is of a standard kind known to the persons employed by a particular number, letter, or name, by means of such number, letter, or name.

(3) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

(4) 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.

(5) If anyone engaged as a worker in the aforesaid class of work, 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.

(6) 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.

(13) **Household Linen ; Curtains and Furniture Hangings ; Lace.**—AN ORDER DATED OCTOBER 25TH, 1911, applies the provisions of the section, with modifications, to non-textile factories and workshops or parts thereof in which the undermentioned classes of work, or any of them, are carried on, and to out-workers employed in those classes of work and the occupiers and contractors by whom they are employed :

(1) **The making up, ornamenting, finishing and repairing of table linen, bed linen or other household linen (including in the term linen, articles of cotton or cotton and linen mixtures), and any processes incidental thereto.**

(2) **The making of curtains and furniture hangings and any processes incidental thereto.**

Processes incidental to the making of lace.

The order does not apply to any work to which the Bleaching and Dyeing Particulars Order dated 22nd November, 1909, applies.

The section is modified so as to read as follows :—

(1) The occupier or contractor 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 given out, 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 given out to him either,

(i) by furnishing him with a written or printed statement of such particulars when the work is given out to him ; or

(ii) in the case of persons employed in a factory or workshop, 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 by the workers.

(b) Such particulars of the work given out to 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 worker is required to return any written particulars or to hand them on with the work to another worker, either

(a) a copy shall be furnished to the worker which he may retain for his own use, or

(b) a book shall be supplied to the worker in which he may enter such particulars ; this book shall be produced by the worker for examination by the person receiving

the work on behalf of the employer, who shall initial the entry if found correct.

(3) If the occupier or contractor 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.

(4) If anyone engaged as a worker in any of the classes of work aforesaid 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.

(5) 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.

In this order the term "outworker" means—

(a) Any workman employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him.

(b) Any workman employed by the occupier of any place from which work is given out or by a contractor employed by him in connection with the said work.

(c) Any contractor employed by the occupier of a factory or workshop on the business of the factory or workshop outside the factory or workshop, or employed by the occupier of a place from which work is given out in connection with the said work, except a contractor who does not personally do any part of the work which he undertakes.

Provided that in the last-mentioned case a person employing a contractor shall not be liable to a fine for any failure to furnish him with particulars if he shows to the satisfaction of the Court that he had reasonable ground for believing that the contractor was the occupier of a factory or workshop and that the work given out would be wholly done by persons employed by the contractor and no part thereof by the contractor personally.

(14) **Laundries.**—AN ORDER DATED DECEMBER 23RD, 1911, applies the provisions of the section, with modifications, to factories and workshops which are

Laundries.

The section is 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 work and rate of wages applicable thereto, as follows :—

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him in one of the following ways :—

(i) by furnishing the worker with such particulars on each occasion when the work is given out to the worker ;

(ii) by furnishing the worker at or before the time of his first employment on any class of work with a notice containing the particulars applicable to that class of work, and on every subsequent occasion when new rates are fixed, a further notice stating the new rates and the date from which they are to come into operation. If the worker accidentally loses or destroys his notice, another copy shall be furnished to him by the employer free of charge ;

(iii) by exhibiting such particulars on a placard in the department in which the work is done.

(b) Such particulars of the nature and amount of the work to be done by each worker as affect the amount of wages payable to him shall be furnished in writing at the time when the work is given out to him. Provided that

(i) it shall not be necessary to furnish particulars of the nature of the work where the work is of a standard class which is sufficiently indicated by the materials given out and which is denoted in a placard exhibited as aforesaid and containing the rate of wage for the work by a description or name sufficiently indicating its nature ;

(ii) if particulars of the amount of work on which the worker is paid are not ascertainable until the work is completed, such particulars shall be furnished in writing to the worker when the work is completed.

(2) If the worker is required to return any written particulars or to hand them on with the work to another worker either

(a) a copy shall be furnished to the worker which he may retain for his own use, or

(b) a book shall be supplied to the worker in which he may enter such particulars ; this book shall be produced by the worker for examination by the person receiving the work on behalf of the employer, who shall initial the entry if found correct.

(3) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(4) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages or of work as the case may be, and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

(5) 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.

(6) If anyone engaged as a worker in any factory or workshop as aforesaid 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.

(7) 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.

(15) **Making of Files.**—AN ORDER DATED DECEMBER 23RD, 1911, applies the provisions of the section, with modifications, to factories and workshops or parts thereof in which is carried on the following class of work :—

The Making of Files,

and to out-workers employed in that class of work and to the occupiers or contractors by whom they are employed :—

The section is modified so as to read as follows :—

(1) The occupier or contractor 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 written particulars of the rate of wages applicable to the work done by him in one of the following ways :—

(i) by furnishing the worker with such particulars on each occasion when the work is given out to the worker ;

(ii) by furnishing the worker at or before the time of his first employment on any class of work with a notice containing the particulars applicable to that class of work, and on every subsequent occasion when new rates are fixed, a further notice stating the new rates and the date from which they are to come into operation. If the worker accidentally loses or destroys his notice, another copy shall be furnished to him by the employer free of charge.

(iii) in the case of persons employed in a factory or workshop, 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 by the workers.

(b) Such particulars of the work given out 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; but this shall not prevent the occupier or contractor from describing any work which is of a standard kind known to the persons employed by a particular number, letter, or name, by means of such number, letter or name.

(2) If the worker is required to return any written particulars or to hand them on with the work to another worker, either

(a) a copy shall be furnished to the worker which he may retain for his own use, or

(b) a book shall be supplied to the worker in which he may enter such particulars; this book shall be produced by the worker for examination by the person receiving the work on behalf of the employer, who shall initial the entry if found correct.

(3) If the occupier or contractor 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.

(4) If anyone engaged as a worker in the aforesaid class of work, 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.

(5) 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.

In this Order the term "out-worker" means—

(a) Any workman employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him.

(b) Any workman employed by the occupier of any place from which work is given out or by a contractor employed by him in connection with the said work.

(c) Any contractor employed by the occupier of a factory or workshop on the business of the factory or workshop outside the factory or workshop, or employed by the occupier of a place from which work is given out in connection with the said work, except a contractor who does

not personally do any part of the work which he undertakes.

Provided that in the last-mentioned case a person employing a contractor shall not be liable to a fine for any failure to furnish him with particulars if he shows to the satisfaction of the Court that he had reasonable ground for believing that the contractor was the occupier of a factory or workshop and that the work given out would be wholly done by persons employed by the contractor and no part thereof by the contractor personally.

(16) **Manufacture of Toy Balloons, Pouches, and Footballs from India-rubber.**—AN ORDER DATED DECEMBER 23RD, 1911, applies the provisions of the section, with modifications, to factories and workshops or parts thereof in which are carried on the following classes of work :—

The Manufacture of Toy Balloons, Pouches, and Footballs from India-rubber.

The section is 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 work and rate of wages applicable thereto, as follows :—

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him in one of the following ways :—

(i) by furnishing the worker with such particulars on each occasion when the work is given out to the worker ;

(ii) by furnishing the worker at or before the time of his first employment on any class of work with a notice containing the particulars applicable to that class of work, and on every subsequent occasion when new rates are fixed, a further notice stating the new rates and the date from which they are to come into operation. If the worker accidentally loses or destroys his notice, another copy shall be furnished to him by the employer free of charge ;

(iii) by exhibiting such particulars on a placard in the department in which the work is done.

(b) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished in writing at the time when the work is given out to him : provided that if particulars of the amount of work on which the worker is paid are not ascertainable until the work is completed, such particulars shall be furnished in writing to the worker when the work is completed.

(2) If the worker is required to return any written particulars or to hand them on with the work to another worker, either

(a) a copy shall be furnished to the worker which he may retain for his own use, or

(b) a book shall be supplied to the worker in which he may enter such particulars; this book shall be produced by the worker for examination by the person receiving the work on behalf of the employer, who shall initial the entry if found correct.

(3) The particulars, either as to rates of wages or as to work, shall not be expressed by means of symbols.

(4) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages, and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

(5) 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.

(6) If anyone engaged as a worker in any of the aforesaid classes of work, 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.

(7) 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.

(17) **Manufacture of Chocolates or Sweetmeats.**—AN ORDER DATED FEBRUARY 27TH, 1912, applies the provisions of the section, with modifications, to factories and workshops in which the undermentioned processes, or any of them, are carried on, and to outworkers employed in those processes and the occupiers and contractors by whom they are employed:—

The Manufacture of Chocolates or Sweetmeats, and any work incidental thereto.

The section is modified so as to read as follows:—

(1) The occupier or contractor 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 work and rate of wages applicable thereto, as follows:—

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him in one of the following ways:—

(i) by furnishing the worker with such particulars on each occasion when the work is given out to the worker;

(ii) by furnishing the worker at or before the time of his first employment on any class of work with a notice

containing the particulars applicable to that class of work, and on every subsequent occasion when new rates are fixed, a further notice stating the new rates and the date from which they are to come into operation. If the worker accidentally loses or destroys his notice, another copy shall be furnished to him by the employer free of charge ;

(iii) by exhibiting in the case of persons employed in a factory or workshop such particulars on a placard in the department where the work is done.

(b) Such particulars of the nature and amount of the work to be done by each worker as affect the amount of wages payable to him shall be furnished in writing at the time when the work is given out to him. Provided that in the case of persons employed in a factory or workshop

(i) it shall not be necessary to furnish particulars of the nature of the work where the work is of a standard class which is sufficiently indicated by the materials given out and which is denoted in a placard exhibited as aforesaid and containing the rate of wage for the work by a description or name sufficiently indicating its nature ;

(ii) if particulars of the amount of work on which the worker is paid are not ascertainable until the work is completed, such particulars shall as soon as practicable after the completion of the work be furnished in writing to the worker or exhibited on a placard in the department in which the work is done.

(2) Where the work is given out to be done in common by a gang of workers the particulars required to be given shall be—

(a) the rate of wages applicable to the work to be done by the gang and the proportions (if fixed by the employer) according to which the wages of the several members of the gang are calculated ;

(b) such particulars of the work to be done by the gang as affect the amount payable to the gang.

The occupier may in lieu of furnishing each member of the gang with written particulars of the work, exhibit them on a placard in the department in which the work is to be done.

(3) If the worker is required to return any written particulars or to hand them on with the work to another worker, either

(a) a copy shall be furnished to the worker which he may retain for his own use, or

(b) a book shall be supplied to the worker in which he may enter such particulars ; this book shall be produced by the worker for examination by the person receiving the work on behalf of the employer, who shall initial the entry if found correct.

(4) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(5) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages or of work as the case may be, and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

(6) If the occupier or contractor 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.

(7) If anyone engaged as a worker in any of the aforesaid classes of work, 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.

(8) 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.

In this Order the term "out-worker" means—

(a) Any workman employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him.

(b) Any workman employed by the occupier of any place from which work is given out or by a contractor employed by him in connection with the said work.

(c) Any contractor employed by the occupier of a factory or workshop on the business of the factory or workshop outside the factory or workshop, or employed by the occupier of a place from which work is given out in connection with the said work, except a contractor who does not personally do any part of the work which he undertakes.

Provided that in the last-mentioned case a person employing a contractor shall not be liable to a fine for any failure to furnish him with particulars if he shows to the satisfaction of the Court that he had reasonable ground for believing that the contractor was the occupier of a factory or workshop and that the work given out would be wholly done by persons employed by the contractor and no part thereof by the contractor personally.

So much of the Order of the 15th November, 1909, as relates to the manufacture of chocolates or sweetmeats is hereby repealed.

(18) **Shipbuilding Yards.**—AN ORDER DATED AUGUST 23RD, 1912, applies the provisions of the section, with modifications, to—

Non-Textile factories and workshops which are Shipbuilding Yards so far as concerns the work of persons employed in the building or repairing of a ship.

The section is modified so as to read as follows:—

(1) The occupier or contractor 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 work and rate of wages applicable thereto, as follows:—

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him at or before the time of his first employment on the work and on every subsequent occasion when the rates are fixed or altered; or he shall exhibit such particulars on a placard in the factory or workshop. Provided that if the rates are not ascertainable before the work is given out, the particulars shall be furnished to the worker in writing when the work is completed.

(b) Such particulars of the work done as affect the amount of wages payable to each worker shall be furnished to him in writing when the work is completed.

(2) Where the work is done in common by a gang of workers it shall be sufficient if the particulars of the work done by the gang and of the rate of wages applicable thereto are furnished to the member of a gang to whom the wages of the gang are paid by the employer.

(3) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(4) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

(5) If the occupier or contractor 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.

(6) If anyone engaged as a worker in the aforesaid class of work, 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.

(7) 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.

(19) **Iron and Steel Foundries.**—AN ORDER DATED DECEMBER 30TH, 1913, applies the provisions of the section, with modifications, to—

Non-Textile Factories and Workshops in which Iron or Steel Founding is carried on, so far as concerns the work of all persons employed as moulders.

The section is modified so as to read as follows:—

(1) The occupier or contractor 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 work and rate of wages applicable thereto, as follows:—

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him at or before the time of his first employment on the work and on every subsequent occasion when the rates are fixed or altered; or he shall exhibit such particulars in a placard or book in the factory or workshop. Provided that if the rates are not ascertainable before the work is given out, the particulars shall be furnished to the worker in writing when the work is completed.

(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 when the work is given out; or, at the option of the employer, such particulars as aforesaid of work done may be furnished in writing at or before the time when payment is made for such work.

(2) Where the work is done in common by a gang of workers it shall be sufficient if the particulars of the work done by the gang and of the rate of wages applicable thereto are furnished to the member of the gang to whom the wages of the gang are paid by the employer; or, when the share of each member is paid direct to him by the employer, to the leader of the gang, but in the last-mentioned case the particulars furnished of the rate of wages shall include particulars of the proportion according to which the shares of the several members of the gang are calculated.

(3) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols; but this shall not prevent the occupier or contractor from describing any work which is of a standard kind known to the persons employed by a particular figure, number, letter or name, or combination thereof, by means of such figure, number, letter or name, or combination thereof.

(4) Any placard or book exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages and shall be affixed or kept as

the case may be in such a position as to be easily accessible to and read by all persons to whose work the particulars relate.

(5) If the occupier or contractor 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.

(6) If anyone engaged as a worker in the aforesaid class of work, 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.

(7) 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.

AN ORDER, DATED MARCH 31ST, 1922, applies the provisions of the said section with modifications, to—

Non-Textile Factories and Workshops in which is carried on the manufacture or decoration of pottery, that is, earthenware, china, tiles and other articles made from clay, with or without the addition of other material.

Provided that they shall not apply to the manufacture of—

sanitary or drain pipes; or

bricks, glazed or unglazed; or

sanitary fireclay ware outside the County of Stafford; or

unglazed or salt-glazed coarse ware in a factory in which no other pottery is made; or

architectural terra-cotta, glazed or unglazed, made from plastic clay in a factory in which no lead is used.

Provided further that where in respect of any factory or part of a factory it is shown to the satisfaction of the Chief Inspector of Factories that (*a*) owing to the exceptional complexity of the business it is not reasonably practicable to comply fully with the provisions of this Order, and (*b*) there is an alternative method of furnishing each worker who is paid by the piece with such particulars in writing as will enable him to compute the total amount of wages payable to him in respect of his work, the Chief Inspector of Factories may by a written certificate allow such alternative method to be substituted, subject to such conditions as he may deem desirable, provided that application for any such certificate is made within fourteen days of the date on which this Order is published.

The section is modified so as to read as follows:—

(1) The occupier or contractor 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 work and rate of wages applicable thereto, as follows:—

(a) He shall furnish every worker with particulars of the rate of wages applicable to his work, either—

(i) By handing him such particulars, in writing, on each occasion when the work is given out to him; or

(ii) By supplying him with such particulars in writing, at or before the time of his first employment on the work, and on every subsequent occasion when the rates are fixed or altered; or

(iii) By exhibiting in a placard or book in each department such particulars in respect of piece-work processes carried on therein.

Provided that if the rates are not ascertainable before the work is given out, the particulars shall be furnished to the worker in writing or exhibited on the placard or entered in the book or books as soon as the rates are settled, but such rates shall be settled as to all branches of the pottery industry, other than sanitary and fireclay ware, within four consecutive weekly pay days after the work shall have been given out, and as to the sanitary and fireclay ware, within a period of three calendar months after the work shall have been given out.

(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 when the work is given out; or, at the option of the employer, such particulars as aforesaid of work done may be furnished in writing at or before the time when payment is made for such work.

(2) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols; but this shall not prevent the occupier or contractor from describing any work which is of a standard kind known to the persons employed by a particular figure, number, letter or name, or combination thereof, by means of such figure, number, letter or name, or combination thereof.

(3) Any placard or book exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages and shall be affixed or kept as the case may be in such a position as to be easily accessible to and read by all persons to whose work the particulars relate.

(4) If the occupier or contractor 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.

(5) If anyone engaged as a worker in the aforesaid class of work, 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.

(6) If anyone for the purpose of obtaining knowledge of or divulging a trade secret, solicits or procures a person so engaged to disclose such particulars, or with that object pays or rewards any such person, or causes any person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

This Order may be cited as the Pottery Particulars Order, and shall come into force three months after the date of this Order.

AN ORDER DATED NOVEMBER 19TH, 1929, applies the provisions of the section with modifications to—

The manufacture of lampshades other than lampshades made wholly of metal or glass or stone.

(1) The occupier or contractor 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 given out, 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 given out to him either,

(i) by furnishing him with a written or printed statement of such particulars when the work is given out to him ; or

(ii) in the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard or in a book containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and affixed or kept as the case may be in such a position as to be easily accessible to and read by the workers.

(b) Such particulars of the work given out to 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.

Provided that if particulars of the amount of work on which the worker is paid are not ascertainable until the work is completed, such particulars shall be furnished in writing to the worker as soon as practicable after the work is completed.

(c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(2) If the worker is required to return any written particulars or to hand them on with the work to another worker, either (a) a copy shall be furnished to the worker which he may retain for his own use, or (b) a book shall be supplied to the worker in which he may enter such particulars ;

this book shall be produced by the worker for examination by the person receiving the work on behalf of the employer, who shall initial the entry if found correct.

(3) If the occupier or contractor 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.

(4) If anyone engaged as a worker in the aforesaid class of work, 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.

(5) 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.

In this Order the term "outworker" means—

(a) Any workman employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him.

(b) Any workman employed by the occupier of any place from which work is given out or by a contractor employed by him in connection with the said work.

(c) Any contractor employed by the occupier of a factory or workshop on the business of the factory or workshop outside the factory or workshop, or employed by the occupier of a place from which work is given out in connection with the said work, except a contractor who does not personally do any part of the work which he undertakes.

Provided that in the last-mentioned case a person employing a contractor shall not be liable to a fine for any failure to furnish him with particulars if he shows to the satisfaction of the Court that he had reasonable ground for believing that the contractor was the occupier of a factory or workshop and that the work given out would be wholly done by persons employed by the contractor and no part thereof by the contractor personally.

This Order may be cited as the Lampshades Particulars Order, 1929, and shall come into force on the 1st January, 1930.

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.

(*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.

(*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 s. 60, *ante*, p. 88, ss. 127 and 133, *post*, pp. 193 and 197, and the Notice of Accidents Act, 1906, *post*, p. 267, are expressly required to be given to the inspector for the district, and the notice mentioned in s. 93, *ante*, p. 117, must be given to the chief inspector, also the return mentioned in s. 130, *post*, p. 196.

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 (*b*), a factory (*c*) 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 (*c*) 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 (*d*) 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 (*c*) 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 (*c*) or workshop and to require every such person to be so examined and to sign a declaration (*e*) of the truth of the matters respecting which he is so examined; and

(g) To exercise such other powers (*f*) as may be necessary for carrying this Act into effect.

(2) The occupier of every factory (*c*) 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 (*g*) 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 (*g*) not exceeding five, or where the offence is committed at night (*b*) 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 (*g*) 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 (*g*) not less than one pound shall be imposed for each offence.

(*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, 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 apprehends 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. 20.

The following additional powers have been given to the inspectors:

(a) To administer the provisions of the Truck Acts in factories

and workshops. See s. 13 of the Truck Act, 1887, *post*, p. 366.

(b) To secure the observance in factories and workshops of s. 3 of the Employment of Children Act, 1903. See s. 9 of that Act, *post*, p. 681. This Act no longer applies to England or Wales. See Education Act, 1921 (11 & 12 Geo. 5, c. 51), Schedule.

(c) To inspect the laundries, etc., of certain institutions, although they are not in law either factories or workshops. See s. 6 of the Act of 1907, *post*, p. 262.

(d) By the Women and Young Persons (Employment in Lead Processes) Act, 1920, s. 5, the powers and duties of inspectors extend to any place other than a factory or workshop for securing compliance with the Act.

(e) By the Lead Paint (Protection against Poisoning) Act, 1926, the powers of inspectors have been extended to "any case where persons are employed in painting buildings as if the place where they are employed were a factory," s. 3. See p. 315.

(*b*) **Night.**—For definition, see s. 156, *post*, p. 228.

(*c*) **Factory.**—Including docks, etc., buildings and railways. See ss. 104—106, *ante*.—But in the case of laundries of certain reformatory institutions the inspector's powers are restricted by s. 5 (2) (d) of the Act of 1907, *post*, p. 261.

(*d*) **Inquiries.**—These need not be made at the factory or workshop or other place to which the Act applies. See *Squire* v. *Sweeney* (1900), 34 Ir. L. T. 26.

(*e*) **Declaration.**—For penalty for making a false declaration, see s. 139, *post*, p. 206.

And by the Perjury Act, 1911, s. 5, a person who knowingly and wilfully makes a statement false in a material particular in a statutory declaration is guilty of a misdemeanour and liable to imprisonment for two years and a fine or to both.

(*f*) **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.

(*g*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

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,

It is submitted that when taking proceedings under the Act an Inspector need not necessarily produce to the Court his certificate of appointment. See *Ross* v. *Helm*, [1913] 3 K. B. 462; 77 J. P. 13; 82 L. J. K. B. 1322; 107 L. T. 829; 23 Cox C. C. 248; 11 L. G. R. 36, decided under the Sale of Food and Drugs Act, 1875 (38 & 39 Vict. c. 63, s. 13).

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.

(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*) 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.

(*a*) **Appointments.**—These are made by the chief inspector.

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 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.

In the case of certain charitable institutions the medical officer of the institution is to be the certifying surgeon. See s. 5 (2) (b) of the Act of 1907, *post*, p. 261.

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 (*b*);

(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 (*c*) or with such scale as may be substituted therefor by the Secretary of State (*b*). 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 (*d*), *and shall be paid by the Secretary of State as expenses incurred in the execution of this Act.*

Sub-section (3) is repealed by the Police, Factories, etc. (Miscellaneous Provisions) Act, 1916, *post*, p. 281, except in so far as it is applied by s. 73 (3), *ante*, p. 99.

(*a*) *Post*, p. 246.

(*b*) **Substituted Scale.**—No Order is at present in force under sub-s. (1). For an Order under sub-s. (2), see the notes to Sched. 5, Part II., *post*, p. 247.

(*c*) *Post*, p. 246.

(*d*) **Scale of Fees.**—The following is the scale of fees fixed by the Secretary of State:

Where the distance which the Certifying Surgeon has to travel—

	s.	*d.*
does not exceed one mile	3	0
exceeds one but not two miles	4	0
exceeds two but not three miles	5	0
and, in addition, for every half mile, or portion thereof, beyond three miles	0	6
provided that no fee shall exceed	10	0

(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.

(*a*) **Powers of Inspectors.**—See s. 119, *ante*, pp. 186—190.

(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 (*a*).

(*a*) **Validity of Order.**—When the forty days have elapsed after the Order has been laid before Parliament, it has the effect of a statute, and its validity cannot be questioned ; see *Patent Agents' Institute* v. *Lockwood*, [1894] A. C. 347 ; 63 L. J. P. C. 74 ; 71 L. T. 205 ; 6 R. 219 ; 21 Rettie (H.L.) 61, and *Hamilton* v. *Fyfe*, [1907] Sess. Cas. (J.) 79. But if the Order was altogether *ultra vires*, it would appear that its validity can be questioned, even after the forty days. See *Mackey* v. *Monks*, [1918] A. C. 59 ; 82 J. P. 105 ; 87 L. J. P. C. 28 ; 118 L. T. 65 ; 34 T. L. R. 34 ; and also the same case in the Court below, reported in [1916] 2 I. R. 200.

(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 (*a*) 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 (*b*) 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.

(*a*) The prescribed form is Official Form No. 35.

(*b*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

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*)—

(a) The prescribed abstract (*b*) 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 (*c*) (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 (*d*) not exceeding forty shillings.

This section applies with certain modifications to tenement factories (s. 87, *ante*, p. 112), but not to domestic factories or workshops (s. 111, *ante*, p. 148), or to men's workshops (s. 157, *post*, p. 231), or to the laundries of certain charitable institutions (s. 5 (2) (c) of the Act of 1907, *post*, p. 261).

(*a*) **Proof of abstract and notices.**—Secondary evidence may be given of the contents of the abstract and notices so affixed, without giving notice to produce, since the production of the originals in Court would be an offence under sub-s. (2) (*Owner* v. *Beehive Spinning Co., Limited*, [1914] 1 K. B. 105; 78 J. P. 15; 83 L. J. K. B.

282 ; 109 L. T. 800 ; 23 Cox C. C. 626 ; 30 T. L. R. 21 ; 12 L. G. R. 42).

(*b*) **List of Abstracts and Notices.**—The abstracts for the different classes of premises are as follows: buildings, No. 57 ; docks, No. 56 ; domestic workshops, No. 58 ; laundries—factories, No. 6 ; laundry workshops, No. 3 ; men's workshops, No. 59 ; non-textile factories, No. 2 ; print, bleach, and dyeworks, No. 5 ; textile factories, No. 1 ; workshops, No. 4.

See also the requirement as to affixing a summary of the Workmen's Compensation Act, 1925, s. 15, p. 279. The Form is No. 84.

(*c*) **Clock.**—See s. 32 (4), *ante*, p. 57.

(*d*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

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.

Note.—The General Register is Official Form No. 37 or a smaller edition No. 37A. Parts of the General Register, *i.e.* the sections for recording accidents, and the reports of examinations of steam boilers, in docks and other premises, are on sale. Official Form No. 73.

The register must be kept in every factory and workshop except domestic factories and workshops (s. 111, p. 150); docks, etc., buildings, and railways (ss. 104—106, pp. 130—140); and men's workshops (s. 157, p. 231).

A special form of register is also required in the case of docks (see Regulations, p. 493), and for buildings in course of construction (see Regulations, p. 452).

(*a*) **Employment.**—See Part II. of this Act, ss. 23—67, *ante*.

(*b*) **Limewashing.**—See ss. 1, 94, 99, *ante*.

(*c*) **Accidents.**—See s. 4 of the Notice of Accidents Act, 1906, *post*, p. 267, which is substituted for s. 19 of this Act, and the Order of date November 19th, 1928, with respect to certain dangerous occurrences, p. 272. See also Workmen's Compensation Act, 1923, p. 274.

(*d*) **Special Exceptions.**—See ss. 36—48, *ante*.

(*e*) **Other Matters.**—See ss. 11 (3) (report of examination of boiler), *ante*, p. 30; 31 (4) (employment in factory and shop on same day), *ante*, p. 55; 60 (4) (employment in pursuance of special exception), *ante*, p. 89; s. 1 (4) of the Employment of Women, Young Persons and Children Act, 1920 (register of young persons employed), *post*, p. 294.

In the case of certain laundries, a number of additional particulars are required. See ss. 2 (2) and 5 (2) (c) of the Act of 1907, *post*, pp. 258, 261.

(*f*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

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.

In the case of the laundries of certain charitable institutions, the particulars are required by s. 5 (2) (e) of the Act of 1907, *post*, p. 261, to be given annually.

Powers with respect to the modification of the provisions of this section are given to the Secretary of State by the Census of Production Act, 1906. See ss. 5 and 10 of that Act, *post*, p. 665.

(*a*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

131. *Registers of Workshops.*]—Every district council shall keep a register of all workshops situate within their district.

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.

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.

A similar provision will be found in the Public Health (London) Act, 1891, s. 27. See Appendix, *post*, p. 690.

(*a*) **Abstract.**—See s. 128, *supra*, p. 194.

134. *Certificate of birth in case of young persons under sixteen 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*] (*a*) 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 (*b*) 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.

(*a*) **Repeal.**—The words in italics and square brackets are repealed by the Education Act, 1921 (11 & 12 Geo. 5, c. 51), s. 172, except in so far as they relate to Scotland or Ireland.

(*b*) **Prescribed Forms—England and Wales.** (Order dated March 15th, 1910.)

THE FACTORY AND WORKSHOP ACT, 1901.

REQUISITION for a Certified Copy of an Entry of Birth for the purposes of the above-mentioned Act, or for any purpose connected with the employment in labour or elementary education of a young person under the age of sixteen years or of a child.

To the Superintendent Registrar or Registrar of Births and Deaths having the custody of the Register in which the Birth of the undermentioned Young Person or Child is registered.

I, the undersigned, hereby demand, for the purposes mentioned below, 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.		

The Certificate is required for the following purposes, namely :—

Dated this day of , 19 .

Signature . *Address* . *Occupation* .

Scotland. (Order dated December 16th, 1927.)

THE FACTORY AND WORKSHOP ACT, 1901.

REQUISITION for a Certificate of Birth for the purposes of the above Act, or for any purpose connected with the employment in labour or elementary education of a child or young person under the age of sixteen years.

To the Registrar having the custody of the Register Book in which the Birth of the undermentioned Child or Young Person is registered:

I, the undersigned, hereby demand, for the purposes above mentioned, of 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.

Name and Surname of the Child or Young Person of whose Birth a Certificate is required.	Where such Child or Young Person was Born. If in a town, state name of street.	When such Child or Young Person was Born. The year, month and day should be stated.	Name and Surname of Father.	Occupation of Father.	Name and Maiden Surname of Mother.

Dated this day of , 19 .

Signature . *Address* . *Occupation* .

Ireland. (Order dated May 2nd, 1902.)

To the Superintendent Registrar or Registrar of Births and Deaths having the custody of the Register in which the Birth of the undermentioned Young Person or Child is registered:

I, the undersigned, hereby demand for the purposes of (*a*) , 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* .

(*a*) Here state specifically the purpose for which the certificate is required.

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 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. 3 of the Act of 1907);
- welfare Orders (s. 7 of the Police, Factories, etc., Act, 1916).

(*a*) **Occupier.**—It is singular that there is no statutory definition of this word, which occurs so often in the Act. In *Ramsey* v. *Mackie* (1904), 7 Fraser 196, Lord MacLaren gave the following

definition (at p. 109): "'Occupier' plainly means the person who runs the factory . . . , who regulates and controls the work that is done there, and who is responsible for the fulfilment of the provisions of the Factory Act within it."

The word includes in certain cases the owner or hirer of a machine. See s. 142, *post*, p. 208. In the case of tenement factories the owner is for most purposes substituted for the occupier, and is therefore the person liable under this section. See ss. 11 (6) (*ante*, p. 30), 14 (7) (*ante*, p. 35), and 87 (*ante*, p. 112).

The occupier is liable under this section (at any rate in England) although the offence was committed without his knowledge, and he did all in his power to carry out the Act, unless he takes steps under s. 141 to bring the actual offender to justice. See the notes to ss. 137 and 152, *post*, pp. 204, 226, and the cases there cited.

Limited Company.—It is submitted that a limited company may be prosecuted under this section. See *Chuter* v. *Freeth and Pocock, Limited*, [1911] 2 K. B. 832; 75 J. P. 430; 80 L. J. K. B. 1322; 105 L. T. 238; 27 T. L. R. 467; 9 L. G. R. 1055, and *Booth* v. *Helliwell* (1914), 78 J. P. 223; 30 T. L. R. 529, both decided under the Sale of Food and Drugs Act, 1875, and *Evans & Co., Limited* v. *London County Council*, [1914] 3 K. B. 315; 78 J. P. 345; 83 L. J. K. B. 1264; 30 T. L. R. 509; 24 Cox C. C. 290; 12 L. G. R. 1079, decided under s. 4 of the Shops Act, 1912, *post*, p. 558. The point was left open in *R.* v. *Gainsford* (1913), 29 T. L. R. 359, decided under s. 137, *post*.

(*b*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

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 (*b*) to a fine (*c*) 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 (*d*) 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.

It should be observed that this section and the preceding one create two entirely separate offences. The offence under this section is not the mere neglect to observe a provision of the Act, but the fact that some person is injured in consequence of such neglect. Thus in *R.* v. *Taylor*, [1908] 2 K. B. 237; 72 J. P. 238; 77 L. J. K. B. 531; 98 L. T. 754; 21 Cox C. C. 592, certain machinery in a factory was unfenced, contrary to s. 10. On January 21st knowledge of this came to the inspector. On July 31st a person was injured owing to the lack of fencing. On October 24th an information was laid, charging that an offence against s. 136 had been committed on July 31st. The magistrate considered that the offence was complete on January 21st, and dismissed the information because it had not been laid within three months of that date (see s. 146 (1), *post*, p. 205), but Lord ALVERSTONE, C.J., RIDLEY and DARLING, JJ., held that the offences created by ss. 135 and 136 are distinct, that the offence charged was not committed till July 31st, and that the information was therefore in time. See also the notes to s. 10, pp. 27—30.

(*a*) **Occupier.**—For the general meaning of this word, see note (*a*) to s. 135, *ante*, p. 200. By s. 87 (*ante*, p. 112), s. 11 (6) (*ante*, p. 30), and s. 14 (7) (*ante*, p. 35), 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. 208).

The occupier is liable although the injury was caused through no default of his own. See the notes to ss. 135 (*ante*), 137, and 152 (*post*, pp. 204, 226).

Limited Company.—As to the liability of a limited company, see note (*a*) to s. 135, *ante*.

(*b*) **Contributory Negligence.**—The fact that the person injured has been guilty of contributory negligence is no defence to a prosecution under this section. See *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 to the foreman's orders on the part of the injured person.

(*c*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

(*d*) **Compensation to Injured Workman—**

(i) *Under Employers' Liability Act.*—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, 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.

(ii) *Under Workmen's Compensation Act.*—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 Act. The Act of 1925 contains a provision (s. 32) that, "Nothing in this Act shall affect any proceeding for a fine under the enactments relating to mines, factories, or workshops, or the application of any such fine." On the face of it there seems to be nothing to prevent a workman getting compensation twice over, under this section and under the Workmen's Compensation Act. But it may, at the same time, be assumed that if a workman recovered full compensation under the Workmen's Compensation Act, the Secretary of State would not be likely to award him any further compensation under the Factory Acts.

(iii) *At common law.*—The occupier of a factory who omits to fence dangerous machinery, or to provide and maintain proper appliances of every description, is also guilty of negligence, and a common law action for damages will lie against him at the suit of a workman injured (*Groves* v. *Lord Wimborne*, [1898] 2 Q. B. 402; 67 L. J. Q. B. 862; 79 L. T. 284; 47 W. R. 87; *Jones* v. *Canadian Pacific Railway* (1913), 83 L. J. P. C. 13; 110 L. T. 83; 29 T. L. R. 773; *Britannic Merthyr Coal Co., Limited* v. *David*, [1910] A. C. 74; 79 L. J. K. B. 153; 101 L. T. 833; 54 Sol. Jo. 151; 26 T. L. R. 164; *Caswell* v. *Worth* (1856), 5 El. & Bl. 849; 25 L. J. Q. B. 121; 4 W. R. 231; 2 Jur. (N.S.) 116; *Gibb* v. *Crombie* (1875), 2 Rettie, 886; *Smith* v. *Baker*, [1891] A. C. 325; 55 J. P. 660; 65 L. T. 467; 40 W. R. 392), and 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 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. (*Butler* v. *Fife Coal Co., Limited*, [1912] A. C. 149; 81 L. J. P. C. 97; 106 L. T. 161; 28 T. L. R. 150; *Groves* v. *Lord Wimborne*, *supra*; *Jones* v.

Canadian Pacific Railway, supra; Pursell v. *Clement Talbot, Limited* (1914), 79 J. P. 1; 111 L. T. 827 (C.A.); and see *Pringle* v. *Grosvenor* (1894), 21 Rettie, 532, and *Kelly* v. *Glebe Sugar Refining Co.* (1893). 30 W. R. 758; 20 Rettie, 833.) The *dicta* to the contrary in *Caswell* v. *Worth, supra*, and *Isles* v. *Abercarn Welsh Flannel Co.* (1886), 2 T. L. R. 547, must be regarded as overruled.

This principle holds good even though the injured workman is fully aware of the danger, and voluntarily disregards it (*Davies* v. *Thomas Owen & Co., Limited* [1919] 2 K. B. 39; 83 J. P. 193; 88 L. J. K. B. 887; 121 L. T. 156; 17 L. G. R. 407, following *Thomas* v. *Quartermaine* (1886), 18 Q. B. D. 685; 56 L. J. Q. B. 340, and *Baddeley* v. *Earl Granville* (1887), 19 Q. B. D.

Further, in *Grizzle* v. *Frost* (1863), 3 F. & F. 622, Cockburn, C.J., held that owners of dangerous machinery who employ young persons about it are bound at common law to give them due instruction in the proper use of the machinery, and that failure to do so will give rise to an action for negligence.

But the common law remedy, although there is no limit to the amount of damages recoverable under it, is now of less importance, since that provided by the Workmen's Compensation Act is easier, cheaper, and more expeditious.

137. *Fine for employing persons contrary to Act.*]—(1) Where any person is employed (*a*) in a factory or workshop, other than a domestic factory or a domestic workshop, contrary to the provisions of this Act, the occupier (*b*) of the factory or workshop shall be liable to a fine (*c*) 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 (*a*) in a domestic factory or a domestic workshop, the occupier (*b*) shall be liable to a fine (*c*) not exceeding one, or if the offence was committed during the night (*d*) 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 (*e*), the woman, young person or child shall be deemed to be employed contrary to the provisions of this Act.

The sections to which this provision applies are ss. 12, 13, 24—31, 33—35, 37—39, 44, 49, 50, 54—56, 61—63, 67, 69, 77, 78, 111 of this Act, ss. 1 and 5 of the Act of 1907, and s. 1 of the Employment of Women, Young Persons and Children Act, 1920.

(*a*) **Employed.**—For the meaning of this word, see s. 152, *post*, p. 226.

(*b*) **Occupier.**—For the general meaning of this word, see note (*a*) to s. 135, *ante*, p. 200. In *Fitton* v. *Wood* (1875), 32 L. T. 554, A., the owner of a brickyard, who paid the rates, allowed a contractor to use the yard for £18 a year. The contractor furnished A. with bricks at a fixed price, the latter finding the coal, but A. exercised no control whatever over the yard. A child was illegally employed in the yard:—*Held*, that although A. was the "occupier" yet he was not the occupier who employed the child, and therefore was not liable to be fined.

It should be noted that the occupier is liable (at any rate in England) even though the offence was committed without his knowledge or consent, though he has done all in his power to carry out the Act, and though the person employed was acting without or contrary to orders. His only means of escape is to cause the actual offender (if any) to be brought to justice under s. 141, *post*, p. 207. Thus, in *Rogers* v. *Barlow & Sons* (1906), 70 J P. 214; 94 L. T. 519, a child was employed in a textile factory where the meal time was from 5.30 to 6 p.m. On the day in question work was stopped at 5.30, and the child then proceeded to clean the spindles in the presence of the under manager and other persons. Notices were exhibited calling attention to the provisions of the Act as to working in meal times, and the magistrates found that the defendants had used every possible means to carry out the Act. RIDLEY and DARLING, JJ., held that a technical offence had been committed. The same decision was given in *Ward* v. *W. H. Smith & Son, Limited*, [1913] 3 K. B. 154; 77 J. P. 370; 82 L. J. K. B. 941; 109 L. T. 439; 29 T. L. R. 536; 23 Cox C. C. 562; 11 L. G. R. 741, decided under s. 1 of the Shops Act, 1912, *post*, p. 381. The cases cited in note (*a*) to s. 152, *post*, p. 226, also illustrate this point. But in *Paterson* v. *Duke* (1904), 6 Fraser (J. C.) 53, work at a textile factory began at 6 a.m. Some of the women employed were in the habit of coming a little earlier and dusting their looms, etc., before commencing. The employers knew of the practice, and neither discouraged nor encouraged it. Adequate provision was made for the cleaning of the looms, etc., by persons employed for the purpose. The Court of Session in Scotland held that no offence had been committed. It is doubtful whether this decision would be followed in England.

Limited Company.—As to the liability of a limited company, see note (*a*) to s. 135, *ante*, p. 200.

(*c*) **Fine.**—For cumulative fines, see s. 143, p. 209. Recoverable summarily. See s. 144, *post*, p. 209.

(*d*) Night.—See s. 156, p. 228.

(*e*) **Remain in any Room.**—See s. 33, p. 57, *i.e.* in which a manufacturing process is then being carried on. For exceptions to this requirement, see s. 40, p. 64.

138. *Fine for offence by parent.*]—(1) If a young person or child is employed (*a*) 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 (*b*) in accordance with this Act, he shall be liable to a fine (*c*) not exceeding twenty shillings for each offence.

For definitions of "young person," "child" and "parent," see s. 156, *post*, p. 228.

(*a*) **Employed.**—For the meaning of this term, see s. 152, *post*, p. 226.

(*b*) **School Attendance.**—See s. 68, *ante*, p. 96.

(*c*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

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 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 (*a*); 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 (*b*) under this Act; or

(j) knowingly makes use of any such false entry or declaration,

he shall be liable to a fine (*c*) not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, with or without hard labour (*d*).

(*a*) **Forgery.**—No part of this section is repealed by the Forgery Act, 1913 (3 & 4 Geo. V. c. 27), but nevertheless all the offences mentioned in paragraphs (a) and (c) are indictable felonies or misdemeanours under that Act or the Forgery Act, 1861 (24 & 25 Vict. c. 98), punishable, according to the nature of the document forged, with maximum sentences varying from penal servitude for life to two years' hard labour. It is suggested that these two paragraphs are now obsolete, and that proceedings should be taken under the Forgery Acts.

(*b*) **False Declaration.**—See note (*e*) to s. 119, p. 189.

(*c*) **Fine.**—Recoverable summarily. See s. 144, *post*, p. 209.

(*d*) **Other punishment.**—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.

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 (*a*).

(*a*) **Liability of Employer.**—The occupier is also liable, unless he has brought the actual offender to justice under s. 141, *infra*. See note (*b*) to s. 137, *ante*, p. 205.

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 (*a*) 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.

(*a*) **Due Diligence.**—Merely to order a workman to observe any particular provision of the Act, is not to "use due diligence to enforce it" (*per* RIDLEY, J., in *Rogers* v. *Barlow & Son* (1906), 70 J. P. 214; 94 L. T. 519).

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 (*a*) 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.

(*a*) **Other Mechanical Power.**—For the meaning of this expression, see note (*c*) to s. 149, *post*, p. 216.

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 (*a*).

(*a*) **Employment contrary to Act.**—*I.e.* the provisions contained in ss. 12, 13, 24—31, 33—35, 37—39, 44, 49, 50, 54—56, 61—63, 67, 69, 77, 78 and 111 of this Act, ss. 1 and 5 of the Act of 1907, and s. 1 of the Employment of Women, Young Persons and Children Act, 1920.

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.

(*a*) *I.e.*, in the case of penal compensation to persons injured (s. 136, *ante*, p. 201).

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 information or complaint under this Act, he may appeal therefrom to quarter sessions.

Or the legality of the conviction or order may be tested by means of a case stated under s. 33 of the Summary Jurisdiction Act, 1879.

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 (*a*) 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 (*b*), so, however, that it be not laid after the expiration of six months from the commission of the offence (*c*):

(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 by a court of summary jurisdiction, against which a person is authorised by this Act to appeal, shall not be removed by

certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

(*a*) **The Offence.**—*I.e.*, the particular offence with which the defendant is charged, notwithstanding that some other offence arising out of the same facts has previously existed to the knowledge of the inspector. See *R.* v. *Taylor*, *ante*, p. 202.

(*b*) **Inquest.**—Where there has been an inquest, the information may be laid within three months after the date when the offence came to the knowledge of the inspector, or within two months after the conclusion of the inquest, whichever is the longer; provided that it is laid within six months of the offence (*Boydel* v. *Levant Mine Adventurers*, [1916] 1 K. B. 692; 80 J. P. 151; 85 L. J. K. B. 923; 114 L. T. 416; 25 Cox C. C. 300; 14 L. G. R. 471).

(*c*) **Continuing Offence.**—In the case of a continuing offence the time runs from the last occasion on which the offence existed (*Verney* v. *Mark Fletcher & Sons, Limited*, [1909] 1 K. B. 444; 73 J. P. 131; 78 L. J. K. B. 292; 100 L. T. 348; 21 Cox C. C. 783; 25 T. L. R. 248, and *Higgins* v. *Northwich Guardians* (1870), 22 L. T. 752).

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 (*a*) 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.

Other provisions as to evidence will be found in s. 60 (6), *ante*, p. 89, 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 ; s. 86 (6), *ante*, p. 111, which provides that regulations made by the Secretary of State shall be judicially noticed ; and s. 129 (2), *ante*, p. 195, which enacts that the general register shall be primâ facie evidence against the occupier of a factory, etc., of the matters contained therein.

(*a*) **Previous Conviction.**—This may be proved by producing a copy of the conviction signed by the proper officer of the Court by which such conviction was made, and on giving proof of identity. By s. 28 (1) Criminal Justice Administration Act, 1914, the copy may be of the minute or memorandum of the conviction entered in the register required to be kept under s. 22 Summary Jurisdiction Act, 1879, purporting to be signed by the clerk of the Court by whom the register is kept.

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.

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 (*b*) steam, water or other mechanical power (*c*) 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 (*d*) 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 (*e*) ; and

(b) any premises or places named in Part Two of the said Schedule (*f*) wherein or within the close or curtilage or precincts (*b*) of which steam, water or other mechanical power (*c*) is used in aid of the manufacturing process (*g*) carried on there ; and

(c) any premises wherein or within the close or curtilage or precincts of which any manual labour (*h*) is exercised by way of trade or for purposes of gain (*i*) 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 (*k*), ornamenting or finishing (*l*) of any article ; or

(iii) the adapting for sale (*m*) of any article,

and wherein or within the close or curtilage or precincts of which (*b*) steam, water or other mechanical power (*c*) is used in aid of the manufacturing process (*g*) carried on there :

The expression " factory " (*n*) 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 (*o*) 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 (*f*) 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 (*h*) is exercised by way of trade or for purposes of gain (*i*) 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 (*k*), ornamenting or finishing (*l*) of any article ; or

(iii) the adapting for sale (*m*) 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 (*g*).

(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 (*p*) 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 (*q*) 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 (*r*).

(6) The exercise by any young person or child in any recognised efficient school (*s*), 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.

(*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* (1863), 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 *Whymper* v. *Harney* (1865), 18 C. B. (N.S.) 243 ; 34 L. J. M. C. 113 ; 11 L. T. 711 ; 13 W. R. 440 ; 11 Jur. (N.S.) 269 (decided under s. 73 of 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 ; 6 L. T. 784 ; 9 Jur. (N.S.) 21, 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*) **Use of Power in Part of Building.**—Every part of the premises (unless exempted by sub-ss. (2), (3) or (4), *post*) forms part of the factory, although power may only be used in one part. See *Taylor* v. *Hickes*, *ante*, *Hardcastle* v. *Jones*, *post*, p. 250, *Palmer's Shipbuilding Co.* v. *Chaytor*, *post*, p. 252, and the cases mentioned in note (*p*), *post*. But see *Vines* v. *Inglis*, [1915] Sess. Cas. (J.) 18 ; 52 Sc. L. R. 43, where the occupier of a building used the ground floor and part of the first floor as a milliner's shop, and the second floor as a factory for making millinery. One room on the first floor (called the " millinery room "), which was not supplied with mechanical power, was used for trimming and altering hats bought by customers in the shop. The Court of Justiciary in Scotland held that neither the shop nor the millinery room formed part of the factory.

(*c*) **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 ; 66 J. P. 197 ; 71 L. J. K. B. 1 ; 85 L. T. 569 ; 50 W. R. 148).

(*d*) **Print Works, etc.**—For definition of these terms, see Sched. 6, *post*, p. 248.

(*e*) *Post*, p. 248.

(*f*) *Post*, p. 251.

(*g*) **In aid of Manufacturing Process.**—The words " manufacturing process " do not necessarily mean the production of some article,

and therefore laundries, carpet-beating or bottle-washing works, etc., are factories if mechanical power is used (*Owner* v. *Cottingham Sanitary Steam Laundry Co., Limited* (1910), 74 J. P. 219; 102 L. T. 571; *Johnstone* v. *Lalonde Bros. & Parham*, [1912] 3 K. B. 218; 76 J. P. 378; 10 L. G. R. 671). See also *Royal Masonic Institution for Boys* v. *Parkes*, [1912] 3 K. B. 212; 76 J. P. 218; 82 L. J. K. B. 33; 106 L. T. 809; 22 Cox C. C. 746; 28 T. L. R. 355; 10 L. G. R. 376. In *Paterson* v. *Hunt* (1909), 73 J. P. 496; 101 L. T. 571, it was held that the sorting and dusting of rags by a rag-seller was not a manufacturing process. It has been overruled, unless distinguishable, in *Revenue Officer, Dewsbury* v. *Burrows*, [1931] W. N. 74, in which the House of Lords decided:—that the processes carried on in premises in which rags were sorted, clipped, graded and classified from miscellaneous rags and adapted to particular trade descriptions fell within the expression "altering or adapting for sale," and the premises in which they are carried on was a factory. Similar decisions were given in scrap-metal sorting, cutting, and breaking (*Revenue Officer, Langbaurgh* v. *Bainbridge*), and seed cleaning (*Ipswich Revenue Officer* v. *Eastern Counties Farmers' Co-op. Assocn., Ltd*).

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 Fraser, 1041, a gas engine was used in a stone-dressing yard to drive a grindstone for sharpening the workmen's tools. The Scotch courts 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; 65 J. P. 501; 70 L. J. K. B. 608; 84 L. T. 599; 49 W. R. 622; 19 Cox C. C. 709, 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 LAWRENCE, J., while not dissenting from *Petrie* v. *Weir*, held that the engine was not used in aid of the process of bottling the beer. In *Doswell* v. *Cowell* (1906), 95 L. T. 38; 22 T. L. R. 628, in a tripe boiling shop steam was used to heat the vessel in which the tripe was boiled. This steam was generated in a boiler, which was supplied with feed water by an injector worked by steam. The Court of Appeal (following *Petrie* v. *Weir*) held that steam power was used in aid of the manufacturing process, and that the premises were therefore a factory, but COZENS-HARDY, L.J., said that it did not follow that every building in which there was a boiler was a factory. In *Murphy* v. *O'Donnell* (1905), 54 W. R. 149, a machine had to be erected on the third floor of a building. The lighter parts were carried up by a lift worked by mechanical power and the heavier parts by pulleys with hand power. It was then put together by hand, in the course of which a workman was injured. The Court of Appeal held that the erection and delivery of the machine were separate operations, and that as the accident happened in the course of the former, for which no power was used, the workman was not injured in an employment in or about a factory. In *James Keith, Limited* v. *Kirkwood* (1914), 51 Sc. L. R. 664, a large building con-

taining a shop, stores, and cellars was occupied by a firm of grocers and wine merchants. In two of the rooms beer was bottled, and the bottles washed by electrically driven machinery. The Court of Justiciary in Scotland held that the beer bottling and bottle washing were merely ancillary to the real business carried on, and that the building was not a factory.

(*h*) **Manual Labour.**—This expression has not necessarily the same meaning here that it has in the Employers and Workmen Act, 1875, *post*, p. 359 (*per* the King's Bench Division in *Hoare* v. *Robert Green, Limited*, *infra*, note (*m*)).

(*i*) **By way of Trade, or for Purposes of Gain.**—In *Nash* v. *Hollinshed*, [1901] 1 Q. B. 700; 65 J. P. 357; 70 L. J. K. B. 571; 84 L. T. 483; 49 W. R. 424, the Court of Appeal held that a movable steam-engine on a farm used for grinding meal for consumption on the farm was not a factory within this definition.

In *Caledonian Rail. Co.* v. *Paterson* (1898), 1 Fraser (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 visitors in the ordinary way:—*Held*, that the laundry was not carried on by way of trade or for purposes of gain.

In *Mooney* v. *Edinburgh, etc.*, *infra*, the Court of Session in Scotland (*dissentiente* Lord MONCRIEFF) appear to have held that when a tramway company repair their cars they do so by way of trade or for purposes of gain.

In *Curtis* v. *Shinner* (1906), 70 J. P. 272; 95 L. T. 31; 21 Cox C. C. 210; 22 T. L. R. 448, a fishing boat owner occupied a warehouse with a room over it, in which persons in his employment mended his fishing nets. No nets were repaired there, except those which he used in his own fishing business. The King's Bench Division (following *Nash* v. *Hollinshed*) held that the labour of these persons was not exercised by way of trade or for purposes of gain.

Note.—In delivering judgment on cases under the Derating Acts in the Court of Appeal (1930), 46 T. L. R. 601, SCRUTTON, L.J., said: "While *Nash* v. *Hollinshead* may be justified as applicable to farming, I see no reason to extend it to cases where labour is used in manufacture to enable a trade to be carried on which does not involve the sale of goods. I think *Curtis* v. *Shinner* was wrongly decided. It appears to me that a factory making printing machines would none the less be carried on for purposes of trade, because the machines were not made for the purpose of themselves being sold, but only to make things to be sold."

And in *Stoke-on-Trent Revenue Officer* v. *Potteries Electric Traction Co., Limited* (1930), 46 T. L. R. 601, C. A.: "Trade, in my view, is not limited to the sale of goods, but extends to the supply of services for reward" (*per* SCRUTTON, L.J.).

In addition, the following processes were held to constitute the premises in which they were carried on a factory:

Coffee grinding for sale in the company's own shops (*Stepney Revenue Officer* v. *R. Twining & Co., Limited*).

Printing of tramway tickets (*Lambeth Revenue Officer* v. *L. C. C.*)

Repairing of its own barges by a lightage company (*Poplar Revenue Officer* v. *Union Lighterage Co.*).

(*k*) **Repairing.**—In *Mooney* v. *Edinburgh and District Tramways Co., Limited* (1901), 4 Fraser, 390, the cars of a tramway company were kept, oiled, and cleaned in a covered shed adjoining which was a machine room in which mechanical power was used. When any part of a car needed repairs it was detached from the car in the shed, repaired in the machine room and refixed in the shed:—*Held*, that the shed was a factory, apparently upon the ground that the shed was a place wherein manual labour was exercised by way of trade or for purposes of gain in the repairing of the cars.

(*l*) **Finishing.**—For an illustration of the meaning of this word, see *Squire* v. *Stanley*, *ante*, p. 103.

(*m*) **Adapting for Sale.**—In *Henderson* v. *Glasgow Corporation* (1900), 2 Fraser, 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; 65 J. P. 660; 70 L. J. K. B. 689; 85 L. T. 249; 49 W. R. 683, 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; 65 J. P. 501; 70 L. J. K. B. 608; 84 L. T. 599; 49 W. R. 622; 19 Cox C. C. 709, 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; but in *James Keith, Limited* v. *Kirkwood* (1914), 51 Sc. L. R. 664, the Court of Justiciary in Scotland took the opposite view. In *Hoare* v. *Truman, Hanbury, Buxton & Co.* (1902), 66 J. P. 342; 71 L. J. K. B. 380; 86 L. T. 417; 50 W. R. 396, it was held by Lord ALVERSTONE, C.J., and DARLING and CHANNELL, JJ., that where, in a beer-bottling store, the beer was taken from the cask and mixed with carbonic acid gas by mechanical power, after which it flowed into bottles by the gas pressure whenever a tap was turned, this process was an adapting for sale of beer, and that the store was a factory. The court distinguished *Law* v. *Graham*. See note (*g*), *supra*. In *Hoare* v. *Robert Green, Limited*, [1907] 2 K. B. 315; 71 J. P. 341; 76 L. J. K. B. 730; 96 L. T. 724; 23 T. L. R. 483, a number of girls and women were employed in a florist's shop, partly in serving in the shop and partly in making up natural flowers into wreaths, crosses, etc. The King's Bench Division held that they were employed in making or adapting an article for sale. In *Paterson* v. *Hunt* (1909), 73 J. P. 496; 101 L. T. 571, it was held that the sorting and dusting of rags with a view to their sale to a paper maker was not an adapting for sale. This decision has been reversed. See note (*g*), p. 217.

(*n*) **Separate Buildings.**—Two or more buildings entirely separate from each other may sometimes constitute one and the same factory. Thus, in *London County Council and Tubbs, In re* (1903), 68 J. P. 29; 1 L. G. R. 746, two separate houses were connected by an iron bridge from the first floor of one to that of the other, and manufacturing processes begun in one house were finished in the other:—*Held*,

that there was evidence upon which an arbitrator could find that the two houses together constituted one factory. And in *Hoyle* v. *Oram* (1862), 12 C. B. (N.S.) 124; 31 L. J. M. C. 213; 8 Jur. (N.S.) 1154, a firm of calico printers had two establishments, seven miles apart. In one the preliminary bleaching was done and in the other the actual printing:—*Held*, by the Court of Common Pleas, that the bleaching works formed "part of an establishment where the chief process of printing was carried on."

(*o*) **Supply of Mechanical Power.**—The word "supplied" in the section means "supplied from the same source," and where different parts of the same building are occupied by different persons, each with their own independent source of mechanical power, the building is not a tenement factory (*per* the King's Bench Division in *Brass* v. *London County Council*, [1904] 2 K. B. 336; 68 J. P. 365; 73 L. J. K. B. 841; 91 L. T. 344; 53 W. R. 27; 20 T. L. R. 464; 2 L. G. R. 809, following *Toller* v. *Spiers and Pond, Limited*, [1903] 1 Ch. 362; 67 J. P. 234; 72 L. J. Ch. 191; 87 L. T. 578; 51 W. R. 381; 1 L. G. R. 193).

In *Mumby* v. *Volp*, [1930] 1 K. B. 460; 141 L. T. 663; 27 L. G. R. 594; 93 J. P. 197; 99 L. J. K. B. 213; *held*, that the meaning of "tenement factory" is not confined to factories where mechanical power is supplied by the owner of the building, but extends to cases where the power is supplied by a third person, provided the supply to the different parts is from one and the same source; and that the owner may be liable accordingly.

(*p*) **Place within the Precincts of a Factory.**—This only refers to a place outside the factory itself and separated from it by some physical demarcation, not to any spot within the factory. See the judgments of Lord ALVERSTONE, C.J., and WILLS and KENNEDY, JJ., in *Lewis* v. *Gilbertson & Co., Limited* (1904), 68 J. P. 323; 91 L. T. 377; 20 Cox C. C. 677. In that case the owners of an iron mill were enlarging it by the erection of new buildings adjoining, for which purpose they put up an engine and mortar mill on the site of the new buildings, which was outside the old factory but within its precincts, and did not fence the flywheel, etc. Upon these facts the justices considered that the site of the new buildings came within this sub-section, and that the engine and mortar mill were not a separate factory, and the High Court held that their decision could not be interfered with. But see *Vines* v. *Inglis*, *ante*, p. 216.

It should also be observed that although it may be difficult or even impossible to say exactly what the precincts of any particular factory are, yet there must always be some limit to them, and the extent of that limit is a question of fact in each particular case. The general rule has been stated thus: "In the case of factories . . . the walls or fences built round the factory . . . fix the boundaries and determine the area" (*Back* v. *Dick Kerr & Co., Limited*, [1906] A. C. 325; 75 L. J. K. B. 569; 94 L. T. 802, *per* Lord ATKINSON). In *Spacey* v. *Dowlais Gas and Coke Co., Limited*, [1905] 2 K. B. 879; 75 L. J. K. B. 5; 93 L. T. 685; 54 W. R. 138; 22 T. L. R. 29, it was held that a gas main, the property of the gas company, under a road a quarter of a mile from the gas works was not part of the

works. In *Rimmer* v. *Premier Gas Engine Co., Limited* (1907), 97 L. T. 226; 23 T. L. R. 610, an electrical station, which was being erected at a spot 150 yards from a dock, was held not to form part of the dock, although it was designed for the sole purpose of supplying the dock with light and power. See also note (*b*), *ante*.

(*q*) **Separate Factories, etc.**—This provision must not be confused with that under section 151 relating to the separation of branches or departments of work under Special Order of the Secretary of State.

(*r*) **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 the cases of *Kent* v. *Astley* and *Redgrave* v. *Lee*, in the notes to Part II. of Sched. 6, *post*, p. 252.

But notwithstanding this provision, an agricultural engine and thrashing machine going along a road are not a factory, although they are about to be used for the purpose of adapting corn for sale by thrashing it (*George* v. *Macdonald* (1901), 4 Fraser, 190).

(*s*) **Recognised Efficient School.**—For definition, see s. 72, *ante*, p. 98.

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 (*a*), 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.

Note.—See s. 11, p. 30, as to non-application of that section to steam boilers belonging to or exclusively used in the service of His Majesty.

(*a*) **Emergency Orders.**—Extensive use was made of this power during the war by the issue of a large number of Orders for limited periods and subject to certain specified conditions. Further, a Regulation was added to the Defence of the Realm

(Consolidation) Regulations, 1914, the effect of which was to enable the Secretary of State to make Exemption Orders under this section in respect of any factory or workshop in which the Secretary of State was satisfied that, by reason of the loss of men through enlistment or transference to Government service, or other circumstance arising out of the war, exemption was necessary to secure the carrying on of work which was required in the national interest: various Exemption Orders were issued accordingly.

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.

(*a*) **Special Orders.**

(1) Overtime.

AN ORDER DATED MARCH 27TH, 1897, directs that with respect to factories and workshops in which overtime may be worked by women, under s. 49, *ante*, 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.

(2) Period of Employment.—Bookbinding; Hat making; Bonbon and Christmas Present making.

AN ORDER DATED MARCH 27TH, 1897, directs that with respect to the factories and workshops named in the Schedule below, 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.

(3) Period of Employment.—Manufacture of Edge Tools.

AN ORDER DATED JANUARY 19TH, 1899, directs that with respect to the factories and workshops named in the Schedule below 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 s. 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.

(4) Period of Employment.—Manufacture of bright or burnished metal goods.

AN ORDER DATED SEPTEMBER 6TH, 1900, directs, with respect to the factories and workshops named in the Schedule below,

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 s. 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.

(5) Period of Employment.—Laundries.

AN ORDER DATED DECEMBER 26TH, 1907, directs that with respect to factories and workshops which are **laundries** that different departments of work carried on in the same factory or workshop may, so far as regards the

period of employment of women, young persons and children,

be treated as if they were different factories or workshops, subject to the following conditions:

(1) There shall not be more than one such department dealing with the same class of work.

(2) Every such department must be carried on:

(a) under separate and distinct management, and

(b) by separate and distinct persons, that is to say, no person who is employed in one department may be employed in any other department.

(3) In every such department a copy of the prescribed notice shall be kept affixed, with a complete list of the persons employed in that department.

(4) This Order shall not have effect as regards a laundry unless

and until the occupier of that laundry holds a certificate from the inspector of the district to the effect that in his opinion the arrangements for carrying out the above conditions are satisfactory. Such certificate shall be in writing and shall be kept attached to the general register and shall be revocable at any time by one week's notice in writing from the inspector of the district.

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.

(*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 Rettie (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; 61 J. P. 358; 67 L. J. Q. B. 615; 78 L. T. 532; 46 W. R. 488; 19 Cox C. C. 54, 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. See also the cases cited in note (*b*) to s. 137, *ante*, p. 205.

In *Thomas Walker, Limited* v. *Martindale* (1916), 80 J. P. 270; 85 L. J. K. B. 1543; 114 L. T. 1130; 32 T. L. R. 447; 25 Cox C. C. 411; 14 L. G. R. 1069, a girl of eleven came to a factory on every weekday except Saturday from 8 to 8.45 a.m. before school and from 4.15 to 6.45 p.m. after school, swept floors, brought tea for the work-people and did other odd jobs and was paid for so doing by the occupiers of the factory. It was held that she was "employed" within the meaning of the Act.

In the Scotch case of *Graves* v. *Duncan* (1899), 1 Fraser (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 (*a*), 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 (*b*), 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.

(*a*) Section 14, *ante*, p. 33—39.
(*b*) Section 15, *ante*, p. 39.

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.

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.

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" (*d*) 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 (*e*):

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 (*f*) 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 (*g*) 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.

(*a*) **Bank Holiday.**—For full definition, see note (*b*) to s. 35, *ante*, p. 58.

(*b*) **Certificate.**—See s. 71, *ante*, p. 98.

(*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; 7 Jur. (N.S.) 397, affirmed, 7 H. & N. 937; 9 L. T. 178; 10 W. R. 405).

(*d*) **Night.**—See also Women, Young Persons and Children Act, 1920, p. 302, by which night is defined as a period of eleven consecutive hours including the interval between 10 p.m. and 5 a.m.

(*e*) **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."

The question whether a particular person is or is not an "owner" within this definition has arisen in a very large number of cases. Many of these, however, have no practical application to factories or workshops, and are therefore not dealt with here.

A person who actually receives the rent, even though he has no right to do so, is an owner (*Peek* v. *Waterloo Board of Health* (1863), 2 H. & C. 709; 33 L. J. M. C. 11; 9 L. T. 338; 12 W. R. 252; 9 Jur. (N.S.) 1343). So is an agent to collect rents (*St. Helen's Corporation* v. *Kirkham* (1885), 16 Q. B. D. 403; 50 J. P. 647; 34 W. R. 440). A mortgagee in possession is the "owner," and his mortgagor is not (*Blackburn Corporation* v. *Micklethwait* (1886), 50 J. P. 550; 54 L. T. 539; *Maguire* v. *Leigh-on-Sea District Council* (1906), 70 J. P. 479; 95 L. T. 319; 4 L. G. R. 979; *Lyon* v. *Greenhow* (1892), 8 T. L. R. 457). A second mortgagee in possession, who collected rents, the whole of which he applied in paying the outgoings and the interest on the first mortgage, was held to be an "owner" in *Tottenham Local Board* v. *Williamson* (1893), 62 L. J. Q. B. 322. In *Truman, Hanbury, Buxton & Co.* v. *Kerslake*, [1894] 2 Q. B. 774; 58 J. P. 766; 63 L. J. M. C. 222; 43 W. R. 111, A. let a house to B. for thirty-nine years at a rent less than a rack-rent. B. did not sublet, but remained in possession by

himself or his assignees :—*Held*, that B. and not A. was the "owner." In *Rice* v. *White*, [1904] 2 I. R. 8, A. let certain premises to B. on a repairing lease at a yearly rent of £34. B. occupied part of the premises, of an annual value of £19 10*s.*, and sublet the remainder to weekly tenants at rents amounting to £107 per annum :—*Held*, that B. and not A. was the "owner." A bare trustee may be the "owner," but he has a right to be indemnified out of the estate (*Re Barney, Harrison* v. *Barney*, [1894] 3 Ch. 562 ; 63 L. J. Ch. 676 ; 71 L. T. 180 ; 43 W. R. 105 ; *Re Lever, Cordwell* v. *Lever*, [1897] 1 Ch. 32 ; 66 L. J. Ch. 66 ; 75 L. T. 383 ; 45 W. R. 172). A trustee of a school, who receives no rent for the school and has no power to let it, is an "owner" (*Bowditch* v. *Wakefield Local Board* (1871), L. R. 6 Q. B. 567 ; 40 L. J. M. C. 214 ; 25 L. T. 88). A lessee under a building lease at a ground rent is the "owner," even though the buildings have not been commenced, and the ground rent is the full annual value of the land while unbuilt upon (*St. Helen's, Corporation* v. *Riley* (1883), 47 J. P. 471). If A. lets premises to B. at a rack-rent (*i.e.*, a rent more than two-thirds of the full net annual value), and B. sublets to weekly tenants at a higher rent, B. and not A. is the "owner" (*Bowen* v. *James* (1881), 10 L. R. Ir. 26). But if B. sublets at exactly the same rent, he is not the "owner" (*Walford* v. *Hackney Board of Works* (1894), 43 W. R. 110). And if A. lets a building to B., who lets it out in separate tenements to several tenants, A. is not the "owner" of any one of the tenements (*Field & Sons* v. *Southwark Borough Council* (1907), 71 J. P. 240 ; 96 L. T. 646 ; 5 L. G. R. 567). Where four houses together formed a factory, and A. was the "owner" within the Public Health Act definition of two of them, but not of the other two, it was held that he was not the owner of the factory for the purposes of the Factory Acts (*London County Council* v. *Leyson* (1913), 78 J. P. 91 ; 110 L. T. 200 ; 12 L. G. R. 253).

A receiver appointed by the Court is not an "owner" (*Bacup Corporation* v. *Smith* (1890), 44 Ch. D. 395 ; 59 L. J. Ch. 518 ; 63 L. T. 195 ; 38 W. R. 697). And if A. lets a house to B. at a rack-rent, and B. sublets part to C., A. is not the "owner" of C.'s part (*Cook* v. *Montagu* or *R.* v. *Bath JJ.* (1872), L. R. 7 Q. B. 418 ; 41 L. J. M. C. 149 ; 26 L. T. 471 ; 20 W. R. 624).

The legal owner of land which has been dedicated to the public, or is otherwise permanently incapable of being let at a rack-rent, is not the "owner" for the purpose of this definition (*Plumstead Board of Works* v. *British Land Co.* (1875), L. R. 10 Q. B. 203 ; 44 L. J. Q. B. 38 ; 32 L. T. 94 ; 23 W. R. 634 ; *Wright* v. *Ingle* (1885), 16 Q. B. D. 379 ; 50 J. P. 436 ; 55 L. J. M. C. 17 ; 54 L. T. 511 ; 34 W. R. 220).

If an owner commits a breach of the law, and immediately afterwards his ownership ceases, an order of justices may under certain circumstances be made against him, notwithstanding the termination of his ownership (*Broadbent* v. *Shepherd*, [1901] 2 K. B. 274 ; 65 J. P. 499 ; 70 L. J. K. B. 628 ; 84 L. T. 844 ; 49 W. R. 521 ; 17 T. L. R. 460).

(*f*) *Ante*, p. 192.

(*g*) *Post*, p. 248.

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 (*a*).

(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 (*b*) ;

(2) Part II. and III. (*c*) ;

(3) The sections in Part IV. relating to fans and to lavatories and meals (*d*) ;

(4) Part VII. (*e*) ;

(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 (*f*).

(*a*) They cannot be made to apply to men's workshops by Special Order of the Secretary of State (*Seal* v. *Alexander*, [1912], 1 K. B. 469 ; 76 J. P. 156 ; 81 L. J. K. B. 628 ; 106 L. T. 121 ; 28 T. L. R. 196).

(*b*) *I.e.*, ss. 6—9, 16, 17, and 21, *ante*.

(*c*) *I.e.*, employment and education. See pp. 46—99.

(*d*) *I.e.*, ss. 74, 75, and 78, *ante*, pp. 100—103.

(*e*) *I.e.*, particulars of work and wages, *ante*, pp. 153—185.

(*f*) *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, artisan or labourer working only in repairing either the machinery in, or any part of, a factory or workshop.

(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 section 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.

(*a*) Section 71, *ante*, p. 98.
(*b*) *Post*, p. 675.

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.

(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.

FIRST SCHEDULE. [Section 14.

PROVISIONS AS TO ARBITRATIONS.

(1) The parties to the arbitration are in this Schedule deemed to be the owner of the factory or workshop on the one hand and the district council on the other hand.

(2) Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

(3) No person shall act as arbitrator or umpire who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

(4) The appointment of an arbitrator must be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and the appointment shall not be revoked without the consent of that party.

(5) The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this Schedule.

(6) If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(7) If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and, if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

(8) In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the 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 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 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 non-payment, be recovered in the same manner as fines under this Act (*b*).

It should be noted that Sched. 1 of the Act of 1891, 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. 209.

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 (*a*).

Under s. 151, *ante*, p. 222 (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 under s. 49 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.

Special Orders.—The exception authorised by s. 49, *ante*, p. 76, has been extended, by a consolidating and amending Order dated October 13th, 1908, to the non-textile factories and workshops or parts thereof, in which the following processes, or any of them, are carried on, viz. :

1. The making of cardboard and millboard.
2. The colouring and enamelling of paper, other than wall-papers.
3. The stamping in relief on paper and envelopes.
4. The making of postage stamps, stamped post cards, and stamped envelopes.
5. The making of Christmas and New Year cards, and of cosaques.
6. The making of meat pies, of mincemeat, and of Christmas puddings.
7. The bottling of beer.
8. The making of boxes for aërated water bottles.
9. The washing of bottles for use in the preserving of fruit.
10. The making and mixing of butter and the making of cheese.
11. The making of fireworks.
12. The calendering, finishing, hooking, lapping, or making up and packing of any yarn or cloth. Provided that in Lancashire and Cheshire this exception shall not apply unless such processes are the only processes carried on in the factory.
13. The warping, winding, or filling of yarn, without the aid of mechanical power, as incidental to the weaving of ribbons.
14. The making up of any article of table-linen, bed-linen, or other household linen, and processes incidental thereto.
15. The making of bouquets or wreaths or similar articles from natural flowers or leaves or processes in which natural flowers or leaves are otherwise adapted for sale.

Provided that it shall be a condition of the employment of any woman in pursuance of this Order that—

(1) There shall be in each room in which overtime is being worked at least four hundred cubic feet of space for each person employed therein ;

(2) A woman shall not be employed overtime on any process other than a process named in this Order.

(*a*) **Polishing, etc.**—This provision does not allow overtime to be worked on polishing, etc., in a part of the factory which is used in ordinary hours for a manufacturing process, even if nothing but polishing, etc., is done there after hours (*Smith* v. *Sibray, Hall & Co.*, [1903] 2 K. B. 707 ; 67 J. P. 390 ; 72 L. J. K. B. 822 ; 89 L. T. 358 ; 52 W. R. 218 ; 20 Cox C. C. 542 ; 1 L. G. R. 874).

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 fireplace or in front of another grindstone.

(8) A grindstone erected on or after the first day of January one thousand eight hundred and ninety-six must not be run before any door or other entrance.

Note that the owner is the person responsible for seeing that these regulations are complied with. See s. 88, *ante*, p. 114.

(*a*) **Special Exemption.**—By Order dated October 25th, 1897, the following exemption was made :

The said regulations 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.

See also the Regulations for grinding of cutlery and edge tools, p. 522.

FOURTH SCHEDULE.

[Sections 90—92, 96.

COTTON CLOTH FACTORIES.

(Note.—*This schedule now applies only in those factories to which it is extended by s.* 96, *ante, p.* 119. *In cotton cloth factories it is superseded by the Schedule to the Regulations of* 1929, *post, p.* 480.)

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							
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 an Order of the Secretary of State, dated February 2nd, 1898, which was substituted for Sched. B. of the Cotton Cloth Factories Act, 1889.

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 (*a*).

BY ORDER DATED MARCH 9TH, 1920, the above fees were amended as follows:—

When the examination is at the factory – – –	1*s.* for each person examined with a minimum fee of 2*s.* 6*d.* for any one visit, and also if the factory or workshop is more than one mile from surgeon's central point, 6*d.* for each complete half-mile over and above the mile.

When the examination is not at the factory or workshop, etc. - -	1*s.* for each person examined.

PART II.

FEES on EXAMINATION by direction of SECRETARY of STATE or in pursuance of REGULATIONS under this ACT (*b*).

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.*

(*a*) In this case the fee is payable only if an examination is actually made.

(*b*) **Amended Fees.**—By ORDERS DATED MARCH 2ND, 1904, and APRIL 17TH, 1920, the Secretary of State has directed that the following scale of 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 the Act, he is required to examine the persons employed in a factory or workshop, be substituted for the scale set out in Part II. of the Fifth Schedule to the Act:

> "For each visit, including such examinations, entries in registers, issue of certificates, and other duties as may be required by special rules: (a) When the examination is at a factory or workshop within a mile from the certifying surgeon's central point, 1*s.* for each person examined, with a minimum fee of 2*s.* 6*d.* for any one visit; (b) When the examination is at a factory or workshop more than a mile from the surgeon's central point, the above fees with an additional 1*s.* for each mile or portion of a mile beyond the first mile."

Pottery Regulations.

The fee for examinations of Casual Workers under Pottery Regulations is:

For each examination of a casual worker, 1*s.*

Such fee to include the examination, entries in the Registers, issue of Certificates, and other duties required by the Regulations.

The fee is payable by the Worker (Regulation 2).

Sections 54, 149, 156.] SIXTH SCHEDULE.

LIST OF FACTORIES AND WORKSHOPS.

PART I.

Non-Textile Factories.

(1) "*Print works.*"]—"Print works" (*a*), 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" (*b*), 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" (*c*), 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";

(20) "*Electrical stations.*"]—"Electrical stations" (*d*), 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.

(*a*) **Print Works.**—In *Hardcastle* v. *Jones* (1862), 3 B. & S. 153; 32 L. J. M. C. 49; 7 L. T. 322; 11 W. R. 36; 9 Jur. (N.S.) 19, a girl was employed in scutching goods which had previously been printed. In the room where she worked only finishing was done, but it had direct internal communication with a print works where the actual printing was done:—*Held*, that she was employed in a print works.

(*b*) **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; 6 L. T. 785; 9 Jur. (N.S.) 251, 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 Act of 1860 was as follows: "Any building, 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 repealed Bleaching and Dyeing Acts of 1863 and 1864, 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; 62 J. P. 166; 67 L. J. Q. B. 310; 78 L. T. 17; 46 W. R. 350; 18 Cox C. C. 698, 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.

(*c*) **Paper Mills.**—In the case of *Coles* v. *Dickenson* (1864), 16 C. B. (N.S.) 604; 33 L. J. M. C. 235; 10 L. T. 616; 12 W. R. 918; 10 Jur. (N.S.) 802, it was held under the Factory Act of 1844, 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.

(*d*) **Electrical Stations.**—A workhouse is a "public place," and therefore an engine-house and machinery used for supplying it with light and power by electricity are a factory within the definition (*Mile End Guardians* v. *Hoare*, [1903] 2 K. B. 483; 67 J. P. 395; 72 L. J. K. B. 651; 89 L. T. 276; 20 Cox C. C. 536; 1 L. G. R. 732).

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 for 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 (*g*).

To this Schedule has been added by s. 1 of the Act of 1907, *post*, p. 256:—

(29) Laundries carried on by way of trade or for the purpose of gain (*h*), or carried on as ancillary to another business or incidentally to the purposes of any public institution.

(*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. 250, such preparatory process would constitute the factory a hat works and not a textile factory.

(*b*) **Rope Works.**—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. See s. 149, *ante*, p. 213. 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.**—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; 10 B. & S. 177; 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; 64 J. P. 196; 69 L. J. Q. B. 338; 82 L. T. 75; 48 W. R. 323, 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; 10 B. & S. 802; 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. 691.

(*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 Regulations 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. 54. If children or young persons are also employed, then the mine will be subject to the whole of the provisions of this Act.

(*g*) **Bottle Washing Works.**—In *Kavanagh* v. *Caledonian Rail. Co.* (1903), 5 Fraser, 1128, the wine cellars of a hotel were used primarily for the storage of wine, but a certain number of bottles were corked and washed there, water power from a tap being used if necessary. The corking and washing were ancillary to the main object of the cellars, viz., storage:—*Held*, that the cellars were not a bottle washing works. This case was followed in *James Keith, Limited* v. *Kirkwood* (1914), 51 Sc. L. R. 664, where one room in a large grocery store was used for washing bottles by machinery.

(*h*) **By way of Trade, etc.**—For the meaning of this expression see note (*i*) to s. 149, *ante*, p. 213.

SEVENTH SCHEDULE. [Section 161.

PART I.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT.

Session and Chapter.	Title of Act.	Extent of Repeal.
41 & 42 Vict. c. 16	The Factory and Workshop Act, 1878.	The whole Act.
46 & 47 Vict. c. 53	The Factory and Workshop Act, 1883.	The whole Act.
52 & 53 Vict. c. 62	The Cotton Cloth Factories Act, 1889.	The whole Act.
54 & 55 Vict. c. 75	The Factory and Workshop Act, 1891.	The whole Act except sections eight, nine, ten and twelve and the First Schedule.
58 & 59 Vict. c. 37	The Factory and Workshop Act, 1895.	The whole Act except section twelve, subsection three of section twenty-four and section twenty-eight.

Session and Chapter.	Title of Act.	Extent of Repeal.
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 (*a*) 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.

(*a*) No such Order has yet been made.

THE FACTORY AND WORKSHOP ACT, 1907.

(7 Edw. 7, c. 39.)

ARRANGEMENT OF SECTIONS.

LAUNDRIES.

Section.
1. Application of 1 Edw. 7, c. 22, to laundries.
2 Hours of employment of women and young persons in laundries.
3. Special regulations to be complied with in laundries.
4. Application of provisions as to domestic workshops.

INSTITUTIONS.

5. Application of Factory and Workshop Acts to certain institutions.

SUPPLEMENTAL.

6. Inspection of certain premises.
7. Short title, construction, commencement, and repeal.

An Act to amend the Factory and Workshop Act, 1901, *with respect to Laundries, and to extend that Act to certain Institutions and to provide for the inspection of certain premises.* [28th August 1907.]

Laundries.

1. *Application of* 1 *Edw.* 7, *c.* 22, *to laundries.*]—The Factory and Workshop Act, 1901 (which Act, as amended by any subsequent enactment, including this Act, is herein-after referred to as the principal Act), shall, subject to the provisions of this Act, apply to laundries as if at the end of Part II. of the Sixth Schedule to that Act (*a*),

enumerating non-textile factories and workshops, the following paragraph were added :

"(29) Laundries carried on by way of trade or for the purpose of gain (*b*), or carried on as ancillary to another business (*c*) or incidentally to the purposes of any public institution" (*d*).

The effect of the section is that the laundries mentioned are non-textile factories if steam, water, or other mechanical power is used in aid of the processes carried on (see s. 149 of the Act of 1901, *ante*, p. 213), and otherwise are workshops. The whole of the general law regarding non-textile factories and workshops is therefore applicable to them, except in so far as it is altered by the subsequent sections of this Act.

(*a*) *Ante*, p. 248.

(*b*) **By way of Trade or for the Purpose of Gain.**—For the meaning of this expression, see note (*i*) to s. 149 of the Act of 1901, *ante*, p. 218, and note (*c*) below. Its effect here is to exclude from the Factory Acts the laundries of private houses, in which the linen, etc., of the family, servants, and visitors is washed.

(*c*) **Ancillary to another Business.**—These words overrule the case of *Caledonian Rail. Co.* v. *Paterson* (1898), 1 Fraser (J. C.), 24, in which the facts were that a hotel had a laundry attached to it in which were washed the hotel linen, the hotel servants' clothes and visitors' clothes, the latter being paid for in the ordinary way. The Court of Justiciary in Scotland held that this laundry was not carried on by way of trade or for purposes of gain, and was not, therefore, a factory or workshop within the now repealed s. 103 of the Act of 1901, *ante*, p. 128. And under the present section it has been held that a laundry used exclusively for washing the table and bed linen at a hotel, but not for visitors' linen, is carried on as ancillary to the hotel business, though the court were inclined to doubt whether such a place is a "laundry" at all (*Sadler* v. *Roberts* (1911), 75 J. P. 342; 105 L. T. 106; 22 Cox C. C. 520). This doubt was removed by the decision in *Royal Masonic Institution for Boys* v. *Parkes*, *infra*, where it was held that a place used exclusively for the inmates' washing was a "laundry" within the meaning of the section.

(*d*) **Public Institution.**—These words bring the laundries of hospitals, etc., within the Act. Note, that in this case, as in the case mentioned in the preceding note, the laundry need not be carried on by way of trade or for purposes of gain.

As regards institutions which are not open to the general public, it was held in *Hall* v. *Derby Sanitary Authority* (1885), 16 Q. B. D. 163; 50 J. P. 278; 55 L. J. M. C. 21; 54 L. T. 175, that an orphanage for the children of deceased railway servants, supported mainly by public donations, but partly by subscriptions from railway servants, was a "public charity." Following that decision, the Courts have held that the following places were "public institutions" within the meaning of this section:—An asylum for

orphan children, maintained by public subscriptions, receiving no Government grant, and not under any public control. Its premises and grounds were private, and the inmates were elected by the subscribers, though some were admitted on payment (*Seal* v. *British Orphan Asylum* (1911), 75 J. P. 152; 104 L. T. 424; 22 Cox C. C. 392; 9 L. G. R. 238); an institution for the children of freemasons, supported almost entirely by the subscriptions of freemasons, but receiving a grant from the Board of Education and a very small sum from the general public (*Royal Masonic Institution for Boys* v. *Parkes*, [1912] 3 K. B. 212; 76 J. P. 218; 82 L. J. K. B. 33; 106 L. T. 809; 22 Cox C. C. 746; 28 T. L. R. 355; 10 L. G. R. 376).

2. *Hours of employment of women and young persons in laundries.*]—(1) In laundries, other than laundries ancillary to a business carried on in any premises which, apart from the provisions of this Act, are a factory or workshop,—

(a) The period of employment of women may on any three days in the week, other than Saturday, begin at six o'clock in the morning and end at seven o'clock in the evening, or begin at seven o'clock in the morning and end at eight o'clock in the evening, or begin at eight o'clock in the morning and end at nine o'clock in the evening:

Provided that a corresponding reduction is made in the periods of employment on other days of the week, so that the total number of hours of the periods of employment of women, including the intervals allowed for meals, shall not exceed sixty-eight in any one week (*a*);

(b) Where the occupier of a laundry so elects, the following provisions shall apply to the laundry in lieu of the provisions of the last preceding paragraph:

The period of employment of women may, on not more than four days, other than Saturday, in any one week (*a*), and on not more than sixty days in any calendar year, begin at six o'clock in the morning and end at seven o'clock in the evening, or begin at seven o'clock in the morning and end at eight o'clock in the evening, or begin at eight o'clock in the morning and end at nine o'clock in the evening;

(c) Different periods of employment may be fixed for different days of the week.

(2) The foregoing provisions of this section shall be deemed to be special exceptions within the meaning of section sixty of the principal Act (*b*), but it shall not be lawful for the occupier of a laundry to change from the system of employment under the above paragraph (a) to the system of employment under the above paragraph (b), or vice versâ, oftener than once a year. The entry required to be made in the prescribed register (*c*) by subsection four of the said section sixty as so applied shall, in the case of overtime employment under paragraph (b), be made before the commencement of the overtime employment on each day on which it is intended that there should be such employment, and, in reckoning the sixty days for the purposes of paragraph (b), every day on which any woman had been employed overtime shall be taken into account.

(3) Subject as aforesaid, the provisions of the principal Act as to hours of employment (*d*) shall apply to laundries.

The business of a laundry usually involves a press of work on certain days of the week and much less on others. This section enables the hours of women workers to be arranged to suit these conditions, provided that the maximum number of hours per week allowed by s. 26 of the Act of 1901, *ante*, p. 50, is not exceeded.

Young Persons and Children.—This section applies only to women. The hours of young persons and children are those fixed by ss. 26 and 27 of the Act of 1901, as amended by subsequent legislation.

(*a*) **Week.**—For definition, see s. 156 of the Act of 1901, *ante*, p. 228.

(*b*) *Ante*, p. 88.

The prescribed forms are: for s. 2 (1) (a), Form No. 53; for s. 2 (1) (b), Form No. 54; and for s. 2 (1) (c), Form No. 51.

(*c*) **Prescribed Register.**—The prescribed register (Official Form No. 338) is issued by the Factory Inspectors.

(*d*) *I.e.*, ss. 23, 26, 27, 29—32, 47, 48. But the whole of the general law with regard to non-textile factories and workshops now applies to laundries, except as provided by this Act.

3. *Special regulations to be complied with in laundries.*]—In every laundry—

(a) If mechanical power (*a*) is used, a fan or other efficient means shall be provided, maintained,

and used for regulating the temperature (*b*) in every ironing room, and for carrying away the steam (*c*) in every washhouse;

(b) All stoves for heating irons must be sufficiently separated from any ironing room or ironing table, and gas irons emitting any noxious fumes must not be used (*c*); and

(c) The floors must be kept in good condition and drained in such manner as will allow the water to flow off freely (*d*).

A laundry in which there is a contravention of any of these provisions shall be deemed to be a factory or workshop not kept in conformity with the principal Act (*e*).

This section reproduces s. 103 (3) of the Act of 1901, which, however, only applied to laundries which were factories.

(*a*) **Mechanical Power.**—For the meaning of this expression, see note (*c*) to s. 149 of the Act of 1901, *ante*, p. 213.

(*b*) **Regulation of Temperature.**—The provisions of s. 6 of the Act of 1901, *ante*, p. 21, as to temperature, must also be observed.

(*c*) **Ventilation, etc.**—The provisions of s. 6 (temperature) and 7 (ventilation) of the Act of 1901, *ante*, pp. 21, 22, must also be observed. In addition to this, if the nature or amount of the steam or fumes is such as to render them injurious to health, the inspector can direct special means of ventilation to be adopted under s. 74 of the Act of 1901, *ante*, p. 100, even if the laundry is a workshop.

(*d*) **Drainage of Floors.**—The effect of this sub-section is much the same as that of s. 8 of the Act of 1901, *ante*, p. 23. The only difference is in the case of laundries that are workshops, for there an offence under the Act of 1901 is punishable under the Public Health Acts, and one against this Act is punishable under the Factory Acts.

(*e*) **Penalty.**—See s. 135 of the Act of 1901, *ante*, p. 200.

4. *Application of provisions as to domestic workshops.*]—Sub-section (2) of section one hundred and fourteen of the principal Act (*a*) (which provides that certain domestic workshops are not to be deemed workshops within the meaning of that Act) shall apply to laundries as if for the words "the altering, repairing, ornamenting, or finishing of any article" there were substituted the words "the altering, repairing, ornamenting, washing, cleaning, or finishing of any article."

(*a*) *Ante*, p. 151.

INSTITUTIONS.

5. *Application of Factory and Workshop Acts to certain institutions.*]—(1) Where in any premises forming part of an institution carried on for charitable or reformatory purposes, and not being premises subject to inspection by or under the authority of any Government department, any manual labour is exercised in or incidentally to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, the provisions of the principal Act shall, subject to the provisions of this Act, apply to those premises, notwithstanding that the work carried on therein is not carried on by way of trade or for the purposes of gain (*a*), or that the persons working therein are not working under a contract of service or apprenticeship.

(2) If in any institution to which this section applies the persons having the control of the institution (hereinafter referred to as the managers) satisfy the Secretary of State that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that such work as aforesaid is carried on in good faith for the purposes of the support, education, training, or reformation of persons engaged in it, the Secretary of State may by order (*b*) direct that so long as the order is in force the principal Act shall apply to the institution subject to the following modifications :

(a) The managers may submit for the approval of the Secretary of State a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the workers, and of the education of children, and, if the Secretary of State is satisfied that the provisions of the scheme are not less favourable than the corresponding provisions of the principal Act, the Secretary of State may approve the scheme, and upon the scheme being so approved the principal Act shall, until the approval is revoked, apply as if the provisions of the scheme were substituted

for the corresponding provisions of the principal Act; any scheme when so approved shall be laid as soon as possible before both Houses of Parliament, and if either House, within the next forty days after such scheme has been laid before that House, resolve that the scheme ought to be annulled, the scheme 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 scheme;

(b) The medical officer of the institution (if any) may, on the application of the managers, be appointed by the chief inspector of factories to be the certifying surgeon (*c*) for the institution;

(c) The provisions of section one hundred and twenty-eight of the principal Act (*d*) as to the affixing of an abstract of the principal Act and of notices shall not apply, but amongst the particulars required to be shown in the general register (*e*) there shall be included the prescribed particulars of the scheme, or where no scheme is in force the prescribed particulars as to hours of employment, intervals for meals, and holidays, and education of children, and other matters dealt with in the principal Act;

(d) In the case of premises forming part of an institution carried on for reformatory purposes, if the managers of the institution so give notice to the chief inspector of factories, an inspector shall not, without the consent of the managers or of the person having charge of the institution under the managers, examine an inmate of the institution save in the presence of one of the managers or of such person as aforesaid:

Provided that the Secretary of State, on being satisfied that there is reason to believe that a contravention of the principal Act is taking place in any such institution, may suspend the operation of this provision as respects that institution to such extent as he may consider necessary;

(e) The managers shall, not later than the fifteenth day

of January in each year, send to the Secretary of State a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex, and employment of the inmates and other persons employed in the work carried on in the institution as the Secretary of State may require, and shall, if any requirement of this paragraph is not complied with, be liable to a fine (*f*) not exceeding five pounds.

This section, which is new, applies to the laundries, etc., carried on for charitable or reformatory purposes in certain rescue homes, convents, etc., provided that they are not already subject to Government inspection, in which case they come under s. 6, *post*.

Note that laundries for the sole use of the institution and its inmates are laundries within the meaning of section 1, *ante*, p. 255. See the notes to that section. The decisions there referred to appear to have the remarkable result that in charitable institutions, etc., the laundry is subject to all the restrictions of the Act if it is used solely for the inmates, whereas these may be relaxed if it is used for outsiders.

(*a*) **By way of Trade or for the purposes of Gain.**—For the meaning of this expression see note (*i*) to s. 149 of the Act of 1901, *ante*, p. 218.

(*b*) **Order.**—In pursuance of this sub-section various Orders have been made directing that the Acts of 1901 and 1907 shall apply to the institutions named in such Orders subject to the modifications specified in the said sub-section.

(*c*) **Certifying Surgeon.**—See s. 122 of the Act of 1901, *ante*, p. 190.

(*d*) *Ante*, p. 194.

(*e*) **General Register.**—See s. 129 of the Act of 1901, *ante*, p. 195.

(*f*) **Fine.**—Recoverable summarily. See s. 144 of the Act of 1901, *ante*, p. 209.

SUPPLEMENTAL.

6. *Inspection of certain premises.*]—Where in any premises, which are subject to inspection by or under the authority of any Government department, any manual labour is exercised, otherwise than for the purposes of instruction, in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for

sale, of any article, and the premises do not constitute a factory or workshop by reason that the work carried on therein is not carried on by way of trade or for the purposes of gain, or by reason that the persons employed in the work are not working under a contract of service or apprenticeship, the Secretary of State may arrange with the department that the premises shall, as respects the matters dealt with by the principal Act, be inspected by an inspector appointed under that Act, and where such an arrangement is made, inspectors appointed under the principal Act shall have, as respects such matters as aforesaid, the like right of entry and inspection as is conferred on inspectors of the department concerned (*a*).

This section enables the Secretary of State to avail himself of the services of the factory inspectors in the management of the institutions referred to as regards such matters as are within their experience.

(*a*) **Powers of Inspectors.**—It is not clear whether the powers given to the inspectors by this section are in addition to or in substitution for those conferred upon them by s. 119 of the Act of 1901, *ante*, p. 186. Probably the latter.

7. *Short title, construction, commencement, and repeal.*]—(1) This Act may be cited as the Factory and Workshop Act, 1907, and shall be construed as one with the Factory and Workshop Act, 1901, and the Factory and Workshop Act, 1901, and this Act may be cited together as the Factory and Workshop Acts, 1901 and 1907.

(2) This Act shall come into operation on the first day of January one thousand nine hundred and eight.

(3) Section one hundred and three of the Factory and Workshop Act, 1901, is hereby repealed.

THE FACTORY AND WORKSHOP (COTTON CLOTH FACTORIES) ACT, 1929.

(19 GEO. 5, c. 15.)

An Act to empower the Secretary of State to make regulations with respect to cotton cloth factories and for purposes connected with the enforcement of the enactments relating to such factories. [27th March 1929.]

1. *Power to make regulations as to cotton cloth factories.*] —(1) The Secretary of State may make regulations (*a*) for the purpose of giving effect to the recommendations contained in the Report, dated the twenty-third day of January, nineteen hundred and twenty-eight, of the Committee appointed by the Secretary of State on the fifth day of November, nineteen hundred and twenty-four, to consider and report whether, and, if so, what modifications of the existing statutory regulations governing the use of artificial humidity in cotton cloth factories are desirable and practicable.

(2) Section ninety-five (*b*) of the principal Act (which relates to penalties for non-compliance with the provisions of that Act with regard to cotton cloth factories) shall apply to any contravention of or failure to comply with any regulations in force under this Act, and both in its application to those regulations and in its application to the provisions of the principal Act, shall have effect as if there were therein substituted for the words "twelve months" the words "twenty-four months."

(3) Before any regulations are made under this Act, a draft thereof shall be laid before each House of Parliament for a period of not less than thirty days during the

session of Parliament, and if either House before the expiration of that period resolves that the regulations shall not come into force, no further proceedings shall be taken thereon, but without prejudice to the making of any new draft regulations.

2. *Certificates required before approval of building plans relating to cotton cloth factories.*]—No plans or sections relating to the erection or conversion of a building proposed to be used as a cotton cloth factory shall be approved by any local authority to whom they have been submitted in pursuance of any Act or of any byelaw made under any Act unless they are accompanied by a certificate in writing issued by the superintending inspector of factories for the division in which the building is proposed to be erected or converted, certifying that the building to which the plans and sections relate would not, if erected or converted in accordance therewith, contravene or fail to comply with the regulations in force under this Act.

3. *Short title citation, construction, repeal and extent.*]—(1) This Act may be cited as the Factory and Workshop (Cotton Cloth Factories) Act, 1929, and this Act and the Factory and Workshop Acts, 1901 to 1920, may be cited together as the Factory and Workshop Acts, 1901 to 1929.

(2) In this Act—

"Cotton cloth factory" means any room, shed or workshop, or part thereof, in which the weaving of cotton cloth is carried on:

"Principal Act" means the Factory and Workshop Act, 1901.

(3) This Act shall be construed as one with the principal Act, so, however, that the provisions of the principal Act relating to regulations made under that Act shall not apply to regulations made under this Act.

(4) The provisions of sections ninety, ninety-one, ninety-two and ninety-four (*c*) of the principal Act and of the Fourth Schedule (*d*) to that Act, so far as those provisions relate to cotton cloth factories, and the Factory and Workshop (Cotton Cloth Factories) Act, 1911, are hereby repealed:

Provided that any regulation or requirement made or certificate or notice given under the Factory and Work-

shop (Cotton Cloth Factories) Act, 1911, or any regulation made thereunder, which is in force at the commencement of this Act, shall continue in force and have effect as though it had been made or given under this Act or under the regulations made thereunder as the case may be.

(5) This Act shall not extend to Northern Ireland.

(*a*) **Regulations.**—The regulations thus made will be found at p. 480.

(*b*) See p. 119.

(*c*) See pp. 114—117, 118.

(*d*) See p. 243.

THE NOTICE OF ACCIDENTS ACT, 1906.

(6 EDW. 7, c. 53.)

An Act to amend the Law relating to Returns and Notifications of Accidents in Mines, Quarries, Factories, and Workshops, and under the Notice of Accidents Act, 1894. [21st December 1906.]

* * * * *

4. *Notices of accidents in factories and workshops.*]—(1) *Where any accident occurs in a factory or workshop which is either—*

(*a*) *an accident causing loss of life to a person employed in the factory or workshop; or*

(*b*) *an accident due to any machinery moved by mechanical power, or to molten metal, hot liquid, explosion, escape of gas or steam, or to electricity, and so disabling any person employed in the factory or workshop as to cause him to be absent throughout at least one whole day from his ordinary work; or*

(*c*) *an accident due to any other special cause which the Secretary of State may specify by order, and causing such disablement as aforesaid; or*

(*d*) *an accident disabling for more than seven days a person employed in the factory or workshop from working at his ordinary work,*

written notice of the accident, in such form and accompanied by such particulars as the Secretary of State prescribes, shall forthwith be sent to the inspector of the district and also in the case of the accidents mentioned in paragraphs (*a*) *and* (*b*) *of this sub-section, and* (*if the order of the Secretary of State specifying the special cause so requires*) *of accidents mentioned in paragraph* (*c*), *to the certifying surgeon of the district.*

[NOTE.—The words printed in italics are repealed by the Police, Factories, etc. (Miscellaneous Provisions) Act, 1916, s. 8 (2), *post*,

p. 285, and the Workmen's Compensation Act, 1923, s. 28, *post*, p. 274; and by the latter Act the following words are substituted:

Where any accident (*a*) occurs in a factory or workshop which either—

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

(*b*) disables any such person for more than three days from earning full wages at the work at which he was employed;

written notice of the accident, in such form and accompanied by such particulars as the Secretary of State may prescribe, shall forthwith be sent to the inspector of the district.]

(2) If any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the inspector as soon as the death comes to the knowledge of the occupier of the factory or workshop.

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

(4) If any accident to which this section applies occurs to a person employed in a factory or workshop the occupier of which 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.

(5) The foregoing provisions of this section shall be substituted for section nineteen of the Factory and Workshop Act, 1901.

This section extends and alters the repealed s. 19 of the Act of 1901, *ante*, p. 42. It extends to docks, wharves, warehouses, etc. (s. 104, *ante*, p. 130), certain buildings (s. 105, *ante*, p. 135), and railway lines and sidings used in connection with factories (s. 106, *ante*, p. 140), and to the case of certain industrial diseases in factories or workshops (s. 73 (3), *ante*, p. 100), but not to domestic factories or workshops (s. 111, p. 148).

The prescribed form is Official Form No. 43.

Notice of cases of anthrax and of certain cases of poisoning must be sent to the inspector and also to the certifying surgeon. See s. 73, *ante*, p. 99.

The prescribed form is Official Form No. 40.

A register of accidents must be kept at the factory. See s. 129 (1), *ante*, p. 195. And notice of certain explosions must be given to the Secretary of State. See s. 63 of the Explosives Act, 1875, *post*, p. 683.

(*a*) **Accident.**—The word "accident" has been judicially interpreted in a number of cases decided under the Workmen's Compensation Acts, but it does not necessarily follow that the same construction would be put upon it here.

At first a narrow construction was put upon the word. In *Hamilton, Fraser & Co.* v. *Pandorf & Co.* (1887), 12 App. Cas. 518; 52 J. P. 196; 57 L. J. Q. B. 24; 57 L. T. 726; 36 W. R. 369, Lord HALSBURY, L.C. (when discussing the meaning of a clause in a charter-party), said: "I think the idea of something fortuitous and unexpected is involved in the word 'accident.'" Following this dictum the Court of Appeal held that there was no "accident" in the following cases: A workman who was suffering from chronic disease of the stomach was pulling at a fly-wheel when he ruptured his stomach and died. But for the disease the rupture would not have occurred (*Hensey* v. *White*, [1900] 1 Q. B. 481; 63 J. P. 804; 69 L. J. Q. B. 188; 81 L. T. 767; 48 W. R. 257). A workman who had a blistered finger was screwing the joints of a steam pipe together. Some of the red lead from the packing got into the blister and severely injured the finger (*Walker* v. *Lilleshall Coal Co., Limited*, [1900] 1 Q. B. 481; 64 J. P. 85; 69 L. J. Q. B. 192; 81 L. T. 769; 48 W. R. 258). A female boxmaker was working at larger and heavier boxes than usual. In so doing she strained herself internally (*Roper* v. *Greenwood & Sons* (1900), 83 L. T. 471).

But in *Fenton* v. *Thorley & Co., Limited*, [1903] A. C. 443; 72 L. J. K. B. 787; 89 L. T. 314; 52 W. R. 81, where a workman ruptured himself in trying to turn a wheel, the House of Lords overruled the last three cases, and held that the word "accident" in the Workmen's Compensation Act is used in its popular and ordinary sense, and means "an unlooked-for mishap or an untoward event which is not expected or designed." They accordingly decided that the case before them was an "accident." The above definition should read "not expected or designed by the sufferer" (*Trim Joint District School* v. *Kelly*, [1914] A. C. 667; 83 L. J. P. C. 220; 30 T. L. R. 452).

The following are some further examples of occurrences which have been held to be accidents. Suffocation by the fumes of a stove, or, perhaps, by the gases from a shot fired in a mine (*Edmunds* v. *S.S. Peterston* (*owners*) (1911), 28 T. L. R. 18; *Kelly* v. *Auchenlea Coal Co., Limited*, [1911] Sess. Cas. 864); nervous shock caused by witnessing a fatal accident to another person (*Yates* v. *South Kirkby Collieries, Limited*, [1910] 2 K. B. 538; 79 L. J. K. B. 1035; 103 L. T. 170; 26 T. L. R. 596); a wasp sting (*Amys* v. *Barton* (1911), 81 L. J. K. B. 65; 105 L. T. 619; 28 T. L. R. 29). An engine driver was injured by a stone wilfully thrown at the train (*Challis* v. *London & South Western Railway Co.*, [1905] 2 K. B. 154; 74 L. J. K. B. 569; 93 L. T. 330; 53 W. R. 613; 21 T. L. R. 486). A workman with a gouty arm was holding a piece of iron on an anvil. The iron was struck too far up, so that his arm was jarred and swelled so as to prevent him working (*Lloyd* v. *Sugg & Co.*, [1900] 1 Q. B. 481; 69 L. J. Q. B. 190; 81 L. T. 768; 48 W. R. 257). A stack of planks became stuck together by frost, and a work-

man ruptured himself in trying to lift one off (*Timmins* v. *Leeds Forge Co., Limited* (1900), 83 L. T. 120). A collier was kneeling at his work when a piece of coal penetrated the skin of his knee and set up blood poisoning (*Thompson* v. *Ashington Coal Co., Limited* (1901), 65 J. P. 356; 84 L. T. 412). A collier strained his back in attempting to replace a coal trolly, which the driver had carelessly thrown off the rails (*Stewart* v. *Wilsons and Clyde Coal Co., Limited* (1902), 5 Fraser, 120). A man carrying a heavy beam on his shoulder gave it an extra lift to adjust its balance, and in so doing tore the muscles of his back (*Boardman* v. *Scott and Whitworth*, [1902] 1 K. B. 43; 66 J. P. 260; 71 L. J. K. B. 3; 85 L. T. 502; 50 W. R. 184). A workman burst a blood vessel in his brain through over-exertion in lifting a weight (*M'Innes* v. *Dunsmuir and Jackson*, [1908] Sess. Cas. 1021). A workman, who had an aneurism, was tightening a nut with a spanner, when his aneurism burst, and he died (*Clover, Clayton & Co., Limited* v. *Hughes*, [1910] A. C. 242; 79 L. J. K. B. 470; 102 L. T. 340; 54 Sol. Jo. 375; 26 T. L. R. 359). A workman, who was cleaning a mill-race, had to work in the water. This gave him a chill, of which he died (*Sheerin* v. *Clayton & Co.*, [1901] 2 I. R. 105). A pilot, in jumping out of a vessel into his boat, got wet and in consequence suffered from sciatica (*Barberry* v. *Chugg* (1915), 84 L. J. K. B. 504; 31 T. L. R. 153; [1915] W. C. & Ins. Rep. 174). Owing to an accident in a mine, some of the men had to stand for a long time in a cold draught, or in the water at the bottom of the shaft, before they could be brought to the surface, whereby they got pneumonia (*Brown* v. *John Watson, Limited*, [1915] A. C. 1; 83 L. J. P. C. 307; 111 L. T. 347; 30 T. L. R. 501; [1914] W. C. & Ins. Rep. 228, approving *Drylie* v. *Alloa Coal Co., Limited*, [1913] Sess. Cas. 549; 50 Sc. L. R. 350; [1913] W. C. & I. Rep. 213); but it is no accident if they could have avoided the exposure (*McLuckie* v. *John Watson, Limited*, [1913] Sess. Cas. 975; 50 Sc. L. R. 770). And in *Higgins* v. *Campbell and Harrison, Limited* and *Brinton's Limited* v. *Turvey*, [1905] A. C. 230; 74 L. J. K. B. 474; 92 L. T. 578; 53 W. R. 641; 21 T. L. R. 444, the Court of Appeal and House of Lords held that Higgins, a wool porter, and Turvey, a wool sorter, who had each caught anthrax from the wool they had to handle, were injured by "accident."

On the other hand, the Court of Appeal in England and the Court of Session in Scotland have held that injury to a miner's hand or knee called "beat hand" or "beat knee" caused by the long and gradual friction upon the hand or knee during work is not injury by "accident" (*Marshall* v. *East Holywell Coal Co.* and *Gorley* v. *Backworth Collieries* (1905), 93 L. T. 360; 21 T. L. R. 494); nor is injury to the heart caused by constant steady over-exertion, and not by any sudden effort (*Coe* v. *Fife Coal Co., Limited*, [1909] Sess. Cas. 393; *Spence* v. *William Baird & Co., Limited*, [1912] Sess. Cas. 343); or a chill caught by getting overheated in the ordinary course of duty (*M'Millan* v. *Singer Sewing Machine Co., Limited*, [1913] Sess. Cas. 346; 50 Sc. L. R. 220; [1913] W. C. & I. Rep. 70). A similar decision was given in the case of a workman whose employment necessitated the handling of white and red lead, and who

gradually accumulated lead in his system, with the ultimate result that he suffered from lead poisoning, which produced partial paralysis (*Steel* v. *Cammell, Laird & Co.*, [1905] 2 K. B. 232; 74 L. J. K. B. 610; 93 L. T. 357; 53 W. R. 612; 21 T. L. R. 490), and in *Broderick* v. *London County Council*, [1908] 2 K. B. 807; 77 L. J. K. B. 1127; 99 L. T. 569; 24 T. L. R. 822, and *Eke* v. *Hart-Dyke*, [1910] 2 K. B. 677; 80 L. J. K. B. 90; 103 L. T. 74; 26 T. L. R. 613, it was held that a sewerman who contracted enteritis from inhaling sewer gas in the course of his employment was not injured by accident.

It is not clear whether injury by the weather is injury by accident. It nas been held that death from sunstroke or heat stroke (*Ismay, Imrie & Co.* v. *Williamson*, [1908] A. C. 437; 77 L. J. P. C. 107; 99 L. T. 595; 24 T. L. R. 881; *Morgan* v. *S.S. Zenaida* (*owners*) (1909), 25 T. L. R. 446; *Davies* v. *Gillespie* (1911), 105 L. T. 494; 56 Sol. Jo. 11; 28 T. L. R. 6; but see *Blakey* v. *Robson, Eckford & Co., Limited*, [1912] Sess. Cas. 334; 49 Sc. L. R. 254), or from lightning (*Andrew* v. *Failsworth Industrial Society, Limited*, [1904] 2 K. B. 32; 68 J. P. 409; 73 L. J. K. B. 511; 90 L. T. 611; 52 W. R. 451; *Kelly* v. *Kerry County Council* (1908), 1 B. W. C. C. 94; 92 I. L. T. 23), is death by accident; but in *Warner* v. *Couchman*, [1911] 1 K. B. 351; 80 L. J. K. B. 526; 103 L. T. 693; 55 Sol. Jo. 107; 27 T. L. R. 121, affirmed in the House of Lords, [1912] A. C. 35; 81 L. J. K. B. 45; 56 Sol. Jo. 70; 28 T. L. R. 58, the Court of Appeal and House of Lords seemed uncertain whether frost-bite was an accident, and this case throws some doubt on the earlier decisions.

A criminal assault is an "accident" to the sufferer; see *Trim Joint District School* v. *Kelly*, [1914] A. C. 667; 83 L. J. P. C. 220; 30 T. L. R. 452 (murder); *Nisbet* v. *Rayne and Brown*, [1910] 2 K. B. 689; 80 L. J. K. B. 84; 103 L. T. 178; 54 Sol. Jo. 719; 26 T. L. R. 632 (murder); *Mitchinson* v. *Day Brothers*, [1913] 1 K. B. 603; 82 L. J. K. B. 421; 108 L. T. 193; 57 Sol. Jo. 300; 29 T. L. R. 267; [1913] W. C. & I. Rep. 324 (manslaughter); *Weekes* v. *William Stead, Limited* (1913), 83 L. J. K. B. 1542; 30 T. L. R. 586 (manslaughter); and *Anderson* v. *Balfour*, [1910] 2 I. R. 497 (assault by poachers). *Murray* v. *John Denholme & Co.*, [1911] Sess. Cas. 1087; 48 Sc. L. R. 896, which was to the contrary effect, is overruled, and so are the *dicta* on this point in *Blake* v. *Head* (1912), 28 T. L. R. 321; 5 B. W. C. C. 303.

In the course of the Great War, it was assumed by all the Courts, including the House of Lords, that injury by hostile aircraft was an "accident." See *Allcock* v. *Rogers* (1918), 87 L. J. K. B. 693; 118 L. T. 386; 62 S. J. 421; 34 T. L. R. 324; [1918] W. C. & I. Rep. 274.

(*b*) **Employed.**—For the meaning of this expression, see s. 147 (1) and note (*a*) to s. 152 of the Act of 1901, *ante*, pp. 211, 226.

(*c*) **"Work at which he was employed."**—In *Lakeman* v. *Stevenson* (1868), L. R. 3 Q. B. 192; 9 B. & S. 54; 37 L. J. M. C. 57; 18 L. T. 539; 16 W. R. 509, 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 Act of 1878.

(*d*) **Occupier.**—For the meaning of this expression, see note (*n*) to s. 104, and note (*i*) to s. 105 of the Act of 1901, *ante*, pp. 133, 137.

(*e*) **Fine.**—Recoverable summarily. See s. 144 of the Act of 1901, *ante*, p. 209.

5. *Power to extend provisions as to notice of accidents to dangerous occurrences.*]—(1) If the Secretary of State considers that, by reason of the risk of serious injury to persons employed, it is expedient that notice should be given under this Act in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant, or other occurrences in a mine or quarry, or in a factory or workshop, including any place which for the purpose of the provisions of the Factory and Workshop Act, 1901, with respect to accidents is a factory or workshop, or is included in the word "factory" or "workshop," or is part of a factory or workshop, the Secretary of State may by order (*a*) extend the provisions of this Act requiring notice of accidents to be given to an inspector to any such class of occurrences, whether personal injury or disablement is caused or not, and, where any such order is made, the provisions of this Act shall have effect as extended by the order.

(2) The Secretary of State may by any such order allow the required notice of any occurrence to which the order relates, instead of being sent forthwith, to be sent within the time limited by the order.

This is a new provision.

(*a*) **Special Order.**—By Order dated November 9th, 1928, the Secretary of State has extended these provisions to the following classes of occurrences in a factory or workshop (including any place which for the purpose of the provisions of the Factory and Workshop Act, 1901, with respect to accidents is a factory or workshop, or is included in the word factory or workshop, or is part of a factory or workshop) whether personal injury or disablement is caused or not:—

All cases of—

I. bursting of a revolving vessel, wheel, grindstone or grinding wheel moved by mechanical power;

II. breaking of a rope, chain, or other appliance used in raising or lowering persons or goods by aid of mechanical power;

III. explosion or fire causing damage to the structure of any room or place in which persons are employed, or to any machine or plant contained therein, and resulting in the

complete suspension of ordinary work in such room or place or stoppage of machinery or plant for not less than five hours, where such explosion or fire is due to (i) the ignition of dust gas or vapour, or (ii) the ignition of celluloid or substances composed wholly or in part of celluloid, or (iii) electrical short circuit, or failure of electrical apparatus;

IV. explosion or fire not included in paragraph III. affecting any room in which persons are employed and causing complete suspension of ordinary work therein for not less than twenty-four hours.

7. *Repeal, construction, and short title.*]—(1) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) This Act may be cited as the Notice of Accidents Act, 1906, and shall come into operation on the first day of January nineteen hundred and seven, but the Secretary of State may appoint a later date (not being later than the first day of January one thousand nine hundred and eight) for any special provision of the Act to come into operation, and, if a later date is so appointed, that special provision shall not come into operation until that later date.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
35 & 36 Vict. c. 77	The Metalliferous Mines Regulation Act, 1872.	Section eleven from the beginning to "injured respectively."
50 & 51 Vict. c. 58	The Coal Mines Regulation Act, 1887.	Section thirty-five, subsection one.
57 & 58 Vict. c. 28	The Notice of Accidents Act, 1894.	Section one, subsection three.
63 & 64 Vict. c. 27	The Railway Employment (Prevention of Accidents) Act, 1900.	Section thirteen, subsection three.
1 Edw. 7, c. 22 –	The Factory and Workshop Act, 1901.	Section nineteen.

THE WORKMEN'S COMPENSATION ACT, 1923.

(13 & 14 GEO. 5, c. 42.)

An Act to amend the Workmen's Compensation Act, 1906, *and the Acts amending that Act, and to amend the law with respect to employers' liability insurance, the notification of accidents, first aid, and ambulance.*

[16th November 1923.]

* * * * *

NOTIFICATION OF ACCIDENTS—FIRST-AID AND AMBULANCE.

28. *Notification of accidents.*]—(1) Section four of the Notice of Accidents Act, 1906 (*a*), shall have effect as if for subsection (1) thereof the following subsection were substituted :—

"Where any accident occurs in a factory or workshop which either—

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

(b) disables any such person for more than three days from earning full wages at the work at which he was employed ;

written notice of the accident, in such form (*b*) and accompanied by such particulars as the Secretary of State may prescribe, shall forthwith be sent to the inspector of the district."

* * * * *

(4) This section shall be construed as one with the Notice of Accidents Act, 1906 (*a*).

(*a*) *Ante*, p. 267.

(*b*) The prescribed form is Official Form No. 43.

29. *First-aid and ambulance and safety orders.*]—(1) In

every factory the following requirements shall have effect :—

(a) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard (*a*) of the prescribed standard (*b*), and, where more than one hundred and fifty persons are employed, an additional box or cupboard for every additional one hundred and fifty persons.

The number of first-aid boxes or cupboards required under this provision shall be calculated on the largest number of persons employed at any one time, and fractions of one hundred and fifty shall be reckoned as one hundred and fifty. Where the persons employed are employed in shifts, the calculation of the number employed shall be according to the largest number at work at any one time :

(b) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard :

(c) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall always be readily available during working hours. A notice shall be affixed in every work-room stating the name of the person in charge of the first-aid box or cupboard provided in respect of that room :

(d) If an ambulance room (*a*) is provided at the factory and such arrangements are made as to ensure the immediate treatment there of all injuries occurring in the factory, the Chief Inspector may by certificate exempt the factory from the requirements of this section to such extent and subject to such conditions as he may specify in the certificate ;

and, if in respect of any factory such requirements are not complied with, the factory shall be deemed not to be kept in conformity with the Factory and Workshop Act, 1901.

(2) The powers of the Secretary of State under section seven of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916 (*c*), to make orders in relation to first-aid and ambulance arrangements in factories and

workshops, shall be exercisable as respects any works or premises to which any of the provisions of the Factory and Workshop Acts, 1901 to 1920, apply, and such building and engineering operations as may be prescribed, in like manner as they are exercisable as respects factories and workshops.

(3) Where it appears to the Secretary of State that, in view of the number and nature of accidents occurring in any factory or class of factories, special provision ought to be made at that factory or at factories of that class to secure the safety of persons employed therein, he may by order require the occupier to make such reasonable provision by arrangements for special supervision in regard to safety, investigation of the circumstances and causes of accidents, and otherwise as may be specified in the order, and, if the occupier of any factory affected by any such order fails to comply with the requirements of the order or any of them, the factory shall be deemed not to be kept in conformity with the Factory and Workshop Act, 1901.

(4) This section, so far as it relates to factories and other places to which the Factory and Workshop Acts, 1901 to 1920, or any of them, apply, shall be construed as one with those Acts.

(*a*) **First-Aid Boxes : Ambulance Rooms.**—These are already provided in many industries under Welfare Orders made by the Secretary of State. The Orders will be found at pp. 624—658, *ante*.

(*b*) **Prescribed Standard.**—This has been fixed as follows, by Order dated 13th December, 1923 :—

A—For factories employing 50 persons or less.—Each first-aid box or cupboard shall contain at least—

(i) A copy of the first-aid leaflet (Form 923) issued by the Factory Department of the Home Office.
(ii) A sufficient number (not less than a dozen) of small sterilised dressings for injured fingers.
(iii) A sufficient number (not less than six) of medium sterilised dressings for injured hands or feet.
(iv) A sufficient number (not less than six) of large sterilised dressings for other injured parts.
(v) A sufficient number of sterilised burn dressings (small and large).
(vi) A sufficient supply of sterilised cotton wool, in ½-oz. packets.
(vii) A two per cent. alcoholic solution of iodine.
(viii) A bottle of sal volatile, having the dose and mode of administration indicated on the label.

(ix) Eye drops, prepared as described in the first-aid leaflet (Form 923).

Each first-aid box or cupboard shall be distinctively marked with a white cross on a red ground.

B—For factories employing more than 50 persons.—Each first-aid box or cupboard shall contain at least—

(i) A copy of the first-aid leaflet (Form 923) issued by the Factory Department of the Home Office.
(ii) A sufficient number (not less than two dozen) of small sterilised dressings for injured fingers.
(iii) A sufficient number (not less than one dozen) of medium size sterilised dressings for injured hands or feet.
(iv) A sufficient number (not less than one dozen) of large sterilised dressings for other injured parts.
(v) A sufficient number of sterilised burn dressings (small and large).
(vi) A sufficient supply of sterilised cotton wool, in ½-oz. packets.
(vii) A two per cent. alcoholic solution of iodine.
(viii) A bottle of sal volatile, having the dose and mode of administration indicated on the label.
(ix) Eye drops, prepared as described in the first-aid leaflet (Form 923).
(x) A supply of suitable splints and cotton wool or other material for padding.
(xi) A supply of adhesive plaster.
(xii) A tourniquet.
(xiii) One dozen roller bandages.
(xiv) Half-a-dozen triangular bandages.
(xv) Safety pins.

Provided that items (x) to (xv) inclusive need not be included in the standard first-aid box or cupboard (*a*) where there is a properly equipped ambulance room, or (*b*) if at least one box containing such items and placed and maintained in accordance with the requirements of section 29 of the Act is separately provided.

Each first-aid box or cupboard shall be distinctively marked with a white cross on a red ground.

C—In the case of any factory or part of any factory where first-aid boxes of a specified standard are required to be kept in pursuance of any Regulation or Order in force under the Factory and Workshop Acts, the standard for that factory or part of factory shall be that prescribed by such Regulation or Order.

By Order dated 27th June, 1927, all materials for dressings contained in the first-aid boxes or cupboards which are required to be provided in pursuance of s. 29 (1) of the Workmen's Compensation Act, 1923, or Regulation 4 (a) of the Docks Regulations, 1925, or Regulation 47 of the Building Regulations, 1926, shall be those designated in and of a grade or quality not lower than the standards prescribed by the British Pharmaceutical Codex, 1923.

(*c*) *Ante*, p. 276.

31.—*Short title, construction, extent, commencement, &c.*]

(1) This Act may be cited as the Workmen's Compensation Act, 1923. . . .

(3) This Act shall not, except where otherwise expressly provided, extend to Northern Ireland.

(4) This Act shall come into operation on the first day of January, nineteen hundred and twenty-four.

* * * * *

THE WORKMEN'S COMPENSATION ACT, 1925.

(15 & 16 GEO. 5, c. 84.)

An Act to consolidate the law relating to compensation to workmen for injuries suffered in the course of their employment. [22nd December 1925.]

* * * * * *

15.—(1) There shall be kept constantly posted up in some conspicuous place at or near every mine, quarry, factory or workshop where it may be conveniently read by the persons employed, a summary (*a*), in such form as may be prescribed, of the requirements of this Act, with regard to the giving of notice of accidents and the making of claims and the procedure to be followed in the case of industrial diseases, and, in the event of such summary becoming effaced, obliterated, or destroyed it shall be renewed with all reasonable dispatch.

In the event of any non-compliance with the provisions of this subsection the owner, agent or manager of the mine or quarry or the occupier of the factory or workshop shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds, and any such proceedings may be instituted by an inspector of mines or factories.

(2) . . .

(3) For facilitating the giving of notice of accidents for the purposes of this Act, a book (*b*) in the prescribed form shall be kept at every mine, quarry, factory or workshop in which the prescribed particulars of accidents happening to persons employed at the mine, quarry, factory or workshop may be entered by the injured workman or some other person acting on his behalf, and an entry in such book, if made as soon as practicable

after the happenings of the accident, shall be sufficient notice of the accident for the purposes of this Act.

The book shall be kept at such place as to be readily accessible at all reasonable times to any injured workman who was employed at the mine, quarry, factory or workshop, and any person bonâ fide acting on his behalf.

If in the case of any mine, quarry, factory or workshop the provisions of this subsection are not complied with, the mine, quarry, factory or workshop shall be deemed not to be managed or kept in conformity with the enactments relating thereto.

(*a*) **Summary of Act.**—The Official Form is No. 84.

(*b*) **Accident Book.**—The Official Form is No. 85.

Note.—By this Act all previous Workmen's Compensation Acts were repealed except ss. 1, 6, 28, 29, 30 and 31 of the Act of 1923.

THE POLICE, FACTORIES, ETC. (MISCELLANEOUS PROVISIONS) ACT, 1916.

(6 & 7 Geo. 5, c. 31.)

An Act to amend the Enactments relating to the Police and certain other Enactments with the administration of which the Secretary of State for the Home Department is concerned. [3rd August 1916.]

* * * * * *

Part II.

Factories and Workshops.

7. *Provisions for securing welfare of workers in factories and workshops.*]—(1) Where it appears to the Secretary of State that the conditions and circumstances of employment or the nature of the processes carried on in any factory or workshop are such as to require special provision to be made at the factory or workshop for securing the welfare of the workers or any class of workers employed therein in relation to the matters to which this section applies, he may by Order (*a*) require the occupier (*b*) to make such reasonable provision therefor as may be specified in the order, and if the occupier fails to comply with the requirements of the order or any of them, the factory or workshop shall be deemed not to be kept in conformity with the Factory and Workshop Act, 1901 (*c*).

(2) The following shall be the matters to which this section applies :—

Arrangements for preparing or heating, and taking, meals ; the supply of drinking water ; the supply of protective clothing ; ambulance and first-aid arrangements ; the supply and use of seats in workrooms ; facilities for washing ; accommodation for clothing ;

arrangements for supervision of workers [and rest-rooms] (*by Order of 16th April*, 1920).

(3) Orders may—

(a) be made for a particular factory or workshop, or for factories or workshops of any class or group or description;

(b) be made contingent in respect of particular requirements upon application being made by a specified number or proportion of the workers concerned, and may prescribe the manner in which the views of the workers are to be ascertained;

(c) provide for the workers concerned being associated in the management of the arrangements, accommodation or other facilities for which provision is made, in any case where a portion of the cost is contributed by the workers; but no contribution shall be required from the workers in any factory or workshop, except for the purpose of providing additional or special benefits which, in the opinion of the Secretary of State, could not reasonably be required to be provided by the employer alone, and unless two-thirds at least of the workers affected in that factory or workshop, on their views being ascertained in the prescribed manner, assent.

(4) If, in the case of any order proposed to be made for a particular factory or workshop, the occupier (*b*), or, in the case of an order for factories or workshops of a particular class or group or description, the majority of the occupiers of factories or workshops of that class or group or description, dispute the reasonableness of the requirements in the proposed order or any of them, the objection shall be referred for settlement to a referee selected in accordance with rules made under this section (*d*), but the Secretary of State may so refer any objection though not made by a majority of the occupiers if he thinks desirable.

(5) Save as otherwise expressly provided in the order, the occupier of a factory or workshop shall not make any deduction from the sum contracted to be paid by him to any workman or receive any payment from any workman in respect of any provision made in pursuance of an order

under this section, and, if he makes any such deduction or receives any such payment, 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 (*e*) as if the offence were an offence mentioned in that section.

(6) The Secretary of State may make rules (*d*) as to the time within which, and the manner in which, notice of objection to any order may be made, and as to the selection of, and the procedure before, a referee and the cost of the proceedings before a referee (including the remuneration of the referee).

(7) Any order made under this section may be revoked at any time in whole or in part by the Secretary of State, without prejudice to the making of a further order.

(8) This section shall not apply to domestic factories or workshops.

(9) The Secretary of State may by a special order (*f*) made in accordance with the provisions of section one hundred and twenty-six of the Factory and Workshop Act, 1901, extend the matters to which this section applies to matters other than those mentioned in this section.

This section is extended by s. 29 (2) of the Workmen's Compensation Act, 1923, *post*, p. 275, to many premises other than factories or workshops.

(*a*) **Welfare Orders.**—Orders under this section, known as Welfare Orders, have been made for the following places and industries :—

Bakehouses.
Biscuit factories.
Blast furnaces.
Copper mills.
Dyeing, use of bichromates in.
Fish curing.
Foundries.
Fruit preserving.
Glass bevelling.
Glass bottle and pressed glass, manufacture of
Gut scraping, etc.
Hollow ware making, and galvanising.
Iron mills.
Laundries.
Metal works.
Oil-cake mills.
Sack cleaning and repairing.
Saw mills.

Shell factories.
Tanning, use of bichromates in.
Tin or terne plate making.
Wood-working factories.

and drinking water must be supplied in all factories in which twenty-five or more persons are employed. These Orders are set out at pp. 623—658, *post*.

(*b*) **Occupier.**—For the meaning of this word, see p. 200, *ante*.

(*c*) For penalty, see p. 200, *ante*.

(*d*) **Rules.**—These are set out at p. 624, *post*.

(*e*) *Post*, p. 364.

(*f*) **Special Order.**—By Order dated 16th April, 1920, the section has been extended to the provision of rest-rooms.

8. *Abolition of investigations of accidents by certifying surgeons.*]—(1) After the expiration of one month from the passing of this Act it shall cease to be the duty of certifying surgeons to investigate the nature and cause of death or injury caused by accidents in factories and workshops (*a*) or in premises to which the provisions of the Factory and Workshop Acts, 1901 to 1911, relating to accidents, are applied, or to send to the inspector of the district reports thereof:

Provided that nothing in this section shall affect sub-section (3) of section seventy-three of the Factory and Workshop Act, 1901 (*b*), relating to the investigation by certifying surgeons of diseases occurring in factories and workshops:

Provided also that it shall continue to be the duty of the certifying surgeon to investigate and report upon cases of injury caused by exposure to gas, fumes, or other noxious substances or due to any other special cause specified in instructions of the Secretary of State as requiring investigation, and the Secretary of State shall issue instructions defining the causes of injury to which this provision is to apply and requiring the inspector of the district to refer to the certifying surgeon all such cases reported to him. It shall also be the duty of the certifying surgeon to investigate and report upon any case of injury which the inspector of the district in pursuance of any general or special instructions of the Secretary of State may refer to him for that purpose. The certifying surgeon shall have, for the purpose of the

investigation in any such case, the same powers and shall be entitled to receive the same fee as he would if the case had been a case to which section seventy-three applies.

(2) As from the same date the enactments mentioned in the Schedule to the Act shall be repealed to the extent mentioned in the Schedule to this Act.

(*a*) **Accidents.**—See ss. 20—22 of the Act of 1901, *ante*, pp. 43—46

(*b*) *Ante*, p. 99.

9. *Construction of Part II.*]—This Part of this Act shall be construed as one with the Factory and Workshop Acts, 1901 to 1911.

* * * * *

13. *Short title.*]—This Act may be cited as the Police, Factories, etc. (Miscellaneous Provisions) Act, 1916.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal
1 Edw. 7, c. 22	The Factory and Workshop Act, 1901.	Section twenty and subsection (3) of section one hundred and twenty-four, except so far as they are applied by subsection (3) of section seventy-three.
6 Edw. 7, c. 53	The Notice of Accidents Act, 1906.	Subsection (1) of section four from the words "and also in the case of accidents" to the end of the subsection.

THE WOMEN AND YOUNG PERSONS (EMPLOYMENT IN LEAD PROCESSES) ACT, 1920.

(10 & 11 GEO. 5, c. 62.)

ARRANGEMENT OF SECTIONS.

Section.
1. Prohibition of employment of women and young persons in certain processes connected with lead manufacture.
2. Regulations for employment of women and young persons in processes involving use of lead compounds.
3. Power to take samples.
4. Amendment of s. 73 of 1 Edw. 7, c. 22.
5. Penalties where employment is not in factory or workshop.
6. Interpretation.
7. Short title, construction, and commencement.

An Act to make provision for the better protection of Women and Young Persons against Lead Poisoning.

[23rd December 1920.]

[*This Act was passed in order to give effect to a Recommendation adopted by a general conference of the International Labour Organisation of the League of Nations at Washington on the 28th November*, 1919. *The Recommendation is set out in the Schedule to the Act, infra, p.* 292.]

1. *Prohibition of employment of women and young persons in certain processes connected with lead manufacture.*] —It shall not be lawful for any person to employ any woman or young person (*a*) in any of the following operations :—

(a) Work at a furnace where the reduction or treatment of zinc or lead ores is carried on :

(b) The manipulation, treatment, or reduction of ashes containing lead, the desilverising of lead, or the melting of scrap lead or zinc :

(c) The manufacture of solder or alloys containing more than ten per cent. of lead :

(d) The manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead :

(e) Mixing or pasting in connection with the manufacture or repair of electric accumulators :

(f) The cleaning of workrooms where any of the processes aforesaid are carried on.

(*a*) **Young Person.**—For definition, see s. 6, *post*, p. 291.

2. *Regulations for employment of women and young persons in processes involving use of lead compounds.*]—(1) It shall not be lawful for any person to employ in any process involving the use of lead compounds (*a*) any woman or young person (*b*) if the process is such that dust or fume from a lead compound is produced therein, or the persons employed therein are liable to be splashed with any lead compound in the course of their employment, unless the following regulations are complied with as respects all women and young persons employed :—

(a) Where dust or fume from a lead compound is produced in the process, provision must be made for drawing the fume or dust away from the persons employed by means of an efficient exhaust draught so contrived as to operate on the dust or fume as nearly as may be at its point of origin :

(b) The persons employed must undergo the prescribed medical examination (*c*) at the prescribed intervals, and the prescribed record must be kept with respect to their health :

(c) No food, drink, or tobacco shall be brought into or consumed in any room in which the process is carried on, and no person shall be allowed to remain in any such room during meal times :

(d) Adequate protective clothing in a clean condition shall be provided by the employer and worn by the persons employed :

(e) Such suitable cloak-room, mess-room and washing accommodation as may be prescribed (*d*) shall be provided for the use of the persons employed :

(f) The rooms in which the persons are employed, and all tools and apparatus used by them, shall be kept in a clean condition.

(2) It shall not be lawful for any person to employ in any process involving the use of lead compounds any woman or young person who has been suspended after medical examination from employment in any such process on the ground that continuance therein would involve special danger to health.

Regulations made under the Act of 1901 are in force regarding certain processes which involve the use of lead compounds, viz. : electric accumulators, p. 498 ; enamelling of metal or glass, p. 513 ; file cutting, p. 517 ; india-rubber, p. 544 ; lead smelting, p. 554 ; lead compounds, p. 549 ; paints and colours, p. 571 ; painting of buildings, p. 565 ; painting of vehicles, p. 568 ; pottery, p. 574 ; tinning of metal hollow-ware, p. 605 ; yarn, heading of, p. 620. The provisions of this Act are in addition to the regulations.

(*a*) **Lead Compound.**—For definition, see s. 6, *post*, p. 291.

(*b*) **Young Person.**—For definition, see s. 6, *post*, p. 291.

(*c*) **Prescribed Medical Examination.**—By an Order dated 8th November, 1921, the following rules are made under this provision :—

1. All women and young persons employed in a lead process and not subject to periodic medical examinations under any regulations in force under the Factory and Workshop Acts, shall be examined by the certifying surgeon for the district appointed under the Factory and Workshop Act, 1901, once in every three months, on a date of which due notice shall be given.

2. Every such woman and young person shall be supplied by the employer with a health register in the approved form in which the certifying surgeon shall enter the dates and results of his examinations and particulars of any directions given by him.

Where the process is carried on in a factory or workshop, such register shall be kept by the occupier but shall be open to the inspection of the worker concerned and shall be handed to the worker on the termination of the employment. Where the process is carried on elsewhere, the register shall be kept by the worker, and shall be produced when required by the employer or by the surgeon for the purpose of carrying out his duties under this Order.

3. The certifying surgeon shall be entitled to charge the employer the following fees in respect of examinations made in pursuance of this Order : (*a*) where the examination is made at works, the same fees as are payable on examinations made in pursuance of regulations under section 79 of the Factory and Workshop Act, 1901 [*as to which see Schedule V. of that Act, ante*, p. 246], (*b*) where the examination is made at his surgery, a fee of one shilling.

(*d*) **Prescribed Accommodation.**—By another Order dated 8th November, 1921, the following rules are made under this provision :—

1. The occupier shall provide and maintain for the use of all

women and young persons employed in a lead process, suitable accommodation for clothing put off during working hours.

The accommodation so provided shall be placed under the charge of a responsible person, and shall be kept clean.

2. The occupier shall provide and maintain for the use of all women and young persons employed in a lead process and remaining on the premises during meal intervals suitable and adequate arrangements for taking their meals. The arrangements shall consist of the use of a room separate from any workroom, which shall be furnished with sufficient tables and chairs or benches with back rests, and unless a canteen serving hot meals is provided, adequate means of warming food and boiling water. The room shall be sufficiently warmed for use during meal intervals, shall be placed under the charge of a responsible person, and shall be kept clean.

3. The occupier shall provide and maintain for the use of all women and young persons employed in a lead process suitable washing facilities, comprising a sufficient supply of clean towels, soap, nail brushes and warm water, adjacent to the place where the work is done.

The facilities so provided shall be placed under the charge of a responsible person, and shall be kept clean.

3. *Power to take samples.*]—(1) Where an inspector under the Factory and Workshop Act, 1901, suspects that any substance used or intended for use in any process in which women or young persons (*a*) are employed contains a lead compound (*a*), he may at any time take for analysis sufficient samples of that substance.

(2) If the occupier of the factory or workshop in which any such process is carried on refuses to allow an inspector to take samples in pursuance of this section, or to give him facilities for the purpose, he shall be guilty of obstructing the inspector in the execution of his duties under the said Act (*b*) :

Provided that the occupier of a factory may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into two parts and to mark and seal and deliver to him one such part.

(3) In this section the expression " occupier of a factory or workshop " includes any person employing a woman or young person in any process involving the use of lead compounds in any place other than a factory or workshop.

(4) A certificate purporting to be a certificate by the Principal Chemist of the Government Laboratory as to

the result of an analysis of a sample under this section shall, in any proceedings under this Act, be evidence (*c*) of the matters stated therein, unless either party requires the person by whom the analysis was made to be called as a witness.

(5) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person the results of an analysis made under this Act.

If any person acts in contravention of the provisions of this subsection, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

(*a*) **Young Person : Lead Compound.**—For definitions, see s. 6, *post*, p. 291.

(*b*) For penalty, see s. 119 (4) of the Act of 1901, *ante*, p. 188.

(*c*) **Certificate, whether conclusive.**—It is submitted that the certificate is conclusive evidence of the composition of the sample, unless there is some other evidence to contradict it. See *Harrison* v. *Richards* (1881), 45 J. P. 552 ; *Elder* v. *Dryden* (1908), 72 J. P. 355 ; 99 L. T. 20 ; 6 L. G. R. 786 ; *Robinson* v. *Newman* (1917), 81 J. P. 187 ; 86 L. J. K. B. 814 ; 117 L. T. 96 ; 25 Cox C. C. 749 ; 15 L. G. R. 475 ; and *Chalmers* v. *M'Meeking* (1920), 58 Sc. L. R. 227 ; all decided under the similar provisions of s. 21 of the Sale of Food and Drugs Act, 1875 (38 & 39 Vict. c. 63). But if there is evidence on both sides, the certificate of the Government Laboratory would not be conclusive, though it would naturally carry great weight. See *Hewitt* v. *Taylor*, [1896] 1 Q. B. 287 ; 60 J. P. 311 ; 65 L. J. M. C. 68 ; 74 L. T. 51 ; 44 W. R. 431 ; 18 Cox C. C. 226, and the Scotch cases of *Dargie* v. *Dunbar* (1884), 11 Rettie (J. C.) 37 ; *Fyfe* v. *Hamilton* (1894), 1 Adam, 484, and *Todd* v. *Cochrane* (1901), 3 Adam, 357 ; 38 Sc. L. R. 801, decided under the same section.

4. *Amendment of s. 73 of 1 Edw. 7, c. 22.*]—Section seventy-three of the Factory and Workshop Act, 1901 (*a*) (which requires notification to be sent to the Chief Inspector of Factories of lead poisoning contracted in any factory or workshop), shall apply to lead poisoning contracted by any woman or young person (*b*) in processes involving the use of lead compounds (*b*), whether carried on in factories or workshops or not (*c*).

(*a*) *Ante*, p. 99.

(*b*) **Young Person : Lead Compound.**—For definitions, see s. 6, *infra*.

(*c*) **Employment not in Factory or Workshop.**—See s. 5, *infra*.

5. *Penalties where employment is not in factory or workshop.*]—If any person employs a woman or young person in contravention of this Act in any place other than a factory or workshop, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and an inspector appointed under the Factory and Workshop Acts, 1901 to 1911, shall, in relation to the case, have the same powers and duties (*a*) as if the place in which the woman or young person is employed were a factory or workshop.

(*a*) **Powers and duties of Inspectors.**—See ss. 118 and 119 of the Act of 1901, *ante*, pp. 185—189.

6. *Interpretation.*]—In this Act—

The expression "young person" means a person who is under the age of eighteen years;

The expression "prescribed" means prescribed by order made by the Secretary of State, and the provisions of paragraph (a) of subsection (3) and subsections (4), (6), and (7) of section seven of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, shall apply with respect to orders made under this Act as they apply with respect to orders made under that section;

The expression "lead compound" means any soluble compound of lead which is declared by order of the Secretary of State to be a lead compound for the purposes of this Act (*a*), and includes a mixture containing any such compound, but does not include an alloy containing lead:

The method of ascertaining whether any compound or mixture is a lead compound within the meaning of this Act shall be such as the Secretary of State may prescribe (*a*).

(*a*) By an Order dated 8th November, 1921, it is provided that the expression "lead compound" shall mean any compound of lead other than galena which, when treated in the manner prescribed below, yields to an aqueous solution of hydrochloric acid, a quantity of a soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis.

The method of treatment shall be as follows :—

A weighed quantity of the material which has been dried at 100° C. and thoroughly mixed is to be continuously shaken for one hour, at the common temperature, with 1000 times its weight of an aqueous solution of hydrochloric acid containing 0·25 per cent. by weight of hydrogen chloride. This solution is thereafter to be allowed to stand for one hour and then filtered. The lead salt contained in the clear filtrate is then to be precipitated as lead sulphide and weighed as lead sulphate.

7. *Short title, construction, and commencement.*]—(1) This Act may be cited as the Women and Young Persons (Employment in Lead Processes) Act, 1920, and shall be construed as one with the Factory and Workshop Acts, 1901 to 1911, and this Act and those Acts may be cited together as the Factory and Workshop Acts, 1901 to 1920.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-one.

SCHEDULE.

RECOMMENDATION CONCERNING THE PROTECTION OF WOMEN AND CHILDREN AGAINST LEAD POISONING.

The General Conference recommends to the members of the International Labour Organisation that, in view of the danger involved to the function of maternity and to the physical development of children, women and young persons under the age of eighteen years be excluded from employment in the following processes :—

(a) In furnace work in the reduction of zinc or lead ores.
(b) In the manipulation, treatment, or reduction of ashes containing lead, and in the desilverising of lead.
(c) In melting lead or old zinc on a large scale.
(d) In the manufacture of solder or alloys containing more than ten per cent. of lead.
(e) In the manufacture of litharge, massicot, red lead, white lead, orange lead, or sulphate, chromate, or silicate (frit) of lead.
(f) In mixing and pasting in the manufacture or repair of electric accumulators.
(g) In the cleaning of workrooms where the above processes are carried on.

It is further recommended that the employment of women and young persons under the age of eighteen years in processes

involving the use of lead compounds be permitted only subject to the following conditions :—

(a) Locally applied exhaust ventilation, so as to remove dust and fumes at the point of origin.
(b) Cleanliness of tools and workrooms.
(c) Notification to Government authorities of all cases of lead poisoning, and compensation therefor.
(d) Periodic medical examination of the persons employed in such processes.
(e) Provision of sufficient and suitable cloakroom, washing, and mess-room accommodation, and of special protective clothing.
(f) Prohibition of bringing food or drink into workrooms.

THE EMPLOYMENT OF WOMEN, YOUNG PERSONS, AND CHILDREN ACT, 1920.

(10 & 11 GEO. 5, c. 65.)

An Act to carry out certain Conventions relating to the employment of Women, Young Persons, and Children, and to amend the law with respect to the employment of Women and Young Persons in Factories and Workshops. [23*rd December* 1920.]

[*This Act was passed in order to give effect to certain conventions adopted by general conferences of the International Labour Organisation of the League of Nations at Washington on the* 28*th November* 1919, *and at Genoa on the* 9*th July* 1920. *The Conventions are set out in the Schedule, infra.*]

1. *Restrictions on the employment of women, young persons, and children in industrial undertakings.*]—(1) No child (*a*) shall be employed in any industrial undertaking (*a*).

(2) No child shall be employed in any ship except to the extent to which and in the circumstances in which such employment is permitted under the Convention set out in Part IV. of the Schedule to this Act (*b*).

(3) No young person (*a*) or woman (*a*) shall be employed at night in any industrial undertaking (*a*), except to the extent to which and in the circumstances in which such employment is permitted under the Conventions set out in Part II. and Part III. respectively of the Schedule to this Act (*c*).

(4) Where young persons are employed in any industrial undertaking, a register of the young persons so employed, and of the dates of their birth, and of the dates on which they enter and leave the service of their employer, shall be kept and shall at all times be open to inspection.

(5) There shall be included in every agreement with the crew entered into under the Merchant Shipping Act, 1894, a list of the young persons under the age of sixteen years who are members of the crew, together with particulars of the dates of their birth, and, in the case of a ship (*a*) in which there is no such agreement, the master of the ship shall, if young persons under the age of sixteen years are employed therein, keep a register of those persons with particulars of the dates of their birth and of the dates on which they become or cease to be members of the crew, and the register so kept shall at all times be open to inspection.

(6) This section, so far as it relates to employment in coal mines, metalliferous mines and quarries, and factories and workshops, shall have effect as if it formed part of the Coal Mines Act, 1911, and the Acts amending that Act, the Metalliferous Mines Regulation Acts, 1872 and 1875, and the Factory and Workshop Acts, 1901 to 1911, respectively; and the provisions of those Acts relating to registers to be kept thereunder shall apply to the registers required to be kept under this Act (*d*).

This section, so far as it relates to employment in a ship (*a*), shall have effect as if it formed part of the Merchant Shipping Acts, 1894 to 1920.

In the case of employment in any place other than the places aforesaid or in any ship—

(a) If any person employs a child or a young person in any industrial undertaking in contravention of this Act, he shall be deemed to have employed a child or young person in contravention of the Employment of Children Act, 1903, and sub-sections (1) and (2) of section five and section six and section eight of that Act shall apply accordingly as if they were herein re-enacted and in terms made applicable to children and young persons within the meaning of this Act (*e*); and

(b) If any child is employed in any ship in contravention of this Act, the master of the ship shall be liable for each offence to a fine not exceeding forty shillings, or, in the case of a second or subsequent offence, not exceeding five pounds,

and where a child is taken into employment in any ship in contravention of this Act on the production, by or with the privity of the parent, of a false or forged certificate or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable on summary conviction to a fine not exceeding forty shillings; and

(c) If any person being the employer of a young person fails to keep such a register so required to be kept by him as aforesaid, or refuses or neglects when required to produce it for inspection by an officer of a local authority under the said Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds; and

(d) If the master of a ship fails to keep such a register so required to be kept by him as aforesaid, or refuses or neglects when required to produce it for inspection by an officer of the Board of Trade or any other person having power to enforce compliance with the provisions of the Merchant Shipping Acts, 1894 to 1920, he shall be liable to a fine not exceeding twenty pounds; and

(e) If a person employs a woman in contravention of this Act, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and an inspector appointed under the Factory and Workshop Acts, 1901 to 1911, shall, in relation to the case, have the same powers and duties as if the place in which the woman is employed were a factory or workshop (*f*).

This section does not apply to domestic factories or workshops. See s. 3 (2), *infra*.

(*a*) **Definitions.**—For definitions of the expressions "child," "young person," "woman," industrial "undertaking," and "ship," see s. 4, *infra*.

(*b*) *Post*, p. 304.

(*c*) *Post*, pp. 301, 303.

(*d*) **Registers.**—See s. 129 of the Act of 1901, *ante*, p. 195.

(*e*) **Employment of Children Act.**—This Act is repealed (except as regards Scotland and Ireland) by the Education Act, 1921, s. 172, and Schedule VII., *post*, p. 674. It is submitted

that the present subsection is not affected by this repeal, and that the penalty is still under the Employment of Children Act. If this view is wrong, an offence under the present subsection is a misdemeanour at Common Law, punishable upon indictment by fine or imprisonment for not more than two years.

(*f*) **Powers and Duties of Inspectors.**—See ss. 118—121 of the Act of 1901, *ante*, pp. 185—189.

2. *Employment of women and young persons in shifts.*]—(1) The Secretary of State may, on the joint application of the employer or employers of any factory or workshop or group of factories or workshops, and the majority of the workpeople concerned in such factory or workshop or group of factories or workshops, subject to the provisions of this section, make orders authorising the employment of women and young persons of the age of sixteen years and upwards in any factory or workshop or group of factories or workshops at any time between the hours of six in the morning and ten in the evening on any weekday except Saturday, and between the hours of six in the morning and two in the afternoon on Saturday, in shifts averaging for each shift not more than eight hours per day :

Provided that, if a joint representation is made to the Secretary of State by organisations representing a majority of the employers and workers in the industry concerned or the section of industry concerned as the case may be to the effect that orders under this section ought not to be made in respect of factories and workshops in that industry or section of industry, the powers of the Secretary of State to make orders under this section shall cease to be exercisable as regards that industry or section of industry unless and until the representation is withdrawn by the said organisations, and, if any such representation so requires, any order previously made in respect of a factory or workshop in that industry or section of industry shall, on the expiration of such reasonable period, not exceeding four months, as the Secretary of State may fix, cease to have effect.

Particulars of every order made under this section shall be published forthwith in the London Gazette, and no representation as respects factories and workshops in the industry or section of industry to which the order relates

shall be of any effect unless made within one month from the date of the publication of the order.

(2) An order under this section shall be subject to such conditions as the Secretary of State may consider necessary for the purpose of safeguarding the welfare and interests of the persons employed in pursuance of the order, and shall include a condition empowering the Secretary of State to revoke the order in the event of non-compliance with the conditions thereof, or in the event of it appearing to the Secretary of State that abuses of any description have arisen out of the employment of any persons in pursuance of the order.

(3) The Secretary of State may by order direct that such conditions as he may consider necessary for the purpose of safeguarding the welfare and interests of the persons employed shall apply to the employment in day shifts of young persons who may lawfully be so employed under the provisions of the Factory and Workshop Acts, 1901 to 1911.

(4) Notwithstanding anything in this section, an order under this section may permit the employment in any factory or workshop in such shifts as aforesaid of young persons under the age of sixteen years who are at the commencement of this Act so employed in that factory or workshop.

(5) If the conditions imposed by any order made under this section are not complied with in the case of any woman or young person, that woman or young person shall be deemed to be employed in contravention of the Factory and Workshop Act, 1901 (*a*).

(6) This section shall remain in force for a period of five years from the commencement of this Act and no longer (*b*), and any order made under this section shall, unless previously revoked by the Secretary of State in pursuance of his powers under this section, remain in force for a like period.

(7) This section shall be construed as one with the Factory and Workshop Acts, 1901 to 1911.

(*a*) For penalty, see s. 137 of the Act of 1901, *ante*, p. 204.

(*b*) **Extension of Act.**—By the Expiring Laws Continuance Act, 1929, the section has been extended to 31st December, 1930.

3. *Savings.*]—(1) The provisions of this Act shall be in addition to and not in derogation of any of the provisions of any other Act restricting the employment of women, young persons, or children.

(2) Nothing in this Act shall apply to an industrial undertaking or ship in which only members of the same family are employed.

(3) Nothing in this Act shall prevent the employment in any industrial undertaking or ship of a child lawfully so employed at the commencement of this Act.

4. *Interpretation.*]—In this Act—

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

The expression "young person" means a person who has ceased to be a child and who is under the age of eighteen years;

The expression "woman" means a woman of the age of eighteen years or upwards;

The expression "industrial undertaking" has with respect to the employment of children, young persons, and women the meanings respectively assigned thereto in the Conventions set out in Parts I., II., and III. of the Schedule to this Act;

The expression "ship" means any sea-going ship or boat of any description which is registered in the United Kingdom as a British ship and includes any British fishing boat entered in the fishing boat register.

5. *Short title and commencement.*]—(1) This Act may be cited as the Employment of Women, Young Persons, and Children Act, 1920.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-one, or on such later date or dates as the Secretary of State may by order appoint, and different dates may be appointed for different provisions of this Act and for different industries or different branches of any industry.

It came into force on 1st January, 1921, except as regards Blast Furnaces, Iron Mills, Glass Works, and Paper Mills, in which the date was 1st July, 1922. (Order of 27th December, 1920 (1920, No. 2401)).

Sections 1, 4] SCHEDULE.

PART I.

CONVENTION FIXING MINIMUM AGE FOR ADMISSION OF CHILDREN TO INDUSTRIAL EMPLOYMENT.

Article 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly :—

(a) Mines, quarries, and other works for the extraction of minerals from the earth.

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed; including shipbuilding, and the generation, transformation, and transmission of electricity and motive power of any kind.

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

(d) Transport of passengers or goods by road or rail or inland waterway, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2.

Children under the age of fourteen years shall not be employed or work in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 3.

The provisions of Article 2 shall not apply to work done by children in technical schools, provided that such work is approved and supervised by public authority.

Article 4.

In order to facilitate the enforcement of the provisions of this Convention, every employer in an industrial undertaking shall be required to keep a register of all persons under the age of sixteen years employed by him, and of the dates of their births.

PART II.

CONVENTION CONCERNING THE NIGHT WORK OF YOUNG PERSONS EMPLOYED IN INDUSTRY.

Article 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly :—

(a) Mines, quarries, and other works for the extraction of minerals from the earth :

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up, or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind :

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction as well as the preparation for or laying the foundations of any such work or structure :

(d) Transport of passengers or goods by road or rail, including the handling of goods at docks, quays, wharves, and warehouses, but excluding transport by hand.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2.

Young persons under eighteen years of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed, except as hereinafter provided for.

Young persons over the age of sixteen may be employed during the night in the following industrial undertakings on work which by reason of the nature of the process is required to be carried on continuously day and night :

(a) Manufacture of iron and steel ; process in which reverberatory or regenerative furnaces are used, and galvanising of sheet metal or wire (except the pickling process).
(b) Glass works.
(c) Manufacture of paper.
(d) Manufacture of raw sugar.
(e) Gold mining reduction work.

Article 3.

For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

In coal and lignite mines work may be carried on in the interval between ten o'clock in the evening and five o'clock in the morning, if an interval of ordinarily fifteen hours, and in no case of less than thirteen hours, separates two periods of work.

Where night work in the baking industry is prohibited for all workers, the interval between nine o'clock in the evening and four o'clock in the morning may be substituted in the baking industry for the interval between ten o'clock in the evening and five o'clock in the morning.

* * * * *

Article 4.

The provisions of Articles 2 and 3 shall not apply to the night work of young persons between the ages of sixteen and eighteen years in cases of emergencies which could not have been controlled or foreseen, which are not of a periodical character, and which interfere with the normal working of the industrial undertaking.

* * * * *

Article 7.

The prohibition of night work may be suspended by the Government, for young persons between the ages of sixteen and eighteen years, when in case of serious emergency the public interest demands it.

PART III.

CONVENTION CONCERNING THE NIGHT WORK OF WOMEN EMPLOYED IN INDUSTRY.

Article 1.

For the purpose of this Convention, the term "industrial undertaking" includes particularly :—

(a) Mines, quarries, and other works for the extraction of minerals from the earth :

(b) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed ; including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind :

(c) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gaswork, waterwork, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2.

For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

Article 3.

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 4.

Article 3 shall not apply :—

(a) In cases of force majeure, when in any undertaking there occurs an interruption of work which it was

impossible to foresee, and which is not of a recurring character.

(b) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

* * * * *

Article 6.

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

PART IV.

CONVENTION FIXING THE MINIMUM AGE FOR ADMISSION OF CHILDREN TO EMPLOYMENT AT SEA.

Article 1.

For the purpose of this Convention, the term "vessel" includes all ships and boats, of any nature whatsoever, engaged in maritime navigation, whether publicly or privately owned: it excludes ships of war.

Article 2.

Children under the age of fourteen years shall not be employed or work on vessels other than vessels upon which only members of the same family are employed.

Article 3.

The provisions of Article 2 shall not apply to work done by children on school ships or training ships, provided that such work is approved and supervised by public authority.

Article 4.

In order to facilitate the enforcement of the provisions of this Convention, every shipmaster shall be required to keep a register of all persons under the age of sixteen years employed on board his vessel, or a list of them in the articles of agreement, and of the dates of their births.

THE CELLULOID AND CINEMATOGRAPH FILM ACT, 1922.

(12 & 13 GEO. 5, c. 35.)

An Act to make better provision for the prevention of fire in premises where raw celluloid or cinematograph film is stored or used. [4th August 1922.]

1. *General safety provisions.*]—(1) No premises shall be used for any purpose to which this Act applies—

* * * * *

(c) if the premises are situated underneath premises used for residential purposes ;

(d) if the premises are so situated that a fire occurring therein might interfere with the means of escape from the building of which they form part or from any adjoining building ;

(e) where the premises form part of a building, unless such part either—

(i) is separated from any other part of the building by fire-resisting partitions (including fire-resisting ceilings and floors) and fire-resisting self-closing doors ; or

(ii) is so situated and constructed that a fire occurring therein is not likely to spread to other parts of the building, and its use for the purposes to which this Act applies is sanctioned in writing by the local authority and any conditions attached to such sanction are complied with ;

(f) unless the regulations set out in the First Schedule to this Act are duly observed ;

(g) unless any regulations are duly observed which may be made by the Secretary of State with

respect to the use upon the premises of any cinematograph or other similar apparatus.

* * * * *

(3) Any person aggrieved by any requirement of a local authority, or the refusal of the local authority to grant any sanction, or by the conditions attached to any such sanction, may, within seven days after being notified of such requirement, refusal or conditions, appeal to a court of summary jurisdiction, provided that he has given not less than twenty-four hours' notice in writing of such appeal and of the grounds thereof to the local authority, and the court on any such appeal may make such order as appears to the court to be just, including any order for the payment of costs.

(4) The Secretary of State may by order, made in accordance with the provisions contained in the Second Schedule to this Act—

(a) make regulations with respect to the use of any cinematograph or similar apparatus upon any premises used for any purpose to which this Act applies; and

(b) modify or add to the regulations set out in the First Schedule to this Act, and those regulations shall thereupon have effect as so modified or added to.

An order made under this section may apply either generally, or to such classes or descriptions of premises as may be mentioned in the order.

2. *Purposes to which the Act applies.*]—The purposes to which this Act applies are—

(1) the keeping or storing of raw celluloid—

(a) in quantities exceeding at any one time one hundredweight; or

(b) in smaller quantities unless kept (except when required to be exposed for the purpose of the work carried on in the premises) in a properly closed metal box or case; and

(2) the keeping or storing of cinematograph film—

(a) in quantities exceeding at any one time twenty reels, or eighty pounds in weight; or

(b) in smaller quantities unless each reel is

kept (except when required to be exposed for the purpose of the work carried on in the premises) in a separate and properly closed metal box or case :

Provided that—

(i) for the purposes of this Act, cinematograph film shall be deemed to be kept in any premises where it is temporarily deposited for the purpose of examination, cleaning, packing, rewinding or repair, but celluloid or cinematograph film shall not be deemed to be kept or stored in any premises where it is temporarily deposited whilst in the course of delivery, conveyance or transport ; and

(ii) the provisions of this Act shall not, except in the cases referred to in paragraphs (c), (d) and (e) of sub-section (1) of section one thereof, apply to premises to which the Factory and Workshop Acts, 1901 to 1920, apply ; and

(iii) the provisions of this Act shall not apply to premises licensed in accordance with the provisions of the Cinematograph Act, 1909.

3. *Penalties for infringement of foregoing provisions.*]—(1) In the event of any contravention in or in connection with any premises of the foregoing provisions of this Act, the occupier shall be liable on summary conviction to a fine not exceeding fifty pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued after conviction thereof.

(2) In the event of the contravention by any person employed on any premises of any regulation contained in the First Schedule to this Act or of any regulation made under this Act, he shall be liable on summary conviction to a fine not exceeding five pounds.

(3) The provisions of section one hundred and forty-one of the Factory and Workshop Act, 1901 (which relates to the power of an occupier to exempt himself from fine on the conviction of the actual offender), shall apply to offences under this Act as it applies to offences under that Act.

4. *Execution of Act by local authorities.*]—(1) It shall be the duty of local authorities to see that the provisions of this Act are duly complied with.

(2) The expenses incurred by a local authority in the execution of their powers under this Act shall be defrayed in the same manner as expenses incurred in the Administration of the Public Health Acts, 1875 to 1908.

* * * * *

5. *Power of entry.*]—(1) An officer duly authorised by a local authority may, at all reasonable times, enter and inspect any premises which are used, or which such officer has reasonable cause to believe are used, wholly or in part for any purpose to which this Act applies.

(2) Every such officer as aforesaid shall be furnished with a certificate of his authorisation by the local authority and when visiting any such premises as aforesaid shall, if so required, produce the said certificate to the occupier of the premises.

6. *Power to take samples.*]—An officer duly authorised by a local authority may, at any time, take for analysis sufficient samples of any material which he suspects to be or to contain celluloid.

7. *Obstruction of officers.*]—If any person refuses to permit any officer authorised under this Act to enter or inspect any premises, or hinders or obstructs any such officer in the execution of his duty under this Act, or refuses to allow any officer to take samples in pursuance of the last preceding section or to give him facilities for the purpose, that person shall be liable on summary conviction to a fine not exceeding twenty pounds.

8. *Power of county court to modify agreements and to apportion expenses.*]—(1) If any occupier of premises is prevented by any agreement from carrying out any structural alterations which are necessary to enable him to comply with the provisions of this Act, and is unable to obtain the consent to those alterations of the person whose consent is necessary under the agreement, he may apply, in accordance with rules of court, to the county court, and the court, after hearing the parties and any

witnesses whom they may desire to call, may make such an order setting aside or modifying the terms of the agreement as the court considers just and equitable in the circumstances of the case.

(2) Where in any premises any structural or other alterations are required in order to comply with the provisions of this Act and the occupier alleges that the whole or part of the expense of the alterations ought to be borne by the owner, the occupier may apply, in accordance with rules of court, to the county court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such order concerning the expenses or their apportionment as the court considers just and equitable in 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.

9. *Definitions.*]—For the purposes of this Act—

The expression "celluloid" means and includes the substances known as celluloid and xylonite and other similar substances, containing nitrated cellulose or other nitrated products, but does not include any substances which are explosives within the meaning of the Explosives Act, 1875 :

The expression "raw celluloid" means—

(a) celluloid which has not been subjected to any process of manufacture ; and

(b) celluloid scrap or waste :

The expression "cinematograph film" means any film containing celluloid which is intended for use in a cinematograph or any similar apparatus :

The expression "local authority" means county borough councils, borough councils, urban district councils and rural district councils.

10. *Application to Scotland and Ireland.*]—(1) This Act shall apply to Scotland subject to the following modifications :—

The Secretary for Scotland shall be substituted for the Secretary of State ;

"Courts of summary jurisdiction" and "county court" shall mean the sheriff;

"Local authority" shall mean the council of any county or burgh, and the expenses incurred by such council in the execution of their powers under this Act shall be defrayed out of any rate leviable equally on owners and occupiers.

(2) This Act shall not apply to Ireland.

11. *Short title, commencement, &c.*]—(1) This Act may be cited as the Celluloid and Cinematograph Film Act, 1922, and shall come into operation on the first day of October, nineteen hundred and twenty-two.

(2) This Act shall not apply to the administrative county of London or to the city and royal burgh of Glasgow.

(3) The Secretary of State may by order direct that any provisions of the Liverpool Corporation Act, 1921, relating to the keeping, storing or manipulation of celluloid and cinematograph films shall cease to have effect as from such date as may be fixed by the order, but so long as those provisions continue to have effect this Act shall not apply to the city of Liverpool.

SCHEDULES.

Sections 1 and 2.] FIRST SCHEDULE.

PART I.

RAW CELLULOID STORES.

The following regulation shall be observed in or in connection with premises where raw celluloid is kept or stored:—

All such celluloid shall be kept or stored in a fire-resisting store-room, and subject to the regulations applying to such store-rooms.

PART II.

PREMISES WHERE CINEMATOGRAPH FILM IS KEPT OR STORED.

The following regulations shall be observed in or in connection with premises where cinematograph film is kept stored or manipulated:—

1. All stock except when actually being used or manipulated shall be kept either in a fire-resisting store-room and subject to the regulations applying to such store-rooms, or in fire-resisting receptacles which shall not be used for any other purpose and shall be plainly marked "Film."

2. Every reel of film shall, except when required to be exposed for the purposes of the work carried on in the premises, be kept in a separate and properly closed metal box.

3. Not more than 10 reels or 40 pounds of film shall be exposed at any one time.

4. The following provisions shall apply to every room used—

(a) for the storing, or

(b) for the examination, cleaning, packing, re-winding or repair of film :—

(i) the room shall be used for no other purpose ;

(ii) the room shall be kept properly ventilated ;

(iii) adequate means of extinguishing fire, having regard to the amount of film on the premises, shall be kept constantly provided and readily available ;

(iv) the furniture and apparatus shall be so arranged as to afford free egress to persons in the room in the event of fire ;

(v) no open light or fire shall be allowed ;

(vi) the fittings shall, so far as is practicable, be of non-inflammable or fire-resisting material ;

(vii) the doors shall be self-closing, and shall, except in the case of sliding doors, be so constructed as to open outwards ;

(viii) no person shall smoke in or take matches into the room ;

(ix) there shall be kept posted up in large characters in the room—

(a) a printed copy of Parts II. and III. of this Schedule ;

(b) full instructions as to the action to be taken in case of fire ; and

(c) full directions as to the means of escape from the room in case of fire.

5. All celluloid waste and scrap on the premises shall be collected at frequent intervals and placed either in a fire-resisting store-room, or in a strong metal receptacle fitted with a hinged lid and marked "Celluloid Waste."

PART III.

FIRE-RESISTING STORE-ROOMS.

The following regulations shall apply to fire-resisting store-rooms :—

1. The store-room shall be constructed of fire-resisting material in such manner as to prevent as far as is reasonably practicable any fire occurring in the store-room from spreading to other parts of the premises or to other premises, and any fire occurring outside the store-room from reaching the contents thereof.

2. The store-room shall be properly ventilated.

3. The fittings of the store-room shall, so far as is practicable, be of non-inflammable or fire-resisting material.

4. Adequate means of extinguishing fire shall be kept constantly provided and readily available.

5. No open light and no means of heating shall be allowed in the store-room.

6. If electric light is used, all conductors and apparatus shall be so constructed, installed, protected, worked and maintained as to prevent danger. Vacuum-type lamps only shall be used, and shall be in fixed positions and fitted with substantial outer protecting globes.

7. No person shall smoke in or take matches into the store-room.

8. The doors of the store-room shall be self-closing and shall be kept securely locked, except when articles are being placed therein or removed therefrom.

9. The store-room shall not be used for any purpose other than the keeping of celluloid or cinematograph film, and shall be clearly marked "Celluloid" or "Film."

10. Not more than one ton of celluloid and not more than five hundred and sixty reels or one ton of cinematograph film shall be kept in one store-room:

Provided that, where a store-room is divided into separate compartments by separate fire-resisting partitions without any openings therein, each such compartment may, for the purposes of this provision, be regarded as a separate store-room.

11. When both celluloid and cinematograph film are stored in one store-room, the aggregate quantity therein shall, at no time, exceed one ton.

Section 1.] SECOND SCHEDULE.

PROCEDURE FOR MAKING ORDERS, &C.

1. Before the Secretary of State makes any order, he shall publish in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the order, and of the place where copies of the draft order 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 order 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 order or portions of the draft order 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 order, and shall then cause the amended draft to be dealt with in like manner as an original draft.

4. Where the majority of the occupiers of the premises affected by the proposed order dispute the reasonableness of the requirements in the proposed order, and the Secretary of State does not amend or withdraw the draft order, he shall, before making the order, direct an inquiry to be held in the manner hereinafter provided. The Secretary of State may also direct an inquiry to be held in regard to any objection, though not made by the majority of the occupiers, if he thinks fit.

5. The Secretary of State may appoint a competent person to hold an inquiry with regard to any draft order, and to report to him thereon.

6. The inquiry shall be held in public, and any person who, in the opinion of the person holding the inquiry, is affected by the draft order, may appear at the inquiry either in person or by counsel, solicitor, or agent.

7. The witnesses on the inquiry may, if the person holding it thinks fit, be examined on oath.

8. 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.

9. The fee to be paid to the person holding the inquiry shall be such as the Secretary of State may direct.

10. The order shall be laid as soon as possible before both Houses of Parliament, and, if either House within the next forty days after the order has been laid before the House resolve that all or any of the provisions of the order ought to be annulled, the order 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 order. If any of the provisions of an order are annulled, the Secretary of State may, if he thinks fit, withdraw the whole order.

11. Notice of any order having been made and of the place where copies of them can be purchased shall be published in the London and Edinburgh Gazettes.

THE LEAD PAINT (PROTECTION AGAINST POISONING) ACT, 1926.

(16 & 17 GEO. 5, c. 37.)

An Act to make better provision for the protection against lead poisoning of persons employed in painting buildings.

[15th December 1926.]

1. *Regulations as to use of lead paint.*]—(1) The Secretary of State may make regulations (*a*) for preventing danger from lead paint to persons employed in or in connection with the painting of buildings, and in particular—

(a) for prohibiting the use of any lead compound except in the form of paste or of paint ready for use ;

(b) for the prevention of danger arising from the application of lead paint in the form of spray ;

(c) for prohibiting dry rubbing down and scraping ;

(d) for providing for the periodical medical examination of persons employed in or in connection with painting with lead paint, and for the suspension from such employment of persons whose health is or appears likely to be injuriously affected thereby ;

(e) for securing that facilities for washing during, and on cessation of, work are afforded to persons employed in or in connection with painting ;

(f) for the use of protective clothing by persons so employed and for preventing clothes left off during work from being soiled by paint ; and

(g) for the distribution to persons so employed of instructions with regard to hygienic precautions to be taken.

(2) The provisions of sections eighty, eighty-one and eighty-four of the Factory and Workshop Act, 1901 (which

relate to procedure in connection with the making of regulations), shall apply as respects regulations made under this section.

(*a*) **Regulations.**—See p. 565.

2. *Prohibition of employment of women and young persons in painting buildings with lead paint.*]—On and after the nineteenth day of November, nineteen hundred and twenty-seven, it shall not be lawful to employ any woman or young person in painting any part of a building with lead paint:

Provided that this section shall not apply to the employment of

(a) persons employed as apprentices in the painting trade under arrangements approved by an order (*a*) of the Secretary of State made after consultation with the organisations, if any, representative of the employers and workers in the trade; or

(b) women or young persons in such special decorative or other work (not being work of an industrial character) as may be excluded from the provisions of this section by an order (*a*) of the Secretary of State; or

(c) women who at the passing of this Act are employed in any trade which involves as part of their occupation such painting as aforesaid.

(*a*) By Order dated November 14th, 1927: (a) The said section shall not apply in the case of any male young person employed as an apprentice in the painting trade if he is employed under an indenture of apprenticeship or under an established custom of regular apprenticeship, and if his name, age and the date on which he was first engaged as an apprentice are entered in a separate list attached to the register of persons employed which the employer is required to keep under s. 4 of the said Act.

(b) The following special decorative work shall be excluded from the provisions of the said section, namely, the execution of wall or ceiling paintings, or any similar work of decorative design.

Nothing in this Order shall be deemed to relieve any employer from any of the obligations imposed by s. 2 (regulations for employment of women and young persons in processes involving the use of lead compounds) of the Women and Young Persons (Employment in Lead Processes) Act, 1920.

3. *Application of certain provisions of the Factory and Workshop Act*, 1901.]—The provisions of section seventy-three (which relates to notification of diseases in factories)

so far as they relate to cases of lead poisoning, sections eighty-five and eighty-six (which relate respectively to breaches and publication of regulations), sections one hundred and nineteen to one hundred and twenty-one (which relate to powers and duties of inspectors), and Part IX. (which relates to legal proceedings) of the Factory and Workshop Act, 1901, shall apply in any case where persons are employed in painting buildings as if the places where they are employed were factories, and as if the persons by whom they are employed were the occupiers of the factories, and with such further or other modifications as may be made by order (*a*) of the Secretary of State for the purpose of making those provisions applicable to the painting of buildings.

(*a*) By Order dated December 24th, 1926, the application of the provisions of the Factory and Workshop Act, 1901, mentioned in the said section shall, in any case where persons are employed in painting buildings, be subject to the further modifications hereinafter contained :

(1) It shall not be necessary for the certifying factory surgeon on receipt of a notice of lead poisoning in respect of any person employed in or in connexion with the painting of buildings to make an investigation at the place where the person affected was employed.

(2) It shall not be necessary for the employer, in pursuance of s. 86 of the said Act of 1901, to post up the regulations as to use of lead paint except in such places as may be directed by the regulations.

4. *Registers, returns, &c.*]—(1) Every person who employs persons in painting buildings shall send to the Inspector of Factories for the district in which his office is situated a notice (*b*) in writing stating his name and the address of his office, and shall keep at his office a register (*c*) which shall be available for inspection by an inspector of factories at all reasonable times, containing such particulars as to the persons so employed by him, and as to the work on which they are employed as may be prescribed, and shall make such returns to the Inspector of Factories for the district as may be prescribed :

Provided that this section does not apply where the persons employed are persons whose ordinary occupation does not include the painting of buildings.

(2) Any person failing to comply with the requirements

of this section shall be liable on summary conviction to a fine not exceeding three pounds.

(*b*) **Notice.**—No Official Form is required for this notice.

(*c*) **Register.**—The Official Form is No. 92.

5. *Power to take samples.*]—(1) Where an inspector under the Factory and Workshop Act, 1901, suspects that any substance used or intended for use in painting a building contains a lead compound, he may at any time take for analysis sufficient samples of that substance.

(2) If any person who employs persons in painting buildings refuses to allow an inspector to take samples in pursuance of this section, or to give him facilities for the purpose, he shall be liable on summary conviction to a fine not exceeding three pounds :

Provided that any such person may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into two parts and to mark and seal and deliver to him one such part.

(3) A certificate purporting to be a certificate by the Government Chemist at the Government Laboratory as to the result of an analysis of a sample under this section shall, in any proceedings under this Act, be evidence of the matters stated therein, unless either party requires the person by whom the analysis was made to be called as a witness.

(4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for a contravention of this Act, to publish or disclose to any person the results of an analysis made under this section.

If any person acts in contravention of the provisions of this subsection, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

6. *Application to employment under the Crown.*]—This Act shall apply where persons are employed in painting buildings by or under the Crown in like manner as if the employers were private persons.

7. *Definitions.*]—In this Act the expression " lead paint " means any paint, paste, spray, stopping, filling, or other

material used in painting which, when treated in a manner prescribed by rules (*a*) made by the Secretary of State, yields to an aqueous solution of hydrochloric acid, a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis ; and the expression " building " includes fixtures.

(*a*) By Order dated December 24th, 1926, the method of treatment of any paint, paste, spray, stopping, filling, or other material used in painting, for the purpose of ascertaining whether any such material yields to an aqueous solution of hydrochloric acid, a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis, shall be as follows :—

The material is to be treated with suitable solvents to remove the oil, varnish and other media, and the residue to be dried at 100° C. and thoroughly mixed. A weighed quantity of this extracted, dried and mixed material is to be continuously shaken for one hour, at the common temperature, with 1,000 times its weight of an aqueous solution of hydrochloric acid containing 0·25 per cent. by weight of hydrogen chloride. This solution is thereafter to be allowed to stand for one hour and then filtered. The lead salt contained in the clear filtrate is then to be precipitated as lead sulphide and weighed as lead sulphate.

8. *Short title, construction, commencement and extent.*]—(1) This Act may be cited as the Lead Paint (Protection against Poisoning) Act, 1926, and shall be construed as one with the Factory and Workshop Acts, 1901 to 1920.

(2) This Act shall come into operation on the first day of January, nineteen hundred and twenty-seven.

(3) This Act shall not extend to Northern Ireland.

THE CHECKWEIGHING IN VARIOUS INDUSTRIES ACT, 1919.

(9 & 10 Geo. 5, c. 51.)

An Act to provide for checking the Weight or Measurement of Materials produced, handled, or gotten by Workmen paid by weight or measure in certain Industries. [15th August 1919.]

1. *Right of workmen to check weights in certain industries.*]—(1) The workmen engaged in any industry to which this Act applies and paid according to the weight of material produced, handled, or gotten by them shall, notwithstanding any agreement to the contrary, have a right to check the weighing of the material or to test the accuracy of the estimated weight of the material in manner provided by this Act or by regulations made thereunder.

(2) The industries to which this Act applies are—

(a) The production or manufacture of iron or steel, including any process of founding, converting, casting, rolling, or otherwise finishing iron or steel;

(b) The loading or unloading of goods, whether as cargo or stores, into and from vessels;

(c) The getting of chalk or limestone from quarries;

(d) The manufacture of cement and lime;

(e) Any other industry to which the provisions of this Act may be extended by regulations made by the Secretary of State.

2. *Manner in which weights may be checked or tested.*]—(1) The manner in which the workmen engaged in any industry to which this Act applies may exercise their powers of checking the weights or testing the estimated weights shall, as respects the industries mentioned in the First Schedule to this Act, be such as is provided by the regulations applicable to those industries respectively set forth in that schedule, and as respects any industry to which the provisions of this Act may be extended by regulations of the Secretary of State, be such as may be provided by those regulations:

Provided that the regulations set forth in the First

Schedule to this Act may be varied by regulations made by the Secretary of State.

(2) Where under the regulations contained in the First Schedule to this Act, or made by the Secretary of State, the workmen are authorised to appoint a checkweigher, the checkweigher shall be entitled to station himself at any place appointed for the weighing of material in order that he may on behalf of the workmen by whom he is appointed take a correct account of the weight of the material, and the employer shall afford to him all proper facilities for enabling him to fulfil his duties, including facilities for examining and testing all weighing machines and checking the tareing of wagons in which the material is weighed.

(3) Where under the regulations contained in the First Schedule to this Act, or made by the Secretary of State, the workmen are entitled to appoint a checkweigher or other representative, the appointment shall be made and revoked and evidence of the appointment furnished to the employer in such manner as the Secretary of State may prescribe (*a*), and the provisions of the Coal Mines Regulation Acts, 1887 to 1908, relating to the powers, duties, removal, and remuneration of checkweighers, and the relations between employers and checkweighers, as set forth and adapted in the Second Schedule to this Act, shall apply to the checkweighers and other representatives so appointed.

(*a*) This power was exercised by an Order of 20th August, 1919 (1919, No. 1097), which is as follows :—

1. For the purpose of the appointment of a checkweigher or other representative of the workers a meeting shall be held of the workers entitled to take part in the appointment.

2. Sufficient notice of the place and date of meeting shall be given to every such worker, either individually or by a notice posted conspicuously at the place of work.

3. The appointment shall be decided either by a show of hands of the workers present at the meeting or by a ballot of the workers entitled to take part in the appointment.

4. A ballot shall be taken if at least one-third of the persons present at the meeting and entitled to take part require it.

5. A certificate, stating the result of the voting and signed by the person presiding at the meeting, shall be delivered to the employer after the meeting or after the close of the ballot, as the case may be.

6. The revocation of an appointment of a checkweigher or other representative of the workers shall be made in the same manner as an appointment.

3. *Offences.*]—(1) If any employer fails to comply with any of the requirements of this Act or the regulations made thereunder, he shall be guilty of an offence against this Act.

(2) Any person guilty of an offence against this Act for which no other penalty is provided shall on summary conviction be liable to a fine not exceeding five pounds, and to a fine not exceeding forty shillings for each day on which the offence is continued after conviction thereof.

(3) If an employer is charged with an offence against this Act, he shall be entitled, on 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 the hearing of the charge, and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court that he has used due diligence to comply with the provisions of this Act, and of the regulations made thereunder, and that that other person has committed the offence in question without his knowledge, consent, or connivance, that other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine, and the person so convicted shall in the discretion of the court be also liable to pay any costs incidental to the proceedings.

(4) If any person required to give any certificate or furnish any information or keep any books under this Act or the regulations made thereunder knowingly makes any false statement in any such certificate or furnishes any false information or falsifies any such book, he shall be guilty of a misdemeanour and liable to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine, or to both such imprisonment and fine (*a*).

(5) If any checkweigher or representative of workmen appointed under this Act, or the regulations made thereunder, divulges any trade secret or other information with regard to the employer's business, he shall be liable on summary conviction to imprisonment, with or without hard labour, for a term not exceeding six months or to a fine not exceeding twenty pounds, unless he proves that the trade secret did not come to his knowledge or the information was not acquired by him in the course of the exercise of his powers under this Act.

(*a*) NOTE.—That this offence is punishable upon indictment only.

4. *Intermittent weighing and checkweighing.*]—(1) Where at any works the material on the weight of which wages are based is weighed at intervals and not continuously the employer shall give to the checkweigher (if any) reasonable notice of the time and place at which the weighing will take place.

(2) Where a checkweigher or other representative appointed under this Act, or the regulations made thereunder, attends at the place where the industry is carried on for the purpose of his duties at irregular intervals, he shall give the employer at least two days' notice of his intention to attend.

5. *Provisions as to regulations.*]—(1) Sections eighty, eighty-one, eighty-four, and eighty-six of the Factory and Workshop Act, 1901 (*a*), relating to regulations under that Act, as set out and adapted in the Third Schedule to this Act, shall apply to the regulations under this Act.

(2) Printed copies of all regulations contained in or made under this Act for the time being in force with respect to the industry carried on by any employer shall be kept posted up in legible characters and in conspicuous places on the employer's premises, where they may be conveniently read by the workmen.

(3) A printed copy of all such regulations shall be given by the employer to any workman affected thereby on his application.

(4) If any employer fails to comply with any provision of this section as to posting up or giving copies, or if any person pulls down, injures, or defaces any regulations posted up in pursuance of this section, he shall be guilty of an offence against this Act (*b*).

(*a*) See pp. 107—111, *ante.*
(*b*) For penalty, see s. 3 (2), *supra.*

6. *Provisions as to arbitrations.*]—Any matter required to be submitted to arbitration under this Act, or the regulations made thereunder, shall, in accordance with regulations (*a*) as to procedure and costs made by the Secretary of State, be referred to the decision of a single arbitrator appointed, in default of agreement, by the judge of county courts for the district, or in Scotland by the sheriff of the county, in which the employer's premises are situate.

(*a*) The regulations are as follows—Order of 8th March, 1920 (1920, No. 372) :—

(1) If the parties are unable to agree as to the appointment of an arbitrator, either party may make application in writing to the Judge of County Courts for the District, or in Scotland to the Sheriff of the County, to appoint an arbitrator.

(2) The arbitrator, when appointed, shall at once notify the parties of the time and place fixed by him for the hearing of the case.

(3) The time fixed by the arbitrator for the hearing shall not be less than seven days and not more than twenty-one days from the time of his appointment.

(4) The employer may appear personally, or by any agent. The workmen may appoint any person to represent them at the hearing.

(5) At least three days before the hearing of the case each of the parties shall furnish the arbitrator with a written statement as to the matter in dispute, and shall send a copy of such statement to the other party.

(6) The arbitrator may examine any persons tendered by the parties as witnesses and may make such inspection of the premises and processes concerned as he may deem necessary.

(7) Subject to the provisions of these regulations, the proceedings at the hearing shall be such as the arbitrator may, in his discretion, direct.

(8) The arbitrator shall communicate his decision in writing to both parties as soon as possible after the hearing.

(9) The remuneration of the arbitrator, if he was appointed by agreement between the parties, shall be such sum as may have been agreed between the arbitrators and the parties, or, if he was appointed by the Judge or Sheriff, shall be a sum of five guineas together with any expenses necessarily incurred for travelling, or in a case of exceptional difficulty such special fee not exceeding ten guineas as may be fixed by the Judge or Sheriff.

(10) The costs of the arbitration, including the remuneration of the arbitrator, shall be payable in such manner as the arbitrator may direct.

7. *Interpretation.*]—(1) Where the workmen engaged in an industry to which this Act applies are paid according to the measure of material produced, handled, or gotten by them, the provisions of this Act shall apply in like manner as if the term "weighing" included measuring, and the terms relating to weighing shall be construed accordingly.

(2) For the purposes of this Act, the workmen engaged in removing the topsoil from chalk or limestone quarries preparatory to the getting of chalk or limestone shall be deemed to be workmen engaged in getting chalk or limestone.

(3) Where under the regulations contained in the First

Schedule to this Act the workmen are entitled to appoint a checkweigher they may appoint one or more checkweighers.

(4) Where under the regulations contained in the First Schedule to this Act any matter may be determined by agreement between the employer and the workmen of any class, the agreement may be made between the employer and a majority of the workmen of that class, and when so made shall, whilst in force, be binding on all the workmen of that class, notwithstanding that any of the workmen may have ceased to be, and others may have become, workmen of that class.

(5) In this Act the expression "prescribed" means prescribed by the Secretary of State.

(6) In Scotland the expression "court of summary jurisdiction" means the sheriff.

8. *Short title and commencement.*]—This Act may be cited as the Checkweighing in Various Industries Act, 1919, and shall come into operation on the first day of September nineteen hundred and nineteen.

SCHEDULES.

Sections 2 and 7.] FIRST SCHEDULE.

REGULATIONS AS TO CHECKING WEIGHTS AND TESTING ESTIMATED WEIGHTS APPLICABLE TO :—

I.—*The Production or Manufacture of Iron or Steel.*

1. Where the iron or steel produced or manufactured is weighed by the employer on the employer's premises, the workmen shall be entitled to appoint a checkweigher.

2. Where the iron or steel produced or manufactured is not so weighed, then—

(a) if the weight is calculated according to the weight of the materials used for the production or manufacture of the iron or steel and those materials are weighed on the employer's premises, the workmen shall be entitled to appoint a checkweigher to check the weighing;

(b) if the weight is calculated in accordance with the capacity of the moulds in which the iron or steel is cast, the employer shall, on being required in the prescribed manner (*a*) so to do by the workmen, or a majority of them, cause the capacity of the moulds to be periodically tested at such intervals (not being less

than fourteen days) and in such manner as, in default of agreement between the employer and the workmen, may be settled by arbitration, and in such case the workmen may appoint a checkweigher to attend at the periodical testing;

(c) if the weight is not so calculated, or if it is so calculated, but such periodical testing of the capacity of moulds is not reasonably practicable or would unreasonably interfere with the manner in which the process of manufacture is conducted, the weight shall be checked in such manner as, in default of agreement between the employer and the workmen, may be settled by arbitration, and, if any dispute arises between the employer and the workmen as to whether such periodical testing of the capacity of moulds as aforesaid is not reasonably practicable or would unreasonably interfere with the manner in which the process of manufacture is conducted, the dispute shall be referred to arbitration.

(*a*) The prescribed manner is as follows—Order of 20th August, 1919 (1919, No. 1099):—

When the workmen or a majority of them desire that the capacity of the moulds in which the iron or steel is cast should be tested, a requisition for the purpose shall be made by serving on the employer a notice in writing, signed by or on behalf of the workmen affected, or a majority of them, specifying the moulds which they require to be tested.

3. Where in pursuance of the foregoing regulations the weight of ingots is periodically tested, whether by testing the capacity of moulds or otherwise, the wages to be paid to the workmen shall be based on the weight ascertained by the test applied for the purpose until the weight is again tested.

4.—(1) Where the workmen engaged in the manufacture of tin plates from steel bars of a standard weight are paid according to the number of boxes of tin plates of a standard weight and a standard superficial area, the checkweigher appointed for the purpose of checking the weighing of the boxes of tin plates, may, if at any time he has reason to believe that the steel bars being used are of less than the standard weight, require the weight of the steel bars to be tested, and may himself attend at the testing.

(2) The manner in which the weight of steel bars is to be so tested in any works shall be that for the time being in force in the works, being such as may have been agreed upon between the employer and the workmen or, in default of agreement, may have been settled by arbitration.

II.—*The Loading or Unloading of Goods into or from Vessels.*

1. The employer shall, as soon as may be after the information is available, furnish to the workmen or their representative or post up in some place convenient to the workmen a certificate in the prescribed form (*a*) of the total weight of the goods loaded into or unloaded from the vessel.

(*a*) The prescribed form is as follows—Order of 20th August, 1919 (1919, No. 1098):—

I certify that to the best of my knowledge and belief the total weight / measurement of the goods loaded into / unloaded from the ship (*a*) on the (*b*) was as follows:—

(Signature of employer or responsible agent.)

(Date.)

(*a*) *Insert name of ship.*

(*b*) *Insert the day or days on which the loading and unloading took place.*

2. If the accuracy of the certificate is questioned, the workmen or a majority of the workmen may appoint a representative to inquire into its accuracy, and the employer shall furnish to the representative such information and explanation as he may reasonably require for the purposes of the inquiry, and shall allow him access to all books and documents containing particulars on which the certificate is based.

3. Where workmen are employed by a stevedore, the information to be furnished by the stevedore to the representative of the workmen shall include a statement, signed by the person by whom the stevedore is employed, of the quantities on which the stevedore was paid, which statement such person as aforesaid shall furnish on being required so to do by the stevedore.

4. Where the goods loaded or unloaded are actually weighed by the employer at or near the place where the vessel is loaded or unloaded, the workmen entitled under this section to appoint a representative may instead thereof appoint a checkweigher, and in such case the foregoing regulations shall not apply.

III.—*The getting of Chalk and Limestone from Quarries.*

1. Where the chalk or limestone gotten is weighed on the premises of the employer, the workmen may appoint a checkweigher. If the right of appointing a checkweigher is not exercised, the workmen in charge of the wagons at the time that they are weighed may themselves check the weighing, and the workmen may appoint a representative to check the tareing

of wagons, and the employer shall afford to such workmen and representative the same facilities for checking the weighing and tareing as he is required under this Act to afford to a checkweigher.

2. Where the chalk or limestone is not weighed, but its weight is estimated from the capacity of the wagons into which it is loaded—

(a) all the wagons shall be deemed to be of the same capacity unless the employer divides the wagons into classes, and, if so divided into classes, all wagons of each particular class shall be deemed to be of the same capacity, and the capacity of all the wagons, or, if the wagons are divided into classes, the capacity of all the wagons of each class, shall be published either by being marked on the wagons or by a statement posted up in some conspicuous place on the employer's premises: and

(b) the workmen shall be entitled to have the capacity of the wagons tested by having such one wagon as they may select or, if the wagons are divided into classes, such one wagon of each class as they may select, weighed full and empty, and may appoint a representative to check the weighing, and the employer shall afford the representative all proper facilities for the purpose;

(c) where the capacity of wagons has been so tested as aforesaid, the workmen shall not be entitled to have the capacity of wagons again tested unless a new class of wagon is introduced;

(d) if at any time any dispute arises between the employer and any workman as to whether a wagon has been filled or not to its capacity, the workman shall have the right to have the wagon load weighed.

3. Where the limestone is not weighed nor its weight calculated on the employer's premises, but the limestone is weighed by the railway company or other person to whom it is consigned and accounts of the weight so ascertained are furnished to the employer, the employer shall, on being required so to do, allow a representative appointed by the workmen to inspect any such accounts specified in the requisition and received by the employer not more than fourteen days before the requisition is made.

IV.—*The Manufacture of Cement and Lime.*

1. Where the workmen are paid according to the weight of the clinker or lime produced or handled by them and the

clinker or lime is weighed on the employer's premises, the workmen may appoint a checkweigher. If the right of appointing a checkweigher is not exercised, the workmen in charge of the wagons at the time that they are weighed may themselves check the weighing and require the records of the weighing to be produced to them, and the workmen may appoint a representative to check the tareing of wagons, and the employer shall afford to such workmen and representative the same facilities for checking the weighing and tareing as he is required under this Act to afford to a checkweigher.

2. The tares of wagons shall either be marked on the wagons or posted in some conspicuous place on the employer's premises.

3.—(1) Where the wages paid to workmen engaged in the manufacture of cement are adjusted from time to time on taking stock of the amount of cement manufactured at the works, the employer shall take stock at intervals of not less than six months, and when stock is so taken shall forthwith inform the workmen of the estimated amount of cement in store. If a majority of the workmen dispute the estimate and it is impracticable to ascertain by weighing or measuring the exact amount of the cement in store, the question in dispute shall be referred to arbitration.

(2) The employer shall also in any such case keep books in which shall be entered—

(a) the amount of cement sold and used in the works;

(b) the amount of wages paid to the packers, if paid according to weight;

(c) the amount of wages paid to the workmen;

(d) the amount of cement ascertained or estimated to be in store when stock is taken;

(e) where substances are added to clinker when it goes into the mill and deductions are made in respect thereof, the amount of such substances bought, used, and in store on any stocktaking;

(f) if any works where the produce of kilns worked by men whose wages are not subject to adjustment is mixed with the produce of kilns worked by men whose wages are subject to adjustment, the weight of material produced in the first-mentioned kilns;

and, in making deductions for the purposes of adjustment, no greater deductions shall be allowed than are justified by the entries in those books.

(3) Whenever stock is taken for the purpose of the adjustment of the wages of any workmen, those workmen shall have a right to appoint a representative with a view to ascertaining whether any addition to or deduction from the wages should

be made, and the employer shall furnish to the representative such information and explanation as he may reasonably require for the purpose, and shall allow him access to the books so kept, and the accounts, tallies, and other documents from which such books have been made out.

4. Where workmen engaged in the manufacture of lime are paid according to the weight of the lime produced, and the lime is not weighed nor its weight calculated on the employer's premises, but the lime is weighed by the railway company or other person to whom it is consigned and accounts of the weight so ascertained are furnished to the employer, the employer shall, on being required so to do, allow a representative appointed by the workmen to inspect any such accounts specified in the requisition and received by the employer not more than fourteen days before the requisition is made.

SECOND SCHEDULE. [Section 2.

APPLIED PROVISIONS OF THE COAL MINES REGULATION ACTS, 1887 TO 1908.

(1) *Coal Mines Regulation Act*, 1887.

(50 & 51 Vict. c. 58.)

13.—(3) A checkweigher or other representative of the workmen shall not be authorised in any way to impede or interrupt the carrying on of the industry in which the workmen are engaged, or to interfere with the weighing, or with any of the workmen, or with the management of the industry; but shall be authorised only to exercise such powers as are by this Act or by the regulations made thereunder conferred upon him, and the absence of a checkweigher shall not be a reason for interrupting, or delaying the weighing, but the same shall be done by the person appointed in that behalf by the employer, unless the absent checkweigher had reasonable ground to suppose that the weighing would not be proceeded with: Provided always that nothing in this section shall prevent a checkweigher or other representative of the workmen giving to any workman an account of the material produced, handled, or gotten by him, or information with respect to the weighing, or the weighing machine, or the tareing of the wagons or other vehicles, or with respect to any other matter within the scope of his duties as checkweigher or other representative as aforesaid, so always, nevertheless, that the carrying on of the industry be not interrupted or impeded.

(4) If the employer desires the removal of a checkweigher or other representative of the workmen or, in the case of the

appointment of a checkweigher or other representative for a temporary purpose, desires that the person so appointed should not be re-appointed as checkweigher or other representative on the ground that he has impeded or interrupted the carrying on of the industry or interfered with the weighing, or with any of the workmen, or with the management of the works, or has at the works to the detriment of the employer done anything beyond exercising such powers as aforesaid, he may complain to a court of summary jurisdiction, who, if of opinion that the employer shows a sufficient primâ facie case, shall call on the checkweigher or other representative to show cause why such an order as is herein-after mentioned should not be made.

(5) On the hearing of the case the court shall hear the parties, and, if they think that at the hearing sufficient ground is shown by the employer to justify the making of an order, shall make a summary order for the removal of the checkweigher or other representative or prohibiting him from being again appointed as checkweigher or other representative as the case may require, and he shall thereupon be removed or disqualified from again acting as checkweigher or other representative of the workmen, but in the case of an order for removal without prejudice to the appointment of another checkweigher or representative in his place.

(6) The court may in every case make such order as to the costs of the proceedings as the court may think just.

* * * * *

(8) If the person appointed by the employer to weigh any material impedes or interrupts the checkweigher in the proper discharge of his duties, or improperly interferes with or alters the weighing machine or the tare in order to prevent a correct account being taken of the weighing and tareing, he shall be guilty of an offence against this Act.

14.—(1) If a checkweigher or other representative of the workmen has been duly appointed by any class of workmen, and has acted as such, he may recover from any workman of that class his proportion of the checkweigher's or representative's wages or recompense, notwithstanding that any of the persons by whom the checkweigher or representative was appointed may have ceased to be and others may have become members of that class since the checkweigher's or representative's appointment, any rule of law or equity to the contrary notwithstanding.

(2) It shall be lawful for the employer, where the majority of any such class of workmen so agree, to retain the agreed contribution of any member of the class for the checkweigher or other representative, notwithstanding the provisions of the

Acts relating to truck, and to pay and account for the same to the checkweigher or other representative.

(2) *The Coal Mines* (*Check Weigher*) *Act*, 1894.

(57 & 58 Vict. c. 52.)

1. If an employer, or any person employed by or acting under the instructions of any such employer, interferes with the appointment of a checkweigher or other representative of the workmen, or refuses to afford proper facilities for the holding of any meeting for the purpose of making such appointment, in any case in which the persons entitled to make the appointment do not possess or are unable to obtain a suitable meeting place, or attempts, whether by threats, bribes, promises, notice of dismissal, or otherwise howsoever, to exercise improper influence in respect of such appointment, or to induce the persons entitled to appoint a checkweigher or other representative, or any of them, not to re-appoint a checkweigher or other representative, or to vote for or against any particular person or class of persons in the appointment of a checkweigher or other representative, the employer shall be guilty of an offence against this Act.

(3) *The Coal Mines* (*Weighing of Minerals*) *Act*, 1905.

(5 Edw. 7, c. 9.)

1.—(1) The power conferred by this Act on workmen to appoint a checkweigher or other representative of the workmen shall include power to appoint a deputy to act in his absence for reasonable cause, and the expressions "checkweigher" and "representative" when used in this Act shall include any such deputy during such absence as aforesaid.

* * * * *

(4) The facilities to be afforded to a checkweigher under this Act shall include provision for a checkweigher of a sufficient number of weights to test the weighing machine.

* * * * *

(6) The wages or recompense which a checkweigher or other representative may recover under this Act shall include expenses properly incurred by him in carrying out his work under this Act.

THIRD SCHEDULE.

[Section 5.

APPLIED PROVISIONS OF THE FACTORY AND WORKSHOP ACT, 1901, WITH RESPECT TO REGULATIONS.

80.—(1) Before the Secretary of State makes any regulations under this Act, he shall publish, in such manner as he may think

best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Secretary of State.

(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.

81.—(1) The Secretary of State may appoint a competent person to hold an inquiry with regard to any draft regulations, and to report to him thereon.

(2) The inquiry shall be held in public, 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 (*a*).

(5) The fee to be paid to the person holding the inquiry shall be such as the Secretary of State may direct.

* * * * *

(*a*) The Rules regarding inquiries under the Checkweighing in Various Industries Act, 1919, are dated 8th March, 1920 (1920, No. 373), and run as follows:—

(1) The inquiry shall be held at such time and place as may be fixed by the person appointed by the Secretary of State to hold the inquiry (hereinafter called "the Commissioner"), and not less than 3 weeks' notice of the time and place so fixed shall be sent by post by him or on his behalf to all persons who have sent to the Secretary of State any objection to the draft regulations; provided that the non-receipt of such notice by any such person shall not

invalidate proceedings or render necessary an adjournment of the inquiry.

(2) The Commissioner may adjourn the inquiry from time to time and may hold adjourned sittings at any place which he thinks necessary for the convenience of persons who objected to the draft regulations.

(3) The Commissioner may give such directions as he thinks necessary as to the order in which the draft regulations and the objections thereto shall be considered, and as to the order in which the parties appearing at the inquiry shall be heard.

(4) If any person who has not made objections to the draft regulations in accordance with the provisions of the Third Schedule to the Act, claims to be heard at the inquiry, the Commissioners may require him to state his objection in writing in the manner provided in the said Schedule.

(5) If the objections to any draft regulation made by more than one person appearing at the inquiry appear to the Commissioner to be the same in substance, he may select any person whom he considers representative of the largest number of persons affected by the draft regulation to state such objections and to call evidence (if required) in support of such objections ; provided that any other person making the same objection may be heard subsequently by the consent of the Commissioner.

(6) The Commissioner may stop any statement which appears to him to be irrelevant to the draft regulation or objection under consideration, or to involve unnecessary repetition of arguments already fully stated.

(7) Subject to the provisions of the Third Schedule to the Act and to the foregoing Rules all the proceedings shall be conducted in such manner as the Commissioner may direct.

84. Regulations made under the foregoing provisions of this Act shall be laid as soon as possible before both Houses of Parliament, and, if either House within the next forty days after the regulations have been laid before that House resolve that all or any of the regulations ought to be annulled, the regulations shall, after the date of the resolution, be of no effect, without prejudice to the validity of anything done in the meantime thereunder, or to the making of any new regulations. If one or more of a set of regulations are annulled, the Secretary of State may, if he thinks fit, withdraw the whole set.

* * * * *

86.—(1) Notice of any regulations having been made under the foregoing provisions of this Act, and of the place where copies of them can be purchased, shall be published in the London, Edinburgh, and Dublin Gazettes.

* * * * *

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

PART II.

TRUCK AND SHOP ACTS AND REGULATIONS.

SUMMARY.

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THE TRUCK ACTS.

INTRODUCTION.

In order to understand these somewhat difficult Acts, it is necessary to have some knowledge of their history, and of the evils which they were designed to remedy. From very early times it has been a frequent practice of employers of labour to pay their men's wages partly or wholly in kind and not in cash, or, in other words, instead of giving money to give food, clothes or other articles of an equivalent value. This practice, if honestly and reasonably carried out is not necessarily detrimental to the workman, for a large employer of labour can buy in the wholesale market, and if the articles bought are retailed at cost price the workman will get better bargains than he could possibly do at a retail shop. But, unfortunately, many employers yielded to the temptation of taking a retailer's profit, so that the workmen were no better off than if they had bought in the shops in the ordinary way. Nor did the evil stop there. Since the workman was bound to take articles supplied by his master at the price put upon them by the master, there was nothing to prevent an unscrupulous employer from supplying articles of inferior quality and putting an exorbitant price upon them ; and this actually happened in very many instances. The commonest way of working this system was by means of the "tommy shop," which was a shop belonging to the employer where were kept food, clothes, crockery, ironmongery and other articles required by workmen, usually of the most inferior quality. The men's wages were paid wholly or partly in orders upon this shop ; for instance, if a man's wage was 20*s*. per week, he would receive 5*s*. in cash and an order entitling him to 15*s*. worth of goods from the "tommy shop." Not only

were these goods of bad quality, but very often the price put upon them was double their fair value, so that the practical result to the workman was that, instead of receiving 20*s*. in cash, he received 5*s*. in cash and 8*s*. worth of goods, and so was defrauded of some 35 per cent. of his wages.

This state of things did not escape the attention of Parliament, and from the fifteenth century to the end of the eighteenth, a succession of Acts sought to impose restrictions upon the truck system in many different trades. But in the year 1831 these were all repealed, and a general Act, which is the foundation of the modern law upon the subject, was passed protecting workmen in all those trades in which experience had shown the truck system to be most prevalent.

THE TRUCK ACT, 1831.

The general effect of this Act may be summed up in a single sentence: Workmen's wages must be paid in cash and not in kind. To effect this object the Act provides that the wages must be paid in coin (s. 3); that the contract of hiring must not stipulate for them to be paid in kind (s. 1), nor contain any restrictions as to how and where the wages shall be spent (s. 2); and that if the employer does supply goods to his workmen on credit he shall not be able to recover the price (ss. 5, 6).

Some transactions which have the appearance of payments in kind are legal, because they really only amount to a means of ascertaining the rate of wages, as, for instance, where a workman makes gloves for his master at a fixed price per dozen pairs, less a fixed deduction for the use of the machinery upon which the gloves are made (*Chawner* v. *Cummings*, *post*, p. 354).

The master may make no deduction from the wages except those expressly authorised by this and the subsequent Acts, not even for a judgment debt due from the workman to him (see *Williams* v. *North's Navigation Collieries*, *post*, p. 344), and if he does the workman can sue him for the balance. It is not clear, however, whether the mere non-payment of the whole or part of the wages is a criminal offence under s. 9 or not. In earlier editions of this work the opinion was put forward (on the authority of *Redgrave* v. *Kelly*, *Willis* v. *Thorp*, and the judgment of the Court of Appeal in *Williams* v. *North's Navigation Collieries*) that it was not, but this may have to be modified in view of the judgment of the House of Lords in the last-mentioned case. See the preliminary note to s. 3, *post*, p. 344..

Payment of part of the wages to a person authorised by

the workman to receive them is equivalent to a payment to the workman himself. Therefore, a contract of hiring which contains a stipulation that the workman shall belong to a benefit club is legal under the Act, and the master is justified in deducting the subscription from the wages and paying it to the treasurer of the club (*Hewlett* v. *Allen*, *post*, p. 353).

By s. 23 employers are authorised to supply their workmen with a number of articles, such as medical attendance, fuel, tools, lodging, etc., and to deduct the price or rent from the wages, provided that such articles are supplied at cost price and in accordance with a written contract signed by the workman.

Although the Act of 1831 was primarily directed at the "tommy shop," yet it must be understood that there is nothing to prevent the master from opening a shop and selling goods of any kind to his men. Such shops are often useful and sometimes almost indispensable, as, for instance, when extensive engineering works are being carried out in a very sparsely inhabited district. But the goods must be supplied strictly for cash and not for credit (ss. 5, 6), and no attempt must be made to compel the workman to buy at that particular shop (s. 6 of the Act of 1887).

THE TRUCK ACT, 1887.

This Act introduced a number of amendments into the Act of 1831, most of which are of subsidiary importance, and are therefore not alluded to here.

The most important section is s. 2, which extends the provisions of the Truck Acts to all persons coming under the description of "workmen," as defined by s. 10 of the Employers and Workmen Act, 1875, that is, to all persons, except domestic servants, who are engaged in manual labour. The principal difficulty under this definition arises in cases where the manual labour is only part of the servant's duty, and the test is whether the manual labour is his real and substantial employment or merely incidental to his real employment. Thus, an omnibus conductor is not a "workman," although he may occasionally have to help in putting the horses to, but a person employed in cleaning omnibuses would be.

The Act also provides for a proper audit of certain deductions allowed by the Act of 1831 (s. 9), and extends the protection of the Acts to those workmen who, though not employed at regular wages, make articles at home and sell them to persons who are virtually their employers. It also legalises

certain contracts commonly made with farm servants for supplying them with food and other things in addition to their money wages. And it provides for the punishment of the actual offender in cases where an offence against the Acts has been committed by an agent or manager of the employer without the latter's approval or knowledge.

THE TRUCK ACT, 1896.

As has been pointed out above, deductions from wages, either by way of fines for misconduct and bad workmanship, or for materials, etc., supplied to the workman, are not illegal; but it was found that in many cases very oppressive deductions were made, greatly exceeding the amount of the damage or expense caused to the employer. The Act of 1896 was passed to remedy this state of things.

It provides that no deductions or payments shall be made for fines, unless the workman has either previously signed a written contract agreeing to submit to such deductions, or a notice containing the terms of the contract is kept constantly fixed in a place where it can easily be seen, read and copied by every person whom it affects. The notice or contract must contain full particulars of all fines which are intended to be imposed, and the amount of every fine must be fair and reasonable. Further, before a deduction can be made, full written particulars of the deduction itself and the reasons why it is imposed must be supplied to the workman. It should be observed that the Act is aimed not merely at excessive deductions themselves, but also at contracts which stipulate for such deductions, so that if an employer enters into a contract or exhibits a notice which seeks to impose any excessive deductions, he has committed an offence, even though no deductions have in fact been made. The contracts or notices must be produced to the factory inspectors if required. A copy of the contract must also be given to the worker.

Deductions or payments in respect of damaged goods or materials supplied are subjected to restrictions which are the same as those applying to fines, with two exceptions: First, such deductions must not only be fair and reasonable, but must also in no case exceed the amount of actual or estimated loss caused to the employer; and, secondly, the contract or notice need not contain full particulars of all deductions which are to be made, because it would be impossible to do so. No employer could foresee every kind of damage which his workmen might do, or every kind of material which he might wish to supply to them. But of course the

contract or notice must state clearly, though in general terms, that such deductions will be made.

THE HOSIERY MANUFACTURE (WAGES) ACT, 1874.

This is a short Act passed to protect workmen in the hosiery trade. It absolutely prohibits deductions for the rent of the frames used by the workmen, and certain other charges, and renders illegal any contract for such deductions.

THE SHOP CLUBS ACT, 1902.

With the Truck Acts may conveniently be grouped the Shop Clubs Act, 1902, whose title is rather misleading, inasmuch as it applies to factories, workshops, docks and warehouses as well as to shops. Its main provisions may be summarised as follows: Employers may not forbid their workmen to join, or continue members of, a friendly society (s. 1); they may not compel them to become members of a "shop club or thrift fund" unless the club or fund is registered and certified by the Registrar of Friendly Societies (s. 2); and no club or fund shall be certified unless three-quarters of the workmen desire it and certain regulations designed for the protection of the workmen are complied with (s. 2 and Schedule).

The Act is a peculiar one, and a number of difficulties may arise as to its interpretation. By s. 7 the application of the great bulk of its provisions is limited to workshops, factories, docks, shops and warehouses, while by s. 5 a certain exemption is given to railways, which can hardly come under any of these descriptions. And s. 1 (a) would seem to apply to all employers and workmen. Furthermore, no definition is given of such important expressions as "employer," "workman," "factory" and "workshop," and as neither the Factory Acts nor the Truck Acts are incorporated the interpretation sections of those Acts cannot, strictly speaking, be applied. The first two are defined in one way in the Truck Acts and in another in the Workmen's Compensation Act, and until the question is judicially determined it is impossible to say what their meaning is in the Act now under discussion.

THE CHECKWEIGHING IN VARIOUS INDUSTRIES ACT, 1919.

This Act may also be included in the same category as the Truck Acts. Its principle is that when the wages of a workman depend upon the weight of the material produced or handled by him he may appoint officials of his own to check the accuracy

of the weights as taken by his employer. This principle has long been applied in the coal mining industry, and is recognised and regulated in the Coal Mines Acts; but it is now applied to a number of other industries mentioned in the Act, and to any others to which it may be extended by Order of the Secretary of State.

The foregoing remarks are only intended to give an outline of the law relating to truck. The Acts contain a number of other provisions which are omitted here for the sake of brevity and in order to avoid confusion, but are dealt with as far as possible in the notes.

The codification and amendment of the Truck Acts is greatly to be desired. The principal Act, which was passed more than ninety years ago, when the conditions of labour were very different from what they are to-day, is obscure on several points, contains a number of obsolete provisions, and fails to provide against a number of modern evils. This subject was considered by a Departmental Committee of the Home Office, who sat from 1906 to 1908. In their Report, issued in 1909, they recommended consolidation and a great many amendments of the law, but up to the present no effect has been given to their recommendations.

THE TRUCK ACT, 1831.

(1 & 2 WILL. 4, c. 37.)

1. *In contracts for the hiring of artificers, wages must be made payable in the current coin of the realm.*]—In all contracts (*a*) hereafter to be made for the hiring of any artificer (*a*) [*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 (*a*) of such artificer shall be made payable in the current coin of this realm only, and not otherwise (*c*); 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*) **Definitions.**—For definitions of "contract" and "wages," see s. 25, *post*, p. 355, and of "artificer," s. 2 of the Act of 1887 *post*, p. 362.

(*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).

(*c*) **Shares in Company.**—In *Glasgow* v. *Independent Printing Co.*, [1901] 2 I. R. 278, an agreement whereby a workman agreed that his wages, which were 22*s.* a week, were to be paid 20*s.* in cash and 2*s.* in shares of the company, who were his employers, was held to be void.

2. *Must not contain any stipulations as to the manner in which the wages shall be expended.*]—If in any contract (*a*) hereafter to be made between any artificer (*a*) [*in any of the trades hereinafter enumerated*] and his employer (*a*), 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 (*a*) 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, *post*, p. 363, to contracts as to spending wages at a particular shop.

It does not render illegal an agreement that the workman shall become a member of a sick and accident club, and that his subscription shall be stopped out of his wages (*Hewlett* v. *Allen*, [1894] A. C. 383; 58 J. P. 700; 63 L. J. Q. B. 608; 71 L. T. 94; 42 W. R. 670). Such agreements are, however, now subject to the provisions of the Shop Clubs Act, 1902, *post*.

In *McFarlane* v. *Birrell* (1888), 16 Rettie (J.) 28; 2 White 126, a workman occupied a house belonging to his employer, under an agreement that he should leave the house immediately upon the termination of his employment and should pay a "rent" of 1*s.* per day if he did not so leave, and that the "rent" might be deducted from his wages. The Court of Justiciary held that the agreement was void under this section, and that it did not come within the exception in s. 23, *post*, p. 352, since the deduction was really damages for holding over, and not rent. This case was followed in *Summerlea Iron Co., Limited* v. *Thomson*, [1913] Sess. Cas. (J.) 34; 50 Sc. L. R. 274.

(*a*) **Definitions.**—For definitions of "contract," "employer," and "wages," see s. 25, *post*, p. 355, and of "artificer," s. 2 of the Act of 1887, *post*, p. 362.

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 (*a*); 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.

By s. 10 of the Act of 1887 (*post*, p. 365), a special provision is made as to articles made in the workman's own home.

Bank notes, if the artificer consents, are as effectual in payment as current coin (s. 8); and Treasury notes are "current," and equivalent to actual sovereigns and half sovereigns (Currency and Bank Notes Act, 1914 (4 & 5 Geo. 5, c. 14), s. 1). As to postal orders and money orders, see the notes to s. 8, *post*, p. 348.

Wages must not be paid in a publichouse, unless the master is a licensed victualler. See the Payment of Wages in Publichouses Prohibition Act, 1883 (46 & 47 Vict. c. 31), s. 3.

It was held by MATHEW and GRANTHAM, JJ., in *Redgrave* v. *Kelly* (1889), 54 J. P. 70; 37 W. R. 543, that this section merely prohibits the payment of wages in kind, *i.e.*, otherwise than in cash, and that therefore deductions which do not amount to a payment in kind, *e.g.*, fines, are not within its provisions. See also the judgment of BRAMWELL, B., in *Archer* v. *James* (1859), 2 B. & S. 61; 31 L. J. Q. B. 153; 6 L. T. 167; 10 W. R. 489; 8 Jur. (N.S.) 166, and the judgments of the Court of Queen's Bench in *Willis* v. *Thorp* (1875), L. R. 10 Q. B. 383; 44 L. J. Q. B. 137; 33 L. T. 11; 23 W. R. 730 (decided under the Hosiery Manufacture (Wages) Act, 1874, *post*). But in *Williams* v. *North's Navigation Collieries, Limited*, [1906] A. C. 136; 70 J. P. 217; 75 L. J. K. B. 334; 94 L. T. 447; 54 W. R. 485; 22 T. L. R. 372, a workman who had broken his contract by absenting himself from work was ordered by the magistrates (under the Employers and Workmen Act, 1875) to pay to his masters 30*s.* by way of damages, payable by instalments. The first instalment was deducted from his wages. He then brought an action in the King's Bench Division for a declaration that the amount of the instalment was improperly deducted. The House of Lords (reversing the Court of Appeal) held that the Truck Act, 1831, does not allow any deductions except those expressly sanctioned, and that the master cannot deduct even a judgment debt due from the workman to him. The above is the actual decision in the case, but one or two of the lords used language which is perhaps open to the interpretation that they thought that the mere failure to pay wages was a criminal offence under the Act. *Redgrave* v. *Kelly* and *Willis* v. *Thorp* were cited in argument, but not mentioned in the judgments, and it is not clear whether they are to be considered as overruled or not.

Two cases have been heard as to the meaning of the words "entire amount of wages" in connection with the cotton-weaving industry

in Lancashire. In *Hart* v. *Riversdale Mill Co., Ltd.*, [1928] 1 K. B. 176 (C. A.), a weaver, working at piece-work rates under a standard price list, from whose wages 6*d.* had been deducted for damaged work, took proceedings in respect of the deduction as being a contravention of s. 3. The justices decided that the deduction was illegal, but they allowed a counterclaim—by the employer—for 1*s.* damages against the worker. Upon appeal to the Divisional Court, it was held that the decision of the justices was wrong. The worker was employed to weave a good piece of cloth under an implied contract that she should be paid at a standard list subject to a fair and reasonable deduction for bad work; that the 6*d.* being a fair deduction, the amount paid was the entire amount of wages earned. Subsequently the Court of Appeal held that on the facts found by the justices the question was one of contract and not breach of contract; that the deduction which had been made was not a separate and independent deduction from rightly ascertained wages, but was a loss which accrued to a workman in the true calculation of what she ought to be paid for wages; and that consequently the respondents had not contravened s. 3.

In *Sagar* v. *H. Ridehalgh & Son, Ltd.* (1931), 47 T. L. R. 189, C. A., similar facts gave rise to a further case. A considerable amount of evidence was given as to the practice in the Lancashire cotton-weaving trade:—*Held:* (1) that it was a term of the contract under which the plaintiff was employed by the defendants in the Lancashire weaving trade that the employers were entitled, in estimating the wages payable, to make deductions for bad work, and (2) that such deductions were not unlawful.

It will be noted from these two decisions that an employer in the Lancashire weaving trade may set off a fair and reasonable amount for damaged work in calculating the entire amount of wages payable. For other industries the matter can be dealt with by s. 2, Truck Act, 1896, p. 371.

Stringent regulations with regard to fines are imposed by s. 1 of the Act of 1896, *post*, p. 370. Certain deductions which do amount to payments in kind are expressly legalised by ss. 23 and 24, *post*, pp. 352–355.

But there must be a real payment in cash, and not merely a colourable one. Thus, in *Gould* v. *Haynes* (1889), 54 J. P. 405; 59 L. J. M. C. 9; 61 L. T. 732; 16 Cox C. C. 732, a journeyman brickmaker was supplied with beer, etc., on credit at a publichouse belonging to his employer. The amount was 3*s.* 10*d.* The employer handed the workman 4*s.*, who handed it back immediately, and received 2*d.* change. At the end of the week 4*s.* was stopped out of his wages:—*Held*, that the transaction was colourable, and was an attempt to evade the Acts, and that the employer ought to have been convicted.

(*a*) **Payments in Kind.**—Payment of wages by a written order upon a "tommy shop" is equivalent to a payment in kind, and is punishable under the Acts (*Athersmith* v. *Drury* (1858), 1 El. & El. 46; 28 L. J. M. C. 5; 7 W. R. 14; 5 Jur. (N.S.) 433); and it is

immaterial whether the employer is interested in the shop or not (*Finlayson* v. *Braidbar Quarry Co.* (1864), 2 Macph. 1297; 36 Jur. 647).

In *Smith* v. *Walton* (1877), 3 C. P. D. 109; 42 J. P. 280; 47 L. J. M. C. 45; 37 L. T. 437, a weaver spoiled a piece of cloth by bad workmanship. His master gave him the cloth in part payment of his wages, assessing it at the value it would have had if perfect:—*Held*, that this was a payment in kind, and illegal.

In *Owner* v. *Hooper* (1903), 67 J. P. 406; 89 L. T. 130; 20 Cox C.C. 518, a master paid his workmen in full, but at the time of payment handed each man a slip of paper, on which was written a sum of money equal to 2*d.* in the pound of the wages. The man went straight to the cashier, and paid him the sum mentioned on the slip. The money was for insurance premiums against the Workmen's Compensation Act:—*Held*, that this was no offence against this section, whatever might be the case under s. 3 of the Act of 1896.

A payment of wages in kind is illegal, even if it was not made in pursuance of a contract, and even if the workman had the option of receiving cash or goods (*Wilson* v. *Cookson* (1863), 13 C. B. (N.S.) 496; 32 L. J. M. C. 177; 8 L. T. 53; 11 W. R. 426; 9 Jur. (N.S.) 177).

When wages have been illegally paid in kind, the offence is not purged by a subsequent payment in money of the amount previously paid in kind, whether such subsequent payment is made voluntarily or under an order of justices (*Fisher* v. *Jones* (1863), 13 C. B. (N.S.) 501; 32 L. J. M. C. 177).

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.

The workman cannot recover from his employer the amount of deductions lawfully made from his wages. See s. 23, *post*, p. 352, and note (*e*) thereto.

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.

This prohibition is considerably extended by ss. 5 and 6 of the Act of 1887, *post*, p. 363. It should be noted that this and the following section do not forbid the workman to deal at his employer's shop. They merely provide that if he does so his purchases must be strictly cash transactions.

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.

This prohibition is considerably extended by ss. 5 and 6 of the Act of 1887, *post*, p. 363.

7. *If the artificer or his wife or children become chargeable to the parish, the overseers may recover any wages earned within the three preceding months, and not paid in cash.*]—If any artificer, or his wife or widow, or if any child of any such artificer, not being of the full age of twenty-one years, shall become chargeable to any parish or place, and if within the space of three calendar months next before the time when any such charge shall be incurred such artificer shall have earned or have become entitled to receive any wages for any labour by him done [*in any of the said trades*], which wages shall not have been paid

to such artificer in the current coin of this realm, it shall be lawful for the overseers or overseer of the poor (*a*) in such parish or place to recover from the employer of such artificer in whose service such labour was done the full amount of wages so unpaid, and to proceed for the recovery thereof by all such ways and means as such artificer himself might have proceeded for that purpose; and the amount of the wages which may be so recovered shall be applied in reimbursing such parish or place all costs and charges incurred in respect of the person or persons to become chargeable, and the surplus shall be applied and paid over to such person or persons.

(*a*) Now the guardians. See s. 16 of the Act of 1887, *post*, p. 368.

8. *Not to invalidate the payment of wages in bank notes, if artificer consents.*]—Provided always, that nothing herein contained shall be construed to prevent or to render invalid any contract for the payment, or any actual payment, to any artificer, of the whole or any part of his wages, either in the notes of the Governor and Company of the Bank of England, or in the notes of any person or persons carrying on the business of a banker, and duly licensed to issue such notes in pursuance of the laws relating to his Majesty's revenue of stamps, or in drafts or orders for the payment of money to the bearer on demand, drawn upon any person or persons carrying on the business of a banker, being duly licensed as aforesaid, within fifteen miles of the place where such drafts or orders shall be so paid, if such artificer shall be freely consenting to receive such drafts or orders as aforesaid, but all payments so made with such consent as aforesaid, in any such notes, drafts, or orders as aforesaid, shall for the purposes of this Act be as valid and effectual as if such payments had been made in the current coin of the realm.

Treasury notes are, of course, equivalent to cash, and payment may be made by them with or without the workman's consent. See Currency and Bank Notes Act, 1914 (4 & 5 Geo. 5, c. 14), s. 1. It is doubtful whether wages may be paid by money order or postal order, even with consent. As to these, see ss. 23 and 24 of the Post Office Act, 1908 (8 Edw. 7, c. 48).

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 (*a*) shall for the first offence forfeit a sum not exceeding ten pounds [*nor less than five pounds*] (*b*), 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.

If the offence has in fact been committed by an agent of the employer, the latter can escape the penalty by bringing the actual offender to justice. See s. 12 of the Act of 1887, *post*, p. 365. The offence is not purged by a subsequent payment in cash of the amount previously paid in kind (*Fisher* v. *Jones* (1863), 13 C. B. (N.S.) 501 ; 32 L. J. M. C. 177).

(*a*) **Payment declared Illegal.**—The obvious instance of such a payment is a payment in kind. But under the judgments of the House of Lords in *Williams* v. *North's Navigation Collieries, Limited*, [1906] A. C. 136 ; 70 J. P. 217 ; 75 L. J. K. B. 334 ; 94 L. T. 447 ; 54 W. R. 485 ; 22 T. L. R. 372, it is doubtful whether a "payment in account," *e.g.*, the deduction of a debt due from the workman to the employer, or even mere non-payment of the whole or part of the wages, is not an offence under this section. The only point actually decided was that the employer is not entitled to make the deduction. See the preliminary note to s. 3, *ante*, p. 344.

(*b*) Words in italics repealed by the Summary Jurisdiction Act, 1884 (47 & 48 Vict. c. 43).

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 (*a*) by such person of the second offence, but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a first offence ; and that no person shall be punished as for a third offence under this Act, unless ten days at the least shall have intervened

between the conviction of such person for the second and the conviction (*a*) 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 (*b*).

11. [*The power of justices to compel the attendance of witnesses, and*

12. *To levy penalties by distress*] (*b*).

(*a*) **Conviction.**—This word is an obvious mistake for "commission."

(*b*) 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 Acts. See s. 13 of the Act of 1887, *post*, p. 366.

13. *A partner not to be liable in person for the offence of his copartner, 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 copartner in trade, and without his or her knowledge, privity, or consent; but it shall be lawful, when any penalty, or any sum for wages, or any other sum, is ordered to be paid under the authority of this Act, and the person or persons ordered to pay the same shall neglect or refuse to do so, to levy the same by distress and sale of any goods belonging

to any copartnership concern or business in the carrying on of which such charges may have become due or such offence may have been committed; and in all proceedings under this Act to recover any sum due for wages it shall be lawful in all cases of copartnership for the justices, at the hearing of any complaint for the non-payment thereof, to make an order upon any one or more copartners for the payment of the sum appearing to be due; and in such case the service of a copy of any summons or other process, or of any order, upon one or more of such copartners shall be deemed to be a sufficient service upon all.

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 (*b*) 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 (*b*) 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. 521.

21, 22. [*As to penalties, jurisdiction of justices, etc.*]

Repealed by the Act of 1887.

23. *Particular exceptions as 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 (*a*), tools (*b*), or implements to be by such artificer employed in his trade or occupation, if such artificers be employed in mining, or any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such artificer in his trade and occupation; nor from demising to any artificer [*workman, or labourer employed in any of the trades or occupations enumerated in this Act*] the whole or any part of any tenement at any rent (*c*) 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 (*c*), 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 (*d*), and signed by such artificer (*e*).

The deductions authorised by this section and s. 24 are the only ones which can lawfully be made (*Williams* v. *North's Navigation Collieries, Limited*, [1906] A. C. 136; 70 J. P. 217; 75 L. J. K. B. 334; 94 L. T. 447; 54 W. R. 485; 22 T. L. R. 372). As to fines, see s. 1 of the Act of 1896, *post*, p. 370.

The amount to be deducted under each head need not be specified in the written contract (*Cutts* v. *Ward*, *infra*).

Accounts of deductions for education, medical attendance, and tools are to be rendered and audited. See the Act of 1887, s. 9, *post*, p. 364.

Agreements by workmen to join benefit clubs, etc., are now subject to the provisions of the Shop Clubs Act, 1902, *post*, p. 376.

(*a*) **Materials.**—These must be sold out and out to the worker, and not merely hired to him (*Cutts* v. *Ward* (1867), L. R. 2 Q. B. 357; 36 L. J. Q. B. 161; 15 L. T. 614; 15 W. R. 445).

(*b*) **Tools.**—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. 364.

(*c*) **Rent.**—This exception does not apply to deductions which, though called rent, are really damages for holding over (*McFarlane* v. *Birrell* (1888), 16 Rettie (J.) 28; 2 White 126, and *Summerlea Iron Co., Limited* v. *Thomson*, [1913] Sess. Cas. (J.) 34; 50 Sc. L. R. 274).

(*d*) **Written Contract.**—In *Hynd* v. *Spowart* (1884), 22 Sc. L. R. 702, deductions were made from a workman's wages for rent, sick fund, etc. The amount of such deductions were entered on the pay tickets given to the workman, and such tickets had to be signed by the workman before he received his pay:—*Held*, that these tickets were not a written contract within the meaning of the Act.

(*e*) **Other Exceptions.**—A payment of part of the wages to a creditor of the workman may be a good payment to the workman himself. Thus, in *Hewlett* v. *Allen*, [1894] A. C. 383; 58 J. P. 700; 63 L. J. Q. B. 608; 71 L. T. 94; 42 W. R. 670, a workwoman signed an agreement to conform to all the rules of her employers. One of the rules was that she should become a member of the sick and benefit club. Her subscription of 2½*d.* a week was deducted from her wages and paid to the club treasurer:—*Held*, that no offence against the Truck Acts had been committed, and that she was not entitled to recover the amounts of the payments from the employers. And Lord Herschell, L.C., said in his judgment: "I can myself entertain no doubt that a payment made by an employer at the instance of a person employed to discharge some obligation of the person employed, or to place the money in the hands of some person in whose hands the person employed desires it to be placed, is in the sense and meaning of those sections (ss. 3 and 4) a payment to the person employed as much as if the current coin of the realm had been placed in his or her hands." On this point

see also *Phillips* v. *London School Board*, [1898] 2 Q. B. 447; 67 L. J. Q. B. 874; 79 L. T. 50; 46 W. R. 658; 14 T. L. R. 501.

But when a deduction is made from men's wages for a "doctor's fund," and the amount is merely credited to that fund in the master's books, and not actually paid to the doctor or to the treasurer of the fund, there has been no valid payment to the workman (*Ex parte Cooper* (1884), 26 Ch. D. 693; 51 L. T. 374). Also, in *M'Lucas* v. *Campbell* (1892), 30 Sc. L. R. 226, a master made deductions from a workman's wages (1) for coals supplied; (2) for rent, which was paid by the master to the landlord after deducting 5 per cent. commission. Neither deduction had been authorised in writing by the workman:—*Held*, that the workman could recover the amount of the deduction for coal, but not that for rent. It was held in *Redgrave* v. *Kelly* (1889), 54 J. P. 70; 37 W. R. 543, that deductions, such as fines, which do not amount to anything in the nature of a payment in kind, are not within the scope of this Act at all, though they are regulated by ss. 1—3 of the Act of 1896, *post*, p. 370. See also *Beetham* v. *Crewdson* (1890), 55 J. P. 55; 6 T. L. R. 379, where by the rules of a factory the overlooker was to forfeit £1 if he engaged a child before such child's name was registered in a book kept for that purpose:—*Held*, that the deduction was permissible. But having regard to the judgment of the House of Lords in *Williams* v. *North's Navigation Collieries, Limited*, it is doubtful if these last two decisions are now law.

A third class of legal deductions are those which are really only a method of ascertaining the rate of wages. Thus, in *Chawner* v. *Cummings* (1846), 8 Q. B. 311; 15 L. J. Q. B. 161; 10 Jur. 454, a glove weaver worked for his master at an agreed price per dozen pairs. This price was paid weekly after deducting (1) a fixed rent for the frame on which the work was done; (2) a fixed rent for use of premises to work in, sorting of completed goods, etc.; (3) a fixed sum for the services of a boy to wind, and for wear and tear of machinery; (4) 1*d.* in the 1*s.* compensation to the master for certain payments, rent, etc., which he had to make to his superior. All these payments were according to the custom of the trade:—*Held*, that these deductions were only a method of calculating the rate of wages, and that they were legal, even in the absence of a written contract.

In *Archer* v. *James* (1859), 2 B. & S. 61; 31 L. J. Q. B. 153; 6 L. T. 167; 10 W. R. 489; 8 Jur. (N.S.) 166, the facts were practically the same as in *Chawner* v. *Cummings*, which was followed by the Court of Queen's Bench; but in the Exchequer Chamber the court were equally divided. In *Hughes* v. *Donella* (1894), 10 T. L. R. 197, some turners were employed by a cabinet-maker. They were paid by the piece, and 4*s.* a week was deducted for steam power supplied to their lathes:—*Held*, that this was only a means for calculating the rate of wages, and that the deduction was permissible.

In *Poplar Union* v. *Martin* (1904), 68 J. P. 526; 91 L. T. 550, a case under the Vagrancy Act, 1824, PHILLIMORE, J., expressed the opinion that an arrangement between a board of guardians and

the Salvation Army, whereby able-bodied paupers were to be set to work at a labour colony and to receive food and lodging free and 6*d.* a week pocket money, was not a violation of the Truck Acts. The actual decision of the court, however, was based upon another point.

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 . . .

The deductions authorised by this section and s. 23 are the only ones which can lawfully be made (*Williams* v. *North's Navigation Collieries, Limited, ante*, p. 344).

Further provisions with regard to deductions for education are made by s. 7 of the Act of 1887, *post*, p. 364; but since the passing of the Elementary Education Acts these provisions have become of little importance.

These deductions can only be made with the written consent of the workman (*Pillar* v. *Llynvi Coal Co.* (1869), L. R. 4 C. P. 752; 38 L. J. C. P. 294; 20 L. T. 923; 17 W. R. 1123).

For the duties and rights of employers and workmen with regard to friendly societies, benefit clubs, etc., see the Shop Clubs Act, 1902, *post*, p. 376.

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, understand-

ing, 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" (*a*).

(*a*) **Contract.**—Where a workman is engaged under a written contract which does not infringe the Truck Acts, and supplemental terms which do infringe them are introduced by a contemporaneous verbal arrangement, the court is not bound by the written contract, and may receive evidence of the verbal arrangement (*Jones* v. *Wasley* (1902), 18 T. L. R. 418).

There must always be a definite contract of service, whether express or implied, see *Kemp* v. *Lewis*, *post*, p. 361.

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.

THE HOSIERY MANUFACTURE (WAGES) ACT, 1874.

(37 & 38 VICT. C. 48.)

1. *Wages to be paid without any stoppages whatever.*]—In all contracts for wages the full and entire amount of all wages (*a*) the earnings of labour in the hosiery manufacture shall be actually and positively made payable in net, in the current coin of the realm, and not otherwise, without any deduction or stoppage of any description whatever (*b*), save and except for bad and disputed workmanship.

(*a*) **Wages.**—For definition, see s. 7, *post*, p. 358.

(*b*) **Fines.**—It was held in *Willis* v. *Thorpe* (1875), L. R. 10 Q. B. 383; 44 L. J. Q. B. 137; 33 L. T. 11; 23 W. R. 730, that not-

withstanding this general prohibition, deductions for reasonable fines are not unlawful under this section; but having regard to *Williams* v. *North's Navigation Collieries, Limited*, it is doubtful whether this decision is now law. See the preliminary note to s. 3 of the Act of 1831, *ante*, p. 344.

2. *Contracts to stop wages and for frame rents illegal.*]—All contracts to stop wages, and all contracts for frame rents and charges, between employer and artificers, shall be and are hereby declared to be illegal, null, and void.

This does not apply to contracts for the deduction of reasonable fines from the wages (*Willis* v. *Thorpe*, *ante*). But see note (*b*) to the last section.

For definitions of "employer" and "artificer," see s. 7, *post*, p. 358.

3. *Penalty for bargaining to deduct and for deducting from wages.*]—If any employer shall bargain to deduct, or shall deduct, directly or indirectly, from the wages of any artificer in his employ any part of such wages for frame rent and standing or other charges, or shall refuse or neglect to pay the same or any part thereof in the current coin of the realm, he shall forfeit a sum of five pounds for every offence, to be recovered by the said artificer or any other person suing for the same in the county court in the district where the offence is committed, with full costs of suit.

4. *Penalty for using frame otherwise than for the purpose for which same lent.*]—If any frame or machine which shall have been entrusted to any artificer or other person by his employer for the purpose of being used in the hosiery manufacture for such employer, or in any process incident to such manufacture, shall, whilst the same shall be so entrusted, be worked, used, or employed without the consent in writing of such employer or other person so entrusting such frame or machine, in the manufacture of any goods or articles whatever for any other person than the person by whom such frame or machine shall have been so entrusted, then and in every such case the artificer or other person to whom the same shall have been so entrusted shall forfeit and pay the sum of ten shillings for every day on any part of which any such frame or

machine shall have been so worked, used, or employed, to be recoverable by and for the benefit of the person who shall have so entrusted the same, in the county court for the district where the offence shall have been committed, with full costs of suit.

5. *No action to be allowed in respect of any such bargaining.*]—No action, suit, or set-off between employer and artificer shall be allowed for any deduction or stoppage of wages, nor for any contract hereby declared illegal.

6. *Not to prevent the recovery by employer of any debt due to him from artificer.*]—Nothing in this Act contained shall extend to prevent the recovery in the ordinary course of law, by suit brought or commenced for the purpose, of any debt due from the artificer to the employer.

7. *Definition of terms.*]—Within the meaning and for the purposes of this Act, all workmen, labourers, and other persons in any manner engaged in the performance of any employment or operation, of what nature soever, in or about the hosiery manufacture, shall be and be deemed "artificers"; and, within the meaning and for the purposes aforesaid, all masters, foremen, managers, clerks, contractors, sub-contractors, middlemen, and other persons engaged in the hiring, employment, or superintendence of the labour of any such artificers shall be and be deemed to be "employers"; and, within the meaning and for the purposes of this Act, any money or other thing had or contracted to be paid, delivered, or given as a recompense, reward, or remuneration for any labour done or to be done, whether within a certain time or to a certain amount, or for a time or for an amount uncertain, shall be deemed and taken to be the wages of such labour; and, within the meaning and for the purposes aforesaid, any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of wages, whether written or oral, whether direct or indirect, to which the employer and artificers are parties, or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to

impose an obligation on the other of them, shall be and be deemed a "contract."

8. [*Commencement of Act.*]

Repealed by Statute Law Revision Act, 1893.

9. *Short title.*]—This Act may be cited for all purposes as the Hosiery Manufacture (Wages) Act, 1874.

THE EMPLOYERS AND WORKMEN ACT, 1875.

(38 & 39 VICT. c. 90.)

10. *Definitions: "Workman."*]—The expression "workman" does not include a domestic or menial servant, but save as aforesaid, means any person who, being a labourer, servant in husbandry (*a*), journeyman, artificer (*b*), handicraftsman, miner, or otherwise engaged in manual labour (*c*), whether under the age of twenty-one years or above that age, has entered into or works under a contract (*d*) 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.

This definition is made applicable to the Truck Acts by s. 2 of the Act of 1887, *post*, p. 362.

(*a*) **Servant in Husbandry.**—A person engaged on a farm to keep the accounts, weigh out food for cattle, set men to work, lend a hand to anything if wanted, and in all things carry out orders given him, is not a "servant in husbandry" (*Davies* v. *Lord Berwick* (1861), 3 E. & E. 549; 30 L. J. M. C. 84; 3 L. T. 697; 9 W. R. 334; 7 Jur. (N.S.) 410); but a waggoner who has to work in the fields at harvest time is (*Lilley* v. *Elwin* (1848), 11 Q. B. 742; 17 L. J. Q. B. 132).

(*b*) **Artificer.**—There are a number of decisions as to the meaning of this word in the repealed sections of the Truck Act, 1831. The meaning is not necessarily the same here, but it is submitted that every one who came within the older Act comes *à fortiori* within the present one. Under that definition the following have been held to be "artificers":—framework knitters (*Moorhouse* v. *Lee* (1864), 4 F. & F. 354); pattern designers for calico printers (*Ex parte Ormrod* (1844), 1 D. & L. 825; 13 L. J. M. C. 73; 8 Jur. 495), persons who load canal boats (*Millard* v. *Kelly* (1858), 7 W. R. 12);

platers employed to plate a ship at a fixed price per ton of work completed (*Lawrence* v. *Todd* (1863), 14 C. B. (N.S.) 554; 32 L. J. M. C. 238; 8 L. T. 505); and an overseer in a printing works may be one (*Bishop* v. *Letts* (1858), 1 F. & F. 401); but the following are not:—foremen (*Phillips* v. *M'Innes* (1874), 2 Rettie 224); and persons who contract to make a railway cutting at so much per cubic yard, employing others to help them (*Riley* v. *Warden* (1848), 2 Ex. 59; 18 L. J. Ex. 120; and *Sharman* v. *Saunders* (1853), 13 C. B. 166).

(*c*) **Manual Labour.**—The test is whether any manual labour which may be done by the servant is his real and substantial employment, or whether it is merely incidental and accessory to his real employment (*Bound* v. *Lawrence*, [1892] 1 Q. B. 226; 56 J. P. 118; 61 L. J. M. C. 21; 65 L. T. 844; 40 W. R. 1). A foreman or ganger who works with his own hands does not cease to be within the scope of the Truck Acts merely because he superintends other workmen and is paid by commission (*Whiteley* v. *Armitage* (1864), 13 W. R. 144); nor because he engages and pays his own assistants (*Grainger* v. *Aynsley and Bromley* v. *Tams* (1880), 6 Q. B. D. 182; 45 J. P. 142; 50 L. J. M. C. 48; 43 L. T. 608; 29 W. R. 242). But he must be bound by his contract to work with his own hands (*Sleeman* v. *Barrett* (1864), 2 H. & C. 934; 33 L. J. Ex. 153; 9 L. T. 834; 12 W. R. 411; 10 Jur. (N.S.) 476); and in *Squire* v. *Midland Lace Co.*, [1905] 2 K. B. 448; 69 J. P. 257; 74 L. J. K. B. 614; 93 L. T. 29; 53 W. R. 653; 21 T. L. R. 466, the King's Bench Division, following the decisions of the Exchequer Chamber in *Ingram* v. *Barnes* (1857), 7 E. & B. 132; 26 L. J. Q. B. 319; 5 W. R. 726; 3 Jur. (N.S.) 861, and the Court of Common Pleas in *Pillar* v. *Llynvi Coal Co.* (1869), 38 L. J. C. P. 294 (reported on this point in the L. J. report only), laid down the rule that "a man is not an artificer within the Act unless the employer has by the contract of hiring a right to require his personal work and labour in return for wages." The same rule had previously been laid down by the Court of Queen's Bench in *Weaver* v. *Floyd* (1852), 21 L. J. Q. B. 151, and *Bowers* v. *Lovekin* (1856), 6 E. & B. 584; 25 L. J. Q. B. 371; 4 W. R. 600; 2 Jur. (N.S.) 1187.

A sempstress who works a sewing machine and irons materials is engaged in manual labour (*Maynard* v. *Peter Robinson, Limited* (1903), 89 L. T. 136); and so is a "butty miner" (*Morrison* v. *William Baird & Co.* (1882), 10 Rettie 271; *Brown* v. *Butterley Coal Co.* (1885), 2 T. L. R. 159); a "stage manager" whose principal duties are to move scenery, do rough carpentering and look after the electric light (*Rushbrook* v. *Grimsby Palace Theatre and Buffet, Limited* (1909), 100 L. T. 253; 25 T. L. R. 258); and an overlooker of looms, who spends half his time in overlooking, and the other half in manual labour (*Leech* v. *Gartside & Co.* (1885), 1 T. L. R. 391).

The following persons are not within the definition: A grocer's assistant who serves in the shop and ties up parcels (*Bound* v. *Lawrence, supra*); a hairdresser (*R.* v. *Louth, JJ.*, [1900] 2 I. R.

714); a goods guard, whose main duty is to look after his train, but who occasionally has to couple and uncouple and unload trucks (*Hunt* v. *Great Northern Rail. Co.*, [1891] 1 Q. B. 601; 55 J. P. 470; 60 L. J. Q. B. 216; 64 L. T. 418); a man who contracts to sink a mine shaft at a fixed price per fathom (*Marrow* v. *Flimby & Broughton Moor Coal and Fire Brick Co., Limited*, [1898] 2 Q. B. 588; 67 L. J. Q. B. 976; 79 L. T. 397; 14 T. L. R. 583; *Fitzpatrick* v. *Evans & Co.*, [1902] 1 K. B. 505; 71 L. J. K. B. 302; 86 L. T. 141; 18 T. L. R. 290); a tramcar driver (*Cook* v. *North Metropolitan Tramways Co.* (1887), 18 Q. B. D. 683; 51 J. P. 630; 56 L. J. Q. B. 309; 57 L. T. 476; 35 W. R. 577)—though the driver of a motor omnibus, who has to do necessary repairs to his vehicle when he is out with it, is within the Act (*Smith* v. *Associated Omnibus Co.*, [1907] 1 K. B. 916; 71 J. P. 239; 76 L. J. K. B. 574; 96 L. T. 675; 23 T. L. R. 381); an omnibus conductor (*Morgan* v. *London General Omnibus Co.* (1883), 13 Q. B. D. 832; 48 J. P. 503; 53 L. J. Q. B. 352; 51 L. T. 213; 32 W. R. 759)—though, in *Wilson* v. *Glasgow Tramways and Omnibus Co.* (1878), 5 Rettie, 981, Lords MONCRIEFF and ORMIDALE expressed an opinion that a tram conductor is within the Acts; a person employed under a contract "to assist the firm as a practical working mechanic in developing ideas the firm might wish to carry out, and to himself originate and carry out ideas and inventions suitable to the business of the firm if such inventions were approved by them" (*Jackson* v. *Hill* (1884), 13 Q. B. D. 618; 48 J. P. 7; 49 J. P. 118). In *Bagnall* v. *Levinstein*, [1907] 1 K. B. 531; 76 L. J. K. B. 234; 96 L. T. 184; 23 T. L. R. 165, a Master of Science entered the employment of a chemical manufacturer upon the terms of a written agreement which bound him to give his employers the benefit of any discoveries he might make. His duty was to superintend the manufacture of dyes and chemicals and necessarily involved a great deal of manual labour. The county court judge held that he was a workman, but the Court of Appeal by a majority held that the fact that he had to do manual labour was not in itself conclusive, and that the judge ought to have considered all the terms of the agreement, and ordered a new trial. This case was decided under the Workmen's Compensation Act, 1897, but the judgment seems equally applicable to this section. A potman at a publichouse living on the premises is a domestic servant and not an artificer (*Pearce* v. *Lansdowne* (1893), 57 J. P. 760; 62 L. J. Q. B. 441; 69 L. T. 316).

It should be observed that the expression "manual labour" in the Factory Acts does not necessarily bear the same meaning that it does here (*Hoare* v. *Robert Green, Limited*, [1907] 2 K. B. 315; 71 J. P. 341; 76 L. J. K. B. 730; 96 L. T. 724; 23 T. L. R. 483).

(*d*) **Contract of Service.**—There must be a definite contract of service, express or implied. Thus in *Kemp* v. *Lewis*, [1914] 3 K. B. 543; 83 L. J. K. B. 1535; 111 L. T. 699; [1914] W. C. & I. Rep. 512, it was held that a quarryman, who helped a farmer in the evenings during hay-harvest, receiving no money, but only beer and an occasional supper, was not in the employment of the farmer for the purposes of the Truck or Workmen's Compensation Acts.

11. *Set-off in case of factory workers.*]—In the case of a child, young person, or woman subject to the provisions of the Factory Acts, 1833 to 1874 (*a*), any forfeiture on the ground of absence or leaving work shall not be deducted from or set off against a claim for wages or other sum due for work done before such absence or leaving work (*b*), except to the amount of the damage (if any) which the employer may have sustained by reason of such absence or leaving work.

This enactment is greatly extended by s. 1 of the Truck Act, 1896, *post*, p. 370.

(*a*) Now the Factory and Workshops Acts, 1901 to 1920.

(*b*) The claim must be for wages actually due. If a woman who is engaged by the week works for two days and then absents herself without leave for the rest of the week, she can recover nothing for the two days because no wages are due until the end of a completed week (*Gregson* v. *Watson* (1876), 34 L. T. 143; *Saunders* v. *Whittle* (1876), 33 L. T. 816; 24 W. R. 406; *Warburton* v. *Heyworth* (1880), 6 Q. B. D. 1; 45 J. P. 38; 50 L. J. Q. B. 137; 43 L. T. 461; 29 W. R. 91). But unless the engagement is for a definite period, such as a week, the wages accrue from day to day (*Warburton* v. *Heyworth*, *supra*).

THE 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 (*a*), 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.

(*a*) For this definition and the decisions thereon, see p. 359, *ante*.

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 counterclaim in respect of any goods supplied to the workman by any person under any order or direction of the employer, or any agent of the employer, and the employer of a workman or any agent of the employer, or any person supplying goods to the workman under any order or direction of such employer or agent, shall not be entitled to sue the workman for or in respect of any goods supplied by such employer or agent, or under such order or direction, as the case may be.

Provided that nothing in this section shall apply to anything excepted by section twenty-three of the principal Act.

For further provisions as to orders for goods, see ss. 5 and 6 of the Act of 1831, *ante*, p. 347.

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.

This section does not apply to contracts legalised by s. 23 of the Act of 1831 (*Lamb* v. *Great Northern Rail. Co.*, [1891] 2 Q. B. 281 ; 56 J. P. 22 ; 60 L. J. Q. B. 489 ; 65 L. T. 225 ; 39 W. R. 475).

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 (*a*).

(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.

(*a*) **Liability of Employer.**—The employer, even though he had no knowledge of the offence, is also liable to the penalty, unless he brings the actual offender to justice under sub-s. (2) (*Ward* v. *W. H. Smith & Son, Limited*, [1913] 3 K. B. 154; 77 J. P. 370; 82 L. J. K. B. 941; 109 L. T. 439; 29 T. L. R. 536; 23 Cox C. C. 562; 11 L. G. R. 741).

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 (*a*) inspected by them respectively, and such inspectors shall for this purpose have the same powers and authorities (*b*) 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*) And laundries and places where work is given out. See s. 10 of the Act of 1896, *post*, p. 375.

(*b*) See s. 119 of the Factory and Workshop Act, 1901, *ante*, p. 186.

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 (*a*) 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.

(*a*) See s. 7 of the Act of 1831, *ante*, p. 347.

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.

THE 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 (*a*), 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 specified the acts or omissions in respect of which the fine may be imposed (*b*), 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 (*b*), 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 (*c*) in like manner as it applies to the case of a workman.

This section and s. 11 of the Employers and Workmen Act, 1875, *ante*, show that fines are not forbidden by the Truck Act, 1831, notwithstanding the judgments in *Williams* v. *North's Navigation Collieries*, *ante*, p. 344.

The jurisdiction of magistrates to determine a dispute under the Employers and Workmen Act, 1875, is not ousted by reason of the fact that the dispute arises over an agreement to which this section applies (*Buxton Lime Firms Co., Limited* v. *Howe*, [1900] 2 Q. B. 232; 64 J. P. 503; 69 L. J. Q. B. 498; 82 L. T. 422; 48 W. R. 472).

(*a*) **Fine.**—It has been held in Ireland that a bonus for good conduct does not come within this section. In *Deane* v. *Wilson*, [1906] 2 I. R. 405, a workwoman was employed at 8*s.* per week of 55 hours with a bonus of 2*s.* per week for full attendance and for that alone. The requirements of this section were not complied with. The Irish Court of King's Bench held that no offence against the Truck Acts had been committed.

(*b*) In *Squire* v. *Bayer & Co.*, [1901] 2 K. B. 299; 65 J. P. 629; 70 L. J. K. B. 704; 49 W. R. 557, 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.

(*c*) **Shop Assistant.**—In *Airedale Dairy Co.* v. *Bishop* (1913), 48 Law Journal Newspaper 188, the County Court Judge at Grimsby held that a milk roundsman who delivered milk to customers was a "shop assistant" within the meaning of this subsection, although his employers did not possess or use a shop. It is doubtful whether the same decision would be given in the High Court.

For the meaning of the expression in the Shops Acts, see s. 19 of the Shops Act, 1912, *post*, p. 401.

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.

In *Pritchard* v. *James Clay (Wellington), Ltd.* (1925), 42 T. L. R. 139; W. N. 285, an iron moulder worked under agreed piece-work rates for completed work and agreed variations for defective work. Deductions having been made in respect of faulty work, proceedings were taken by the worker. Justices held that there was no deduction, but rather a payment for faulty pipes. Upon appeal:—*Held*, that by the failure to affix the terms of the contract where they could be easily seen, and supplying the worker with particulars showing the acts or omissions in respect of which the deductions were made, the respondents were guilty of an offence.

See also s. 23 of the Act of 1831, *ante*, p. 352.

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.

See also s. 23 of the Act of 1831, *ante*, p. 352.

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 deduction or payment sought to be recovered, and that where he has consented to or acquiesced in any such deduction or payment, he shall only recover the excess which has been deducted or paid over the amount, if any, which the court may find to have been fair and reasonable, having regard to all the circumstances of the case.

6. *Production of contract.*]—(1) Every employer who has made any contract (*a*) 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 (*a*) 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.

(*a*) **Contract.**—*I.e.*, a contract under ss. 1, 2 or 3, *supra*.

It is important to note that a copy of any contract made under ss. 1, 2 or 3 must be given to the workman at the time of making the contract.

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.

THE SHOP CLUBS ACT, 1902.

(2 EDW. 7, C. 21.)

1. *Membership of friendly society, etc., not to be condition of employment.*]—It shall be an offence under this Act if an employer shall make it a condition of employment—

(a) That any workman shall discontinue his membership of any friendly society; or

(b) That any workman shall not become a member of any friendly society other than the shop club or thrift fund.

The expressions "friendly society," "shop club" and "thrift fund" are defined in s. 7, *post*.

The meaning of the expressions "employer" and "workman" is doubtful. See the Introduction to the Truck Acts, *ante*, p. 337.

For penalty, see s. 4, *post*.

2. *Employer not to require workman to join shop club, etc.* (59 & 60 *Vict. c.* 25).]—It shall be an offence under this Act if an employer shall make it a condition of employment that any workman shall join a shop club or thrift fund, unless the shop club or thrift fund is registered under the Friendly Societies Act, 1896, subject to the provisions of this Act, and certified under this Act by the Registrar of Friendly Societies.

No shop club or thrift fund shall be so certified unless the Registrar of Friendly Societies is satisfied:

(a) That the shop club or thrift fund is one that affords to the workman benefits of a substantial kind, in the form of contributions or benefits at the cost of the employer in addition to those provided by the contributions of the workman;

(b) That the shop club or thrift fund is of a permanent character and is not a society that annually or periodically divides its funds, and that no member of such shop club or thrift fund shall, except in

accordance with the provisions of section six of this Act, be required to cease his membership in such shop club or thrift fund upon leaving the firm with which such club or fund is connected.

Before so certifying any shop club or thrift fund, the registrar shall take steps to ascertain the views of the workmen, and shall be satisfied that at least seventy-five per cent. of the workmen desire the establishment of such shop club or thrift fund, and further shall consider any objections that they may make to the certification.

The expressions "friendly society," "registrar," "shop club" and "thrift fund" are defined in s. 7, *post*.

The meaning of the expressions "employer" and "workman" is doubtful. See the Introduction of the Truck Acts, *ante*, p. 337.

For penalty, see s. 4, *post*.

3. *Regulations.*]—The regulations contained in the Schedule of this Act shall apply to any shop club or thrift fund certified under this Act.

4. *Penalty.*]—Every person who commits an offence within the meaning of this Act shall be liable, on summary conviction, to a fine not exceeding five pounds, and, in the case of a second or subsequent conviction within one year of a previous conviction, to a fine not exceeding twenty pounds:

Provided that, where an offence is committed in respect of several persons at the same time, the offender shall not be convicted of more than one offence.

5. *Exemption of railways.*]—Nothing in this Act shall prohibit compulsory membership of any superannuation fund, insurance or other society already existing for the benefit of the persons employed by any railway company, to the funds of which such company contributes.

6. *Compensation to workman ceasing to be member of shop club.*]—In any case where a workman, by the conditions of his employment, is a member of a shop club, he shall, upon his dismissal from, or upon leaving, his employment, unless contrary to the rules of the club (*a*), have the option of remaining a member or of having returned to him the amount of his share of the funds of the club,

to be ascertained by actuarial calculation: Provided that every such member who shall exercise the option to remain a member of the club shall not, so long as he remains out of such employment, be entitled to take any part in the management of the club, or to vote in respect thereof.

(*a*) **Rules of the Club.**—This includes rules not certified by the registrar (*per* KEKEWICH, J., in *Balchin* v. *Lord Ebury* (1903), 20 T. L. R. 60).

7. *Definitions.*]—In this Act—

The term "friendly society" means a friendly society registered under the Friendly Societies Act, 1896, and includes a registered branch, and in application to Scotland and Ireland the word "registrar" means the registrar as defined in that Act:

The expression "shop club" or "thrift fund" means every club and society for providing benefits to workmen in connection with a workshop, factory, dock, shop or warehouse.

It is doubtful whether the expressions "workshop," "factory," "dock" and "warehouse" bear the same meaning as in the Factory Acts. See the Introduction of the Truck Acts, *ante*, p. 337.

8. *Date of Act.*]—This Act shall come into operation on the first day of January one thousand nine hundred and three.

9. *Short title.*]—This Act may be cited as the Shop Clubs Act, 1902.

SCHEDULE.

REGULATIONS AS TO CERTIFICATION UNDER THIS ACT.

The rules of a shop club or thrift fund (hereinafter termed "the society") shall provide for the following matters:

i. The name and place of office of the society.

ii. The whole of the objects for which the society is to be established, the purposes for which the funds thereof shall be applicable, the terms of admission of members, the conditions under which any member may become entitled to any benefit assured thereby, and the fines

and forfeitures to be imposed on any member and the consequences of non-payment of any subscription or fine.

iii. The mode of holding meetings and right of voting, and the manner of making, altering and rescinding rules.

iv. The appointment and removal of a committee of management (by whatever name), of a treasurer and other officers, and of trustees.

v. The investment of the funds, the keeping of the accounts, and the audit of the same once a year at least.

vi. Annual returns to the registrar of the receipts, funds, effects, and expenditure and numbers of members of the society.

vii. The inspection of the books of the society by every person having an interest in the funds of the society.

viii. The manner in which disputes shall be settled.

ix. The keeping separate accounts of all moneys received or paid on account of every particular fund or benefit assured for which a separate table of contributions payable shall have been adopted, and the keeping separate account of the expenses of management and of all contributions on account thereof.

x. A valuation once at least in every five years of the assets and liabilities of the society, including the estimated risks and contributions.

xi. The voluntary dissolution of the society by consent of not less than five-sixths in value of the persons contributing to the funds of the society, and of every person for the time being entitled to any benefit from the funds of the society, unless his claim be first satisfied or adequately provided for.

xii. The right of one-fifth of the total number of members, or of one hundred members in the case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, to apply to the chief registrar, or, in any case of societies registered and doing business exclusively in Scotland or Ireland, to the assistant registrar for Scotland or Ireland, for an investigation of the affairs of the society or for winding up the same.

SHOPS.

THE SHOPS ACTS, 1912 TO 1920.

(These Acts, which are a codification, with a few amendments, of the repealed Shops Regulation Acts, 1892 to 1911, extend to shop assistants benefits of the same general nature as those enjoyed by workers in factories and workshops under the Factory Acts. Their principal features are the weekly half-holiday, commonly called the "Early Closing Day," and the compulsory closing hour on the other days of the week.)

ARRANGEMENT OF SECTIONS.

Conditions of Employment.

Section
1. Hours of employment and meal times.
2. Hours of employment of young persons.
3. Seats for female shop assistants.

Closing of Shops.

4. Closing of shops on weekly half-holiday.
5. Closing orders.
6. Procedure for making orders.
7. Local inquiries for the purpose of promoting and facilitating early closing.
8. Revocation of closing orders.

Provisions with respect to Special Classes of Trade or Business.

9. Provisions as to trading elsewhere than in shops.
10. Provisions as respects shops where more than one business is carried on.
11. Special provisions as to holiday resorts.
12. Application to Post Office business.

Enforcement of Act.

13. Powers and duties of local authorities.
14. Provisions with respect to offences.

General Provisions.

15. Expenses of Secretary of State.
16. Local inquiries.
17. Regulations.
18. Proof and revocation of orders.
19. Interpretation.
20. Application to Scotland.
21. Application to Ireland.
22. Short title, commencement, and repeal.

Schedules.

THE SHOPS ACT, 1912.

(2 GEO. 5, c. 3.)

An Act to consolidate the Shops Regulation Acts, 1892 *to* 1911. [29th March 1912.]

Conditions of Employment.

1. *Hours of employment and meal times.*]—(1) On at least one week day in each week a shop assistant (*a*) shall not be employed about the business (*b*) of a shop (*c*) after half-past one o'clock in the afternoon:

Provided that this provision shall not apply to the week (*c*) preceding a bank holiday (*d*) if the shop assistant is not employed on the bank holiday, and if one on week day in the following week in addition to the bank holiday the employment of the shop assistant ceases not later than half-past one o'clock in the afternoon.

(2) The occupier (*e*) of a shop shall fix, and shall specify in a notice in the prescribed form (*f*), which must be affixed in the shop in such manner and at such time as may be prescribed (*f*), the day of the week on which his shop assistants are not employed after half-past one o'clock, and may fix different days for different shop assistants.

(3) Intervals for meals shall be allowed to each shop assistant in accordance with the First Schedule to this Act (*g*).

Provided that this provision shall not apply to a shop if the only persons employed as shop assistants are members of the family of the occupier of the shop, maintained by him and dwelling in his house.

(4) In the case of any contravention of, or failure to comply with, the provisions of this section, the occupier of the shop shall be guilty of an offence (*h*) against this Act, and shall be liable to a fine not exceeding—

(a) in the case of a first offence, one pound;

(b) in the case of a second offence, five pounds; and

(c) in the case of a third or subsequent offence, ten pounds—

unless, in the case of a shop assistant employed after half-past one o'clock in contravention of this section, he proves

that the shop assistant was employed merely for the purpose of serving a customer whom he was serving at that time, or, where the time of the closing of the shop was also half-past one o'clock, that the shop assistant was employed merely for the purpose of serving customers who were in the shop at that time (*i*).

The first three sub-sections of this section reproduce s. 1 of the Shops Act, 1911; and the fourth sub-section is taken from s. 8, sub-ss. (1) and (5) of the same Act.

Sale of Refreshments.—This section does not apply to premises for the sale of refreshments, if the occupier elects to come under the regulations in s. 1 of the Act of 1913. See p. 413, *post*.

(*a*) **Shop Assistant.**—For definition, see s. 19, *post*, p. 401.

(*b*) **Employed about the business of a Shop.**—In *George* v. *James*, [1914] 1 K. B. 278; 78 J. P. 156; 83 L. J. K. B. 303; 110 L. T. 316; 30 T. L. R. 230; 12 L. G. R. 403, the manager of one of Messrs. Lipton's shops, which was duly closed on half-holidays, employed some of the assistants to distribute in the streets "in their spare time" handbills advertising Lipton's Margarine, but without giving the address of the shop. The assistants in fact distributed them on the half-holiday afternoon. It was held that in so doing the assistants were employed about the business of the shop on the half-holiday.

The principle of that case was followed in *London County Council* v. *Wettman*, [1922] 1 K. B. 153; 86 J. P. 4; 91 L. J. K. B. 77; 126 L. T. 336; 38 T. L. R. 67; 66 S. J. 74; 27 Cox C. C. 148; 19 L. G. R. 781, where a retail confectioner had two shops in London, one in district A and the other in district B. Different early closing days were fixed by the local authorities in the two districts. An assistant belonging to the A shop was found to be working in the B shop on the afternoon of the A early closing day. It was held that an offence had been committed, as the two shops were one business, and the assistant was being employed at the time "about the business" of the A shop.

An assistant who works without the knowledge or consent of his employer is none the less employed about his business, and the latter can only escape the penalty by taking proceedings under s. 14 (3), *post*, p. 399. (*Ward* v. *W. H. Smith & Son, Limited*, [1913] 3 K. B. 154; 77 J. P. 370; 82 L. J. K. B. 941; 109 L. T. 439; 23 Cox C. C. 562; 29 T. L. R. 536; 11 L. G. R. 741.)

(*c*) **Shop: Week.**—For definitions, see s. 19, *post*, p. 401.

(*d*) **Bank holiday.**—For definition, see s. 19, *post*, p. 401. If two bank holidays come into the same week, the assistants need not have a half-holiday either in that week or the preceding one (*Todd, Burns & Co., Limited* v. *Dublin Corporation*, [1913] 2 I. R. 397).

(*e*) **Occupier.**—This word is not defined in the Shops Acts; and the meanings attributed to it in decisions under the Workmen's Compensation Acts and Factory Acts (see pp. 133, 205, *ante*) do not

necessarily apply here. In *Liverpool Corporation* v. *Peter Walker & Son, Limited* (1913), 77 J. P. (Journal) 402, the Liverpool Stipendiary Magistrate held that where a firm of brewers own a public-house and put in a manager, who is the licensee and has to account for the profits, the brewers, and not the manager, are the occupiers of the house.

(*f*) **Prescribed Form.**—For this form and the time and manner of affixing it, see Regulations 1—3, and Schedule of the Shops Regulations, 1912, *post*, pp. 422, 423, 429.

(*g*) *Post*, p. 407.

(*h*) **Prosecution of Offences.**—By s. 14, *post*, p. 398, offences under this Act are to be prosecuted under ss. 143 to 146 of the Factory and Workshop Act, 1901, *ante*, pp. 209, 210. Apparently a limited company may be prosecuted (*Evans & Co., Limited* v. *London County Council*, *post*, p. 388).

(*i*) **Customer in Shop at Closing Time.**—See note (*a*) to clause 2 of the Schedule of the Act of 1920, *post*, p. 419.

2. *Hours of employment of young persons.*]—(1) No person (*a*) under the age of eighteen years (in this Act referred to as a "young person") shall be employed (*b*) in or about a shop (*c*) for a longer period than seventy-four hours (*d*), including meal times, in any one week (*e*).

(2) No young person shall, to the knowledge of the occupier of the shop, be employed in or about a shop (*c*)—

(a) having been previously on the same day employed in any factory or workshop, as defined by the Factory and Workshop Act, 1901 (*e*), for the number of hours permitted by that Act (*f*); or

(b) for a longer period than will, together with the time during which he has been previously employed on the same day in a factory or workshop, complete such number of hours as aforesaid.

(3) In every shop (*c*) in which a young person is employed (*b*) a notice (*g*) shall be kept exhibited by the occupier of the shop in a conspicuous place referring to the provisions of this section and stating the number of hours in the week (*c*) during which a young person may lawfully be employed in or about the shop.

(4) Where a young person is employed (*b*) in or about a shop contrary to the provisions of this section, the occupier (*i*) of the shop shall be guilty of an offence against this Act (*h*), and liable to a fine not exceeding one pound, or, where more than one young person is so employed, one pound for

each young person, and, if the occupier of a shop fails to comply with the provisions of this section with respect to notices, he shall be guilty of an offence against this Act, and liable to a fine not exceeding forty shillings.

(5) This section shall apply to wholesale shops, and to warehouses (*i*) in which assistants are employed for hire, in like manner as if they were shops within the meaning of this Act, and the provisions of sections thirteen and fourteen of this Act (*k*) shall, for the purposes of the enforcement of this section, be construed accordingly.

(6) This section shall not apply to any person wholly employed as a domestic servant (*l*).

The first three sub-sections of this section reproduce ss. 3 and 4 of the Shop Hours Act, 1892; sub-s. (4) is taken from s. 5 of the same Act and s. 1 of the Act of 1895, and sub-sections (5) and (6) from ss. 9 and 10 of the Act of 1892.

(*a*) **Person.**—Note that this section is not confined to shop assistants, but applies to all young persons who are not domestic servants (sub-s. (6)).

(*b*) **Employed.**—As to what amounts to employment see note (*b*) to s. 1, *ante*, p. 382.

(*c*) **Shop : Week.**—For definitions, see s. 19, *post*, p. 401.

(*d*) **Seventy-four Hours.**—This includes any time occupied upon the employer's business elsewhere than in the shop (*Collman* v. *Roberts*, [1896] 1 Q. B. 457; 60 J. P. 184; 65 L. J. M. C. 63; 74 L. T. 198; 44 W. R. 445; 18 Cox C. C. 273).

(*e*) **Factory : Workshop.**—See s. 149 of the Factory and Workshop Act, 1901, *ante*, p. 213.

(*f*) See ss. 24 to 48 of that Act, *ante*, pp. 47—75.

(*g*) **Notice.**—No special form of notice is prescribed. Compare the corresponding provisions in factories and workshops (Factory and Workshop Act, 1901, s. 32, *ante*, p. 56). 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; 66 J. P. 101; 71 L. J. K. B. 16; 85 L. T. 428; 50 W. R. 319; 20 Cox C. C. 54).

(*h*) **Prosecution of Offences.**—By s. 14, *post*, p., 398 offences under this Act are to be prosecuted under ss. 143 to 146 of the Factory and Workshop Act, 1901, *ante*, pp. 209, 210. Apparently a limited company may be prosecuted (*Evans & Co., Limited* v. *London County Council*, *post*, p. 388).

(*i*) **Occupier: Warehouses.**—These words are not defined by the Act. For their meaning in the Factory and Workshop Acts, see p. 131, *ante*.

(*k*) *Post*, pp. 397, 398.

(*l*) **Domestic Servant.**—A page boy at an hotel who sleeps on

the premises, and who is principally employed as a messenger, but partly also in assisting to dust the reception rooms, is not wholly employed as a domestic servant (*Savoy Hotel Co.* v. *London County Council*, [1900] 1 Q. B. 665; 64 J. P. 262; 69 L. J. Q. B. 274; 82 L. T. 56; 48 W. R. 351; 19 Cox C. C. 437).

3. *Seats for female shop assistants.*]—(1) In all rooms of a shop (*a*) where female shop assistants (*a*) are employed in the serving of customers, the occupier of the shop shall provide seats behind the counter, or in such other position as may be suitable for the purpose, and such seats shall be in the proportion of not less than one seat to every three female shop assistants employed in each room.

(2) Any person failing to comply with the provisions of this section shall be guilty of an offence against this Act (*b*), and liable for a first offence to a fine not exceeding three pounds, and for a second or subsequent offence to a fine not less than one pound and not exceeding five pounds.

This section is taken from the Seats for Shop Assistants Act, 1899.

(*a*) **Shop : Assistant.**—For definitions, see s. 19, *post*, p. 401.

(*b*) **Prosecution of Offences.**—By s. 14, *post*, p. 398, offences under this Act are to be prosecuted under ss. 143 to 146 of the Factory and Workshop Act, 1901, *ante*, pp. 209, 210. Apparently a limited company may be prosecuted (*Evans & Co., Limited* v. *London County Council*, *post*, p. 388).

Closing of Shops.

4. *Closing of Shops on weekly half-holiday.*]—(1) Every shop (*a*) shall, save as otherwise provided by this Act, be closed (*b*) for the serving of customers not later than one o'clock in the afternoon on one week day in every week (*a*).

(2) The local authority (*c*) may, by order (*d*), fix the day on which a shop is to be so closed (in this Act referred to as "the weekly half-holiday"), and any such order may either fix the same day for all shops, or may fix—

(a) different days for different classes (*e*) of shops; or

(b) different days for different parts of the district; or

(c) different days for different periods of the year:

Provided that—

(i) where the day fixed is a day other than Saturday, the order shall provide for enabling Saturday to be substituted for such other day; and

(ii) where the day fixed is Saturday, the order shall provide for enabling some other day specified in the order to be substituted for Saturday;

as respects any shop in which notice (*f*) to that effect is affixed by the occupier, and that no such order shall be made unless the local authority, after making such inquiry as may be prescribed (*g*), are satisfied that the occupiers of a majority of each of the several classes of shops affected by the order approve the order.

(3) Unless and until such an order is made affecting a shop, the weekly half-holiday as respects the shop shall be such day as the occupier may specify in a notice (*f*) affixed in the shop, but it shall not be lawful for the occupier of the shop to change the day oftener than once in any period of three months (*h*).

(4) Where the local authority (*c*) have reason to believe that a majority of the occupiers of shops of any particular class (*e*) in any area are in favour of being exempted from the provisions of this section, either wholly or by fixing as the closing hour instead of one o'clock some other hour not later than two o'clock, the local authority, unless they consider that the area in question is unreasonably (*i*) small, shall take steps to ascertain the wishes of such occupiers, and, if they are satisfied that a majority of the occupiers of such shops are in favour of the exemption, or, in the case of a vote being taken, that at least one half of the votes recorded by the occupiers of shops within the area of the class in question are in favour of the exemption, the local authority shall (*k*) make an order (*d*) exempting the shops of that class within the area from the provisions of this section either wholly or to such extent as aforesaid.

(5) Where a shop is closed during the whole day on the occasion of a bank holiday (*l*), and that day is not the day fixed for the weekly half-holiday, it shall be lawful for the occupier of the shop to keep the shop open for the serving of customers after the hour at which it is required under this section to be closed either on the half-holiday immediately preceding, or on the half-holiday immediately succeeding, the bank holiday.

(6) This section shall not apply to any shop in which the only trade or business carried on is trade or business of any of the classes mentioned in the Second Schedule to this

Act (*m*), but the local authority (*c*) may, by order made and revocable in the manner hereinafter provided with respect to closing orders (*n*), extend the provisions of this section to shops of any class exempted under this provision if satisfied that the occupiers of at least two-thirds of the shops of that class approve the order.

(7) In the case of any contravention of or failure to comply with any of the provisions of this section, the occupier of the shop shall be guilty of an offence (*o*) against this Act, and shall be liable to a fine not exceeding—

(a) in the case of a first offence, one pound;

(b) in the case of a second offence, five pounds; and

(c) in the case of a third or subsequent offence, ten pounds:

Provided that the occupier of a shop shall not be guilty of an offence against this Act when a customer is served at any time at which the shop is required to be closed under this section if he proves either that the customer was in the shop before the time when the shop was required to be closed (*p*), or that there was reasonable ground for believing that the article supplied to the customer was required in the case of illness.

(8) Nothing in this section shall prevent customers from being served at a time when the shop in which they are sold is required to be closed with victuals, stores, or other necessaries for a ship, on her arrival at or immediately before her departure from a port.

The first six sub-sections of this section reproduce s. 2 of the Shops Act, 1911. The remainder are taken from ss. 8 (1), (2), (5) and 11 of the same Act.

(*a*) **Shop : Week.**—For definitions, see s. 19, *post*, p. 401.

(*b*) **Closing of Shop.**—In *Willesden Urban District Council* v. *Morgan*, [1915] 1 K. B. 349; 79 J. P. 166; 84 L. J. K. B. 373; 112 L. T. 423; 31 T. L. R. 93; 59 Sol. Jo. 148; 24 Cox C. C. 546; 13 L. G. R. 390, a dairyman locked up his shop at closing time, but placed inside it a reservoir of milk connected with an automatic machine outside the shop in such a way that a customer, by putting a coin into the machine, could obtain a supply of milk. It was held that the shop was closed for the serving of customers. Note that the shop assistants may be employed after closing time for any purpose except the actual serving of customers. As to carrying on business elsewhere when the shop is closed, see s. 9, *post*, p. 392.

(*c*) **Local Authority.**—For definition, see s. 13 (2), *post*, p. 397.

(*d*) **Order fixing weekly Half-holiday.**—No special procedure for making these orders is prescribed, but, before making them, the local authority must take the preliminary steps mentioned in Regulation 4 of the Shops Regulations, 1912, *post*, p. 423. As to revocation and proof of half-holiday orders, see s. 18, *post*, p. 401, and Regulations 23 and 24 of the Shops Regulations, 1912, *post*, p. 428. Note that the provisions as to closing orders (ss. 5 to 8, *post*) do not apply to them.

(*e*) **Different classes of Shops.**—As to shops where more than one class of business is carried on, see s. 10, *post*, p. 393. A difficulty sometimes arises where a particular article is sold by shops of different classes. Thus in *Schuch* v. *Banks*, [1914] 2 K. B. 491; 78 J. P. 229; 83 L. J. K. B. 1168; 111 L. T. 44; 24 Cox C. C. 187; 30 T. L. R. 378; 12 L. G. R. 512, the half-holiday for butchers was on Monday, and for grocers on Thursday. Dripping is sold by both butchers and grocers. It was held that a butcher might lawfully sell dripping on Thursday afternoons, provided that he duly closed on Mondays. See also *Margerison* v. *Wilson & Sons*, *post*, p. 394.

(*f*) **Notice.**—No special form of notice is prescribed by the Act, but an official form has been issued by authority. Apparently the notice need not be affixed in a temporary bookstall consisting of boards laid upon trestles (*W. H. Smith & Son* v. *Kyle*, *ante*, p. 384).

(*g*) **Inquiries by Local Authority.**—See Regulation 4 of the Shops Regulations, 1912, *post*, p. 423.

(*h*) **Change of Half-holiday.**—It is doubtful whether the occupier may change the day for one week, and then go back to the original day; see *Owen* v. *Parry* (1914), 79 J. P. 64; 12 L. G. R. 1228.

(*i*) **Unreasonably Small.**—As to what amounts to an "unreasonably small" area, see *R.* v. *Manchester City Council, ex parte Batty* (1912), 77 J. P. 43; 107 L. T. 617; 29 T. L. R. 28; 10 L. G. R. 1081.

(*k*) **Duty of Local Authority.**—As to whether a local authority will be compelled by mandamus to make an exemption order when the preliminaries have been complied with, see *R.* v. *Manchester City Council*, *supra*.

(*l*) **Bank Holiday.**—For definition, see s. 19, *post*, p. 401. If two Bank Holidays come into the same week, it is submitted that no half-holiday need be given in either the preceding or the subsequent week. See *Todd, Burns & Co., Limited* v. *Dublin Corporation*, [1913] 2 I. R. 397.

(*m*) *Post*, p. 408.

(*n*) See ss. 6 to 8, *post*, pp. 390—392.

(*o*) **Prosecution of Offences.**—By s. 14, *post*, p. 398, offences under this Act are to be prosecuted under ss. 143 to 146 of the Factory and Workshop Act, 1901, *ante*, pp. 209, 210.

Liability of Limited Company.—A limited company may be prosecuted under this section (*Evans & Co., Limited* v. *London County Council*, [1914] 3 K. B. 315; 78 J. P. 345; 83 L. J. K. B. 1264; 111 L. T. 288; 30 T. L. R. 509; 24 Cox C. C. 290; 12 L. G. R. 1079).

(*p*) **Customer in Shop at Closing Time.**—See note (*a*) to clause 2 of the Schedule of the Act of 1920, *post*, p. 409.

5. *Closing orders.*]—(1) An order (in this Act referred to as "a closing order") made by a local authority (*a*), and confirmed by the Secretary of State in manner provided by this Act (*b*), may fix the hours (*c*) on the several days of the week (*d*) at which, either throughout the area of the local authority or in any specified part thereof, all shops (*e*) or shops of any specified class are to be closed for serving customers (*f*).

(2) The hour fixed by a closing order (in this Act referred to as "the closing hour") shall not be earlier than seven o'clock in the evening on any day of the week.

(3) The order may—

(a) define the shops and trades to which the order applies; and

(b) authorise sales after the closing hour in cases of emergency and in such other circumstances as may be specified or indicated in the order; and

(c) contain any incidental, supplemental, or consequential provisions which may appear necessary or proper.

(4) Nothing in a closing order shall apply to any shop in which the only trade or business carried on is trade or business of any of the classes mentioned in the Third Schedule to this Act (*g*).

(5) If any person contravenes the provisions of a closing order, he shall be guilty of an offence (*h*) against this Act, and liable to a fine not exceeding—

(a) in the case of a first offence, one pound;

(b) in the case of a second offence, five pounds; and

(c) in the case of a third or subsequent offence, twenty pounds:

Provided that nothing in this section or in any closing order shall render a person liable to any penalty for serving after the closing hour any customer who was in the shop before the closing hour.

The sub-ss. (4) and (5) above are repealed. See the Shops (Hours of Closing) Act, 1928, p. 422.

(*a*) **Local Authority.**—For definition, see s. 13 (2), *post*, p. 397.

(*b*) **Confirmation of Order.**—See s. 6, *infra*.

(*c*) **Closing Hour.**—Note that this must be not later than 9 p.m. on Saturday, and 8 p.m. on other evenings, except in certain specified shops. See the Schedule to the Act of 1920, *post*, p. 417.

(*d*) **Several days of the Week.**—This means "all or any of the days of the week," and therefore the local authority may fix the closing time on one day and not on others (*Att.-Gen.* v. *Brighton Corporation* (1908), 72 J. P. 306; 77 L. J. Ch. 603).

(*e*) **Shops.**—For definition, see s. 19, *post*, p. 401.

(*f*) **For serving Customers.**—Note that the shop assistants may be employed after closing time for any purpose except the actual serving of customers.

(*g*) *Post*, p. 409.

(*h*) **Offences.**—By s. 14, *post*, p. 398; these are to be prosecuted under ss. 143 to 146 of the Factory and Workshop Act, 1901, *ante*, pp. 209, 210. Apparently a limited company may be prosecuted (*Evans & Co., Limited* v. *London County Council*, *ante*, p. 388).

6. *Procedure for making orders.*]—(1) Whenever a local authority (*a*) are satisfied that a primâ facie case is made out for making a closing order, the authority shall give public notice in the prescribed manner (*b*) and in the prescribed form (*b*) of their intention to make an order, specifying therein a period (not being less than the prescribed period) (*b*) within which objections may be made to the making of the proposed order, and, if after taking into consideration any objections they may have received the local authority are satisfied that it is expedient to make the order and that the occupiers of at least two-thirds in number of the shops to be affected by the order approve the order, they may make the order.

(2) Notice of the provisions of the order shall be given, and copies thereof shall be supplied in the prescribed manner (*b*), and the order shall be submitted to the Secretary of State, and the Secretary of State shall consider any objections to the order, and may either disallow the order or confirm the order with or without amendment.

(3) As soon as the Secretary of State has confirmed any order, the order shall become final (*c*) and have the effect of an Act of Parliament:

Provided that every closing order shall be laid before each House of Parliament as soon as may be after it is confirmed, and, if an address is presented to His Majesty by either

House within the next subsequent forty days on which that House has sat after any such order is laid before it praying that the order may be cancelled, His Majesty in Council may annul the order, and any order so annulled shall thenceforth become void and of no effect, but without prejudice to any proceedings which may in the meantime have been taken under the order and without prejudice to the power of making any new closing order.

This section reproduces s. 3 of the Shop Hours Act, 1904.

(*a*) **Local Authority.**—For definition, see s. 13 (2), *post*, p. 397.

(*b*) **Regulations and Forms.**—See Regulations 6 to 22 and Forms A, B, and C of the Shops Regulations, 1912, *post*, pp. 424—431.

(*c*) **Finality of Order.**—When once an Order has been confirmed, it cannot be impeached for any defect in the preliminary steps. See Regulation 21 of the Shops Regulations, 1912, and *Hamilton* v. *Fyfe*, [1907] Sess. Cas. (J.) 79, and *Patent Agents' Institute* v. *Lockwood*, [1894] A. C. 347; 63 L. J. P. C. 74; 71 L. T. 205; 6 R. 219; 21 Rettie (H. L.) 61.

7. *Local inquiries for the purpose of promoting and facilitating early closing.*]—(1) Where it appears to the Secretary of State, on the representation of the local authority (*a*) or a joint representation from a substantial number of occupiers of shops (*b*) and shop assistants (*b*) in the area of the local authority, that it is expedient to ascertain the extent to which there is a demand for early closing in any locality, and to promote and facilitate the making of a closing order therein, the Secretary of State may appoint a competent person (*c*) to hold a local inquiry (*d*).

(2) If, after holding such an inquiry and conferring with the local authority, it appears to the person holding the inquiry that it is expedient that a closing order should be made, he shall prepare a draft order and submit it to the Secretary of State together with his report thereon.

(3) If the Secretary of State, after considering the draft order and report, and any representations which the local authority may have made in respect thereof, is of opinion that it is desirable that a closing order should be made, he may communicate his decision to the local authority, and thereupon there shall be deemed to be a primâ facie case for making a closing order (*e*) in accordance with the

terms of the draft order, subject to such modifications (if any) as the Secretary of State may think fit.

(4) The person who held the inquiry shall, if so directed by the Secretary of State on the application of the local authority, assist and co-operate with the local authority in taking the steps preliminary to making the order.

This section reproduces the first four sub-sections of s. 3 of the Shops Act, 1911.

(*a*) **Local Authority.**—For definition, see s. 13 (2), *post*, p. 397.

(*b*) **Shop : Shop Assistant.**—For definitions, see s. 19, *post*, p. 401.

(*c*) **Person holding Inquiry.**—Called a "Commissioner" in the Shops Regulations, 1912. He is to be remunerated out of moneys provided by Parliament (s. 15, *post*, p. 400).

(*d*) **Local Inquiries.**—For the method of holding a local inquiry, see Regulations 12 to 18 of the Shops Regulations, 1912, *post*, p. 426.

(*e*) **Making the Order.**—The necessary steps for making the Order will be found in s. 6, *supra*.

8. *Revocation of closing orders.*]—The Secretary of State may, at any time on the application of the local authority (*a*), revoke a closing order either absolutely or so far as it affects any particular class of shops, and, if at any time it is made to appear to the satisfaction of the local authority that the occupiers of a majority of any class of shops to which a closing order applies are opposed to the continuance of the order, the local authority shall apply (*a*) to the Secretary of State to revoke the order in so far as it affects that class of shops, but any such revocation shall be without prejudice to the making of any new closing order.

This section reproduces s. 4 of the Shop Hours Act, 1904.

(*a*) **Application to revoke Order.**—Before making the application, the local authority must follow the procedure prescribed by Regulation 23, and after the Order is revoked public notice of the revocation must be given in accordance with Regulation 24 of the Shops Regulations, 1912, *post*, p. 428.

Provisions with respect to Special Classes of Trade or Business.

9. *Provisions as to trading elsewhere than in shops.*]—It shall not be lawful in any locality to carry on in any place not being a shop (*a*) retail trade or business (*a*) of any class at any time when it would be unlawful in that locality to

keep a shop open for the purposes of retail trade or business of that class (*b*), and, if any person carries on any trade or business in contravention of this section, this Act shall apply as if he were the occupier of a shop and the shop were being kept open in contravention of this Act (*c*):

Provided that—

(a) the prohibition imposed by this section shall, as respects any day other than the weekly half-holiday, be subject to such exemptions and conditions (if any) as may be contained in closing orders; and

(b) nothing in this section shall be construed as preventing a barber or hairdresser from attending a customer in the customer's residence, or the holding of an auction sale of private effects in a private dwelling-house; and

(c) nothing in this section shall apply to the sale of newspapers.

See amendment of (a) above by 3rd Schedule, Shops (Hours of Closing) Act, 1928, p. 421.

(*a*) **Shop: Retail Trade or Business.**—For definitions, see s. 19, *post*, p. 401.

(*b*) **Trading elsewhere than in Shop.**—In *Cowden* v. *McEvoy*, [1914] 3 K. B. 108; 78 J. P. 336; 83 L. J. K. B. 1249, a woman carried on a grocer's business in a shop which was duly closed on the half-holiday afternoons (Wednesday). On those afternoons she sold groceries at her private house. No notice under s. 4 (2) (i), *ante*, p. 558, was exhibited in the house substituting Saturday for Wednesday. It was held that she had committed an offence.

In *Willesden Urban District Council* v. *Morgan*, [1915] 1 K. B. 349; 79 J. P. 166; 84 L. J. K. B. 373; 112 L. T. 423; 31 T. L. R. 93; 59 Sol. Jo. 148; 24 Cox C. C. 546; 13 L. G. R. 390; a dairyman locked up his shop at closing time, but placed inside it a reservoir of milk connected with an automatic machine outside the shop in such a manner that a customer, by putting money into the machine, could obtain a supply of milk. It was held that this was not trading in a place not being a shop.

(*c*) **Penalty.**—For penalty, see ss. 4 and 5, *ante*, pp. 385—390.

10. *Provisions as respects shops where more than one business is carried on.*]—(1) Where several trades or businesses are carried on in the same shop (*a*), and any of those trades or businesses is of such a nature that, if it were the only trade or business carried on in the shop, the shop would be exempt from the obligation to be closed, on the weekly half-holiday (*b*), the exemption shall apply to

the shop so far as the carrying on of that trade or business is concerned, subject, however, to such conditions as may be prescribed (*c*).

(2) Where several trades and businesses are carried on in the same shop and any of those trades or businesses are of such a nature that if they were the only trades or businesses carried on in the shop a closing order would not apply to the shop (*d*), the shop may be kept open after the closing hour for the purposes of those trades and businesses alone, but on such terms and under such conditions as may be specified in the order.

(3) Where several trades or businesses are carried on in the same shop, the local authority may require the occupier of the shop to specify which trade or business he considers to be his principal trade or business, and no trade or business other than that so specified shall, for the purpose of determining a majority under this Act (*e*), be considered as carried on in the shop unless the occupier of the shop satisfies the local authority that it forms a substantial part of the business carried on in the shop.

See amendment of sub-section (1) by 3rd Schedule, Shops (Hours of Closing) Act, 1928, p. 421.

(*a*) **Shop.**—For definition, see s. 19, *post*, p. 401.

(*b*) **Exemption from Half-holiday.**—See s. 4 (4) and (6), *ante*, p. 386, and Schedule II., *post*, p. 408. In *Margerison* v. *Wilson* (1914), 79 J. P. 38; 112 L. T. 76; 12 L. G. R. 1098; where there was a weekly half-holiday for pork butchers but not for confectioners, a confectioner and refreshment-room proprietor sold on the half-holiday pork sausages for consumption off the premises. This was incidental to his main business. It was held that he had committed no offence.

Similar decisions have been given in two Scotch cases. In *Patrick Thomson, Limited* v. *Somerville*, [1917] S. C. (J.) 3, a company carried on a number of businesses in one set of premises—drapery, ironmongery, upholstery, china, &c., &c.—and also had a small hairdressing department for the convenience of their customers; the whole place being closed on Tuesday afternoons. The Local Authority fixed Wednesday as the early closing day for hairdressers' shops, but the company did not close the hairdressing department on that afternoon. It was held that they had committed no offence. And in *MacDonald* v. *Groundland*, [1923] S. C. (J.) 28, a jewellery and tobacco business was carried on in the front part of a shop, and hairdressing in the back part. The whole place was closed on Tuesday afternoons. The Local Authority fixed Thursday or

Saturday as the closing day for hairdressers' shops. It was held that the hairdressing part need not be closed on Thursday or Saturday.

(*c*) **Conditions for Exemption.**—See Regulation 5 and Form IV. of the Shops Regulations, 1912, *post*, pp. 424, 431.

(*d*) **Exemption from Closing Order.**—See s. 5 (3) and (4), *ante*, p. 389, and Schedule III., *post*, p. 409.

(*e*) **Determining a Majority.**—See ss. 4 (4), 6 (1), and 8, *ante*, pp. 386, 390, 392; and Regulations 4, 9, 19, 20 and 23 of the Shops Regulations, 1912, *post*, pp. 423, 425, 426—428.

11. *Special provisions as to holiday resorts.*]—(1) In places frequented as holiday resorts during certain seasons of the year the local authority (*a*) may by order suspend (*b*), for such period or periods as may be specified in the order, not exceeding in the aggregate four months in any year, the obligation imposed by this Act to close shops on the weekly half-holiday (*c*).

(2) Where the occupier of any shop in any place in which any such order of suspension is in force satisfies the local authority (*d*) that it is the practice to allow all his shop assistants a holiday (*e*) on full pay of not less than two weeks in every year, and keeps affixed in his shop a notice to that effect, the requirement that on one day in each week a shop assistant shall not be employed after half-past one o'clock shall not apply to the shop during such period or periods as aforesaid.

See amendment of sub-section (1) by 3rd Schedule, Shops (Hours of Closing) Act, 1928, p. 421.

(*a*) **Local Authority.**—For definition, see s. 13 (2), *post*, p. 397.

(*b*) **Making of Order.**—No special procedure for making these orders is prescribed; the Shops Regulations, 1912, do not appear to apply to them; and it is submitted that the local authority need not ascertain the wishes of the shopkeepers.

(*c*) **Suspension Orders.**—Note that a shopkeeper cannot avail himself of a suspension order unless he has complied with sub-s. (2).

(*d*) **Satisfaction of Local Authority.**—The Act does not provide for this satisfaction being expressed in writing, but it would probably be unsafe for the shopkeeper to rely on a mere verbal expression of satisfaction by the inspector.

(*e*) **Holiday of two Weeks.**—This appears to mean one holiday of two weeks, not two holidays at different times of a week each.

12. *Application to Post Office business.*]—(1) Where Post Office business is carried on in any shop (*a*) in addition to any other business, this Act shall apply to that shop subject to the following modifications :—

(a) If the shop is a telegraph office, the obligation to close on the weekly half-holiday (*b*) shall not apply to the shop so far as relates to the transaction of Post Office business thereat:

(b) Where the Postmaster General certifies that the exigencies of the postal service require that Post Office business should be transacted in any such shop at times when under the provisions of this Act relating to the weekly half-holiday (*b*) the shop would be required to be closed, or under conditions not authorised by section one of this Act (*c*), the shop shall, for the purpose of the transaction of Post Office business, be exempted from the provisions of this Act to such extent as the Postmaster General may certify to be necessary for the purpose:

Provided that in such cases the Postmaster General shall make the best arrangements that the exigencies of the postal service allow with a view to the conditions of employment of the persons employed being on the whole not less favourable than those secured by this Act:

(c) The provisions contained in any closing order (*d*) imposing terms or conditions on the keeping open of any such shop after the closing hour for the transaction of Post Office business shall be subject to the approval of the Postmaster General.

(2) Save as aforesaid, nothing in this Act shall apply to Post Office business, or to any premises in which Post Office business is transacted.

Sub-section (c) above has been repealed by 3rd Schedule, Shops (Hours of Closing) Act, 1828, p. 421.

(*a*) **Shop.**—For definition, see s. 19, *post*, p. 401.

(*b*) **Weekly Half-holiday.**—See s. 4, *ante*, p. 385.

(*c*) *Ante*, p. 381.

(*d*) **Conditions in Closing Order.**—See ss. 5 (3) and 10 (1), *ante*, pp. 389, 393; and Regulation 5 of the Shops Regulations, 1912, *post*, p. 424.

Enforcement of Act.

13. *Powers and duties of local authorities.*]—(1) It shall be the duty (*a*) of every local authority (*b*) to enforce within their district the provisions of this Act, and of the orders made thereunder or under any enactment repealed by this Act (*c*), and for that purpose to institute and carry on such proceedings in respect of failures to comply with or contraventions of this Act and such orders as aforesaid as may be necessary to secure the observance thereof, and to appoint inspectors; and an inspector so appointed shall, for the purposes of his powers and duties, have in relation to shops all the powers conferred in relation to factories and workshops on inspectors by section one hundred and nineteen of the Factory and Workshop Act, 1901 (*d*), and that section and section one hundred and twenty-one of the same Act (*e*) shall apply accordingly; and an inspector may, if so authorised by the local authority, institute and carry on any proceedings under this Act on behalf of the authority.

(2) In this Act the expression "local authority" means—as respects the city of London, the common council; as respects any municipal borough, the council of the borough;

as respects any urban district with a population according to the returns of the last published census for the time being of twenty thousand or upward, the district council;

elsewhere, the county council:

Provided that a county council may, with the approval of the Secretary of State, make arrangements with the council of an urban district in the county with a population of less than twenty thousand, or with the council of a rural district, for the exercise by the council of that district as agents for the county council, on such terms and subject to such conditions as may be agreed on, of any powers of the county council under this Act within the district, and the council of the district may, as part of the agreement, undertake to pay the whole or any part of the expenses incurred in connection with the exercise of the powers delegated to them, and the London County Council may, with the like approval, make similar arrangements with the council of any metropolitan borough.

(3) The expenses of a local authority under this Act (including any expenses which a council undertake to pay as aforesaid), shall be defrayed—

in the case of the common council of the city of London, out of the general rate ;

in the case of the council of a borough, out of the borough fund or borough rate ;

in the case of a district council, as part of the general expenses incurred in the execution of the Public Health Acts ;

in the case of a county council, as expenses for special county purposes ;

in the case of a metropolitan borough council, as part of the expenses of the council.

This section reproduces s. 7 of the Shops Act, 1911.

(*a*) **Duty of Local Authority.**—This duty is enforceable by mandamus: see *R.* v. *Stepney Corporation*, [1902] 1 K. B. 317 ; 71 L. J. K. B. 238 ; 86 L. T. 21 ; 18 T. L. R. 98, *per* Lord ALVERSTONE, C.J.

(*b*) **Local Authority.**—For definition, see sub-s. (2) of this section.

(*c*) **Repealed Enactments.**—The Shops Regulation Acts, 1892 to 1911 : *i.e.* the Shop Hours Act, 1892 (55 & 56 Vict. c. 62) ; the Shop Hours Act, 1893 (56 & 57 Vict. c. 67) ; the Shop Hours Act, 1895 (58 Vict. c. 5) ; the Seats for Shop Assistants Act, 1899 (62 & 63 Vict. c. 21) ; the Shop Hours Act, 1904 (4 Edw. 7, c. 31) ; and the Shops Act, 1911 (1 & 2 Geo. 5, c. 54) ; see s. 22 of this Act, *post*, p. 407.

(*d*) **Powers of Inspectors.**—See pp. 186—190, *ante*. These include powers of entry and inspection and penalties upon persons obstructing the inspector in the course of his duty.

(*e*) *Ante*, p. 190. The section directs an inspector to produce a certificate of his appointment when called upon. For the form of certificate of an inspector under the Shops Acts, see Form V. in the Schedule to the Shops Regulations, 1912, *post*, p. 431.

14. *Provisions with respect to offences.*]—(1) All offences against 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, 1901 (*a*), and sections one hundred and forty-three to one hundred and forty-six of that Act, and so much of section one hundred and forty-seven thereof as relates to evidence respecting the age of any person, so far as those provisions are applicable, shall have effect as

if re-enacted in this Act and in terms made applicable thereto :

Provided that all fines imposed in any proceedings instituted by or on behalf of a local authority in pursuance of their powers and duties under this Act shall be paid to the local authority (*b*) and carried to the credit of the fund out of which the expenses incurred by the authority under this Act are defrayed.

(2) Where an offence for which the occupier of a shop is liable under this Act has, in fact, been committed by some manager, agent, servant, or other person, the manager, agent, servant, or other person shall be liable to the like penalty as if he were the occupier (*c*).

(3) Where the occupier of a shop 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, he 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.

In sub-section (1) of this section, the first paragraph reproduces s. 7 of the Shop Hours Act, 1892, and the second paragraph s. 8 (7) of the Shops Act, 1911 ; sub-sections (2) and (3) reproduce s. 8 (4) and (6) of the Act of 1911.

It has been held by the magistrate at Westminster Police Court, that in prosecuting for keeping a shop open after hours it is not enough to prove that the door was open and that persons were seen coming in and out, as they might have gone in to fetch goods bought previously. There must be evidence that customers were served (*London County Council* v. *Freeman, Hardy & Willis* (1913), 77 J. P. (Journal) 245).

(*a*) *Ante*, pp. 209, 210. The fines are recoverable summarily.

(*b*) **Local Authority.**—For definition, see s. 13 (2), *ante*, p. 397.

(*c*) **Liability of Employer.**—If the offence has been committed by a servant without the knowledge or consent of his employer, the latter is also liable to the penalty, unless he has brought the actual offender to justice under sub-s. (3) (*Ward* v. *W. H. Smith & Son, Limited*, [1913] 3 K. B. 154 ; 77 J. P. 370 ; 82 L. J. K. B. 941 ; 109 L. T. 439 ; 23 Cox C. C. 562 ; 29 T. L. R. 536 ; 11 L. G. R.

741). See also the notes to ss. 137 and 141 of the Factory and Workshop Act, 1901, *ante*, pp. 204, 207.

General Provisions.

15. *Expenses of Secretary of State.*]—Any expenses incurred by the Secretary of State under this Act, including the remuneration of any person holding a local inquiry under section seven of this Act (*a*), shall, to such extent as may be sanctioned by the Treasury, be paid out of moneys provided by Parliament.

This section is taken from s. 3 (5) of the Shops Act, 1911.

(*a*) *Ante*, p. 391.

16. *Local inquiries.*]—In addition to the local inquiries which the Secretary of State is empowered to hold under section seven of this Act, the Secretary of State may cause a local inquiry to be held for the purposes of any of his powers and duties under this Act (*a*), and the costs incurred in relation to any such last-mentioned inquiry, including the salary of any officer engaged in the inquiry, not exceeding three guineas a day, shall be paid by the local authority concerned, and the Secretary of State may certify the amount of the costs incurred. Any sums so certified shall be a debt to the Crown from the local authority (*b*).

This section is taken from s. 6 of the Shop Hours Act, 1904.

(*a*) **Procedure at Local Inquiries.**—No special procedure is prescribed for local inquiries held under this section, since Regulations 12 to 18 of the Shops Regulations, 1912, *post*, p. 426, apply only to closing order inquiries under s. 7, *ante*.

(*b*) **Recovery of Crown Debt.**—If not paid, the sums would be recovered either by information by the Attorney-General, or by writ of extent.

17. *Regulations.*]—The Secretary of State may make regulations (*a*)—

(a) for prescribing anything which under this Act is to be prescribed; and

(b) as to the mode of ascertaining the opinion of occupiers of shops; and

(c) as to conduct of local inquiries and matters incidental thereto; and

(d) as to the procedure for obtaining the revocation of a closing order; and

(e) generally for carrying into effect the provisions of this Act.

This section reproduces s. 7 of the Shop Hours Act, 1904.

(*a*) **Regulations.**—This power has been exercised in the Shops Regulations, 1912, *post*, p. 422.

18. *Proof and Revocation of orders.*]—(1) Any order made by a local authority under this Act may be proved by the production of a copy thereof certified to be a true copy by a person purporting to be the clerk of the local authority by whom the order was made.

(2) Any order made by a local authority under this Act may, unless some other method of revocation is provided by this Act (*a*), be revoked by an order made in the like manner and subject to the like approval, if any, as the original order.

This section practically reproduces s. 9 of the Shops Act, 1911.

(*a*) **Other means of revoking Orders.**—Special means of revoking orders are provided by s. 8, *ante*, p. 392, and special procedure is prescribed by Regulations 23 and 24 of the Shops Act Regulations, 1912, *post*, p. 428.

19. *Interpretation and saving.*]—(1) In this Act—

The expression "shop" (*a*) includes any premises where any retail trade (*b*) or business is carried on (*c*);

The expression "retail trade or business" includes the business of a barber or hairdresser, the sale of refreshments or intoxicating liquors (*d*), and retail sales by auction (*e*), but does not include the sale of programmes and catalogues and other similar sales at theatres and places of amusement;

The expression "shop assistant" means any person wholly or mainly employed in a shop in connexion with the serving of customers or the receipt of orders or the despatch of goods (*f*);

The expression "bank holiday" (*g*) includes any public holiday or day of public rejoicing or mourning;

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

(2) Nothing in this Act shall apply to any fair (*h*) lawfully held or any bazaar (*i*) or sale of work for charitable or other purposes from which no private profit is derived.

Sub-section (1) of this section reproduces s. 14 of the Shops Act, 1911, except the definition of "week," which is reproduced from s. 156 of the Factory and Workshop Act, 1901, *ante*, p. 228. Sub-s. (2) reproduces s. 12 of the Shops Act, 1911.

(*a*) **Shop.**—The ordinary meaning of the word "shop" is "a spot where a retail trade is carried on" (*per* TINDAL, C.J., in *Reg.* v. *Chapman & Alderman* (1843), 7 J. P. 132); and it may include places used not only for selling, but for storing goods (*per* MELLOR, J., in *Pope* v. *Whalley* (1865), 6 B. & S. 303, at p. 313; 34 L. J. M. C. 76; 11 L. T. 769; 13 W. R. 402; 11 Jur. N. S. 444).

(*b*) **Retail : Trade.**—The ordinary meaning of the term "retail seller," is "one who deals with customers"; and of "wholesale seller," "one who deals only with persons who buy to sell again" (*per* BACON, V.C., in *Treacher & Co., Ltd.* v. *Treacher*, [1874] W. N. 4). The word "trade" "has the technical meaning of buying or selling" (*per* WILLIS, J., in *Harris* v. *Amery* (1865), 35 L. J. C. P. 89, at p. 92; L. R. 1 C. P. 148; 13 L. T. 504; 14 W. R. 199; 12 Jur. N. S. 165).

(*c*) It was held in the Irish case of *Wallace Brothers* v. *Dixon*, [1917] 2 I. R. 236, that this definition is not confined to sales across the counter, and that it extends to places where retail orders are received, such as a retail coal-merchant's office.

In *W. H. Smith & Son* v. *Kyle*, [1902] 1 K. B. 286; 66 J. P. 101; 71 L. J. K. B. 16; 85 L. T. 428; 50 W. R. 319; 20 Cox C. C. 54, Lord ALVERSTONE, C.J., expressed the opinion that for most purposes of the Shops Acts a temporary bookstall consisting of boards laid upon trestles would be a "shop," even under the much narrower definition in the Shop Hours Act, 1892.

In *Dennis* v. *Hutchinson* and *Trafford* v. *Hutchinson*, [1922] 1 K. B. 693; 86 J. P. 85; 91 L. J. K. B. 584; 126 L. T. 669; 38 T. L. R. 263; 66 S. J. 316; 20 L. G. R. 199, the appellants kept wooden stalls on the beach at Skegness containing mechanical contrivances by which the public could play games of mixed chance and skill for prizes of chocolates, etc., paying an entrance fee in cash. It was held that these were not "premises where a retail trade or business was carried on," and therefore not "shops."

The following decisions at Petty Sessions, though of no authority, may be of interest:—If a shop remains open after hours, merely for the purpose of advertising and exhibiting its wares, and nothing is sold or offered for sale, no offence is committed (*Albi* v. *Lawrence* (1912), 48 Law Journal Newspaper 5—Westminster Police Court). In *Bangor Urban District Council* v. *Hill* (1913), 77 J. P. (Journal) 209, at Bangor (Ireland), after hours a tea vendor's van from another town delivered tea (previously ordered) from customers and collected sums due from them. The justices held that the tea vendor was carrying on business in Bangor, and had committed an offence.

(*d*) **Hotel.**—Under the definition in the Shop Hours Act, 1892, the word "shop" included "licensed public-houses."

In *Savoy Hotel Co.* v. *London County Council*, [1900] 1 Q. B. 665; 64 J. P. 262; 69 L. J. Q. B. 274; 82 L. T. 56; 48 W. R. 351; 19 Cox C. C. 437, it was held that a first-class residential hotel came within that definition; but in *Gordon Hotels, Ltd.* v. *London County Council*, [1916] 2 K. B. 27; 80 J. P. 266; 85 L. J. K. B. 1042; 114 L. T. 1126; 32 T. L. R. 423; 25 Cox C. C. 402; 14 L. G. R. 647, it was held by RIDLEY & BRAY, JJ., *dubitante*, AVORY, J., that a residential hotel is not *per se* a shop within the present definition. In that case a fully licensed residential hotel contained (*inter alia*) a dining room (used almost entirely by residents); a grill room (used equally by residents and non-residents), and a kitchen which supplied both. It was held, following *Mellhuish* v. *L. C. C.* and *Prance* v. *L. C. C.*, *infra*, that the grill room was a shop and the kitchen was part of the shop, and that the servants employed entirely in the kitchen, either in cooking or cleaning, were shop assistants, but that the kitchen clerk, who had general control of the supply and preparation of provisions, was not. Hotels, public-houses and restaurants are exempt from many of the provisions of the Act; see Schedules I., II. and III., *post*, pp. 407—409, and the Act of 1913, *post*, p. 413.

(*e*) **Sales by Auction.**—In *Lucas* v. *Reubens*, [1921] 2 K. B. 482; 85 J. P. 166; 90 L. J. K. B. 860; 125 L. T. 313; 37 T. L. R. 618; 65 S. J. 492; 27 Cox C. C. 1; 19 L. G. R. 470, an Order provided for the closing of shops in which, *inter alia*, the "retail trade or business of a jeweller," was carried on, but did not mention auctioneers. Respondent, a licensed auctioneer, sold to the public by auction in a shop after closing hours, *inter alia*, articles of jewellery. It was held that he was carrying on the business of an auctioneer and not of a jeweller, and had committed no offence.

(*f*) **Shop Assistant.**—In *Mellhuish* v. *London County Council*, [1914] 3 K. B. 325; 78 J. P. 441; 83 L. J. K. B. 1165; 30 T. L. R. 527, it was held that a kitchen maid in a restaurant kitchen, who never goes into the room where the customers are served, is within the definition; and in *Prance* v. *London County Council*, [1915] 1 K. B. 688; 79 J. P. 242; 84 L. J. K. B. 623; 112 L. T. 820; 24 Cox C. C. 684; 31 T. L. R. 128; 13 L. G. R. 382, it was held that the term included a potman at a public-house who was employed in putting up and taking down tables for customers' dinners, cleaning knives for the dinners, washing pots and glasses and cleaning up the premises for customers.

(*g*) **Bank Holiday.**—This presumably means the holidays provided by the Bank Holidays Act, 1871 (34 & 35 Vict. c. 17), and the Holidays Extension Act, 1875 (38 & 39 Vict. c. 13), as to which see note (*b*) to s. 35 of the Factory and Workshop Act, 1901, *ante*, p. 60.

(*h*) **Fair.**—It is presumed that the last seven words of the sub-section do not apply to fairs, and that it should be read as if there were a comma after the word "held."

(*i*) **Bazaar.**—This word is not defined in the Act. The definition in Murray's Dictionary is: "a sale of useful and ornamental articles in behalf of some charitable or religious object"; but, taken literally, it seems to be unduly restricted.

20. *Application to Scotland.*]—This Act shall apply to Scotland, subject to the following modifications:—

The Secretary for Scotland shall be substituted for the Secretary of State:

The local authority for the purposes of this Act shall be the county council in a county (exclusive of the police burghs therein) and the town council in a royal, parliamentary, or police burgh; and the expenses of a local authority under this Act shall be defrayed, in the case of a county council, out of the general purposes rate, and, in the case of a town council, out of the burgh general improvement assessment, or any other assessment leviable by the town council in equal proportions on owners and occupiers: Provided that the ratepayers of a police burgh shall not be assessed by the county council for any such expenses:

References to any provisions of the Factory and Workshop Act, 1901, shall be construed as references to those provisions as applied to Scotland by section one hundred and fifty-nine of that Act.

This section (except the last paragraph, which is new) is a reproduction of s. 15 of the Shops Act, 1911.

21. *Application to Ireland.*]—This Act shall apply to Ireland, subject to the following modifications:—

(1) The Lord Lieutenant shall be substituted for the Secretary of State:

(2) The expression "local authority" means—

as respects any municipal borough, the council of the borough;

as respects any urban district, the district council; and

as respects any town having town commissioners and not being an urban district (in this section referred to as a town), the town commissioners:

(3) The expenses of local authorities under this Act shall be defrayed—

in the case of the council of a borough, out of the borough fund or borough rate ;

in the case of a district council, as part of the general expenses incurred in the execution of the Public Health (Ireland) Acts, 1878 to 1907 ; and

in the case of town commissioners, out of any rate leviable by them as such commissioners throughout the whole of their district ;

(4) References to any provisions of the Factory and Workshop Act, 1901, shall be construed as references to those provisions as applied to Ireland by section one hundred and sixty of that Act (*a*) :

(5) The provisions of this Act specified in the first column of the Fourth Schedule to this Act (*b*) shall to the extent and subject to the modifications specified in the second column of that schedule, apply to rural districts in Ireland, with this exception, that the provisions specified in Part I. of that schedule shall apply only to towns within rural districts in Ireland ; save as aforesaid, this Act shall not apply to rural districts in Ireland or to towns within such districts :

(6) In the case of a shop assistant employed in a shop in which the business of the sale by retail of intoxicating liquors is carried on, section one of this Act (*c*) shall not apply, but, instead thereof, the provisions contained in the Fifth Schedule to this Act (*d*) shall have effect with respect to shops in which that business is carried on, and, in the case of any contravention of, or failure to comply with, the provisions of that schedule, the occupier of the shop shall be guilty of an offence against this Act, and shall be liable to a fine not exceeding—

(a) in the case of a first offence, one pound ;

(b) in the case of a second offence, five pounds ; and

(c) in the case of a third or any subsequent offence, ten pounds :

(7) Any shop in which the trade or business of the sale by retail of intoxicating liquors is carried on in conjunction with any other trade or business shall, as

respects all such trades or businesses, be exempt from the obligation to be closed on the weekly half-holiday :

(8) A local authority may, in addition to its other powers under this Act, make an order fixing the hours on the several week-days before which, either throughout the area of the local authority or in any specified part thereof, no shop in which the business of the sale of intoxicating liquors is carried on shall be open for serving customers :

Such order shall be deemed to be a closing order, and all the provisions of this Act with respect to closing orders, save those relating to the earliest hours to be fixed by a closing order, shall apply accordingly with the necessary modifications :

Provided that an order made under this subsection shall not in any way affect the powers conferred by section eleven of the Licensing (Ireland) Act, 1874, of granting exemption orders in respect of licensed premises, or apply to any licensed premises during any time during which the premises are permitted to be open under any such exemption order :

(9) Shops in which there is carried on the business of the sale by retail of intoxicating liquors for consumption on or off the premises, whether such business is carried on alone or in conjunction with any other business or trade, shall, for the purposes of the provisions of this Act with respect to closing orders, be deemed to be shops of a separate class, and a local authority shall not make a closing order applying to shops of that class unless they are satisfied that the occupiers of at least two-thirds in number of the shops of that class approve the order :

(10) Shops in which there is carried on the business of the sale by retail of intoxicating liquors for consumption off the premises only, whether such business is carried on alone or in conjunction with any other business or trade, shall, in like manner and for the purposes aforesaid, be deemed to be shops of a separate class, and the provisions of the last

preceding sub-section with respect to the making of closing orders shall apply to that class of shops as a separate class accordingly.

This section is taken from s. 16 of the Shops Act, 1911.

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

(*b*) *Post*, p. 410.

(*c*) *Ante*, p. 381.

(*d*) *Post*, p. 411.

22. *Short title, commencement, and repeal.*]—(1) This Act may be cited as the Shops Act, 1912.

(2) This Act shall come into operation on the first day of May nineteen hundred and twelve.

(3) The Shops Regulation Acts, 1892 to 1911 (*a*), are hereby repealed :

Provided that any closing order made under the Shop Hours Act, 1904, which is in force at the commencement of this Act, shall continue in force until revoked in accordance with the provisions of this Act, except in so far as it fixes a closing hour earlier than seven o'clock for any shop to which the provisions of this Act with respect to the weekly half-holiday apply.

(*a*) That is, the Shop Hours Act, 1892 (55 & 56 Vict. c. 62); the Shop Hours Act, 1893 (56 & 57 Vict. c. 67); the Shop Hours Act, 1895 (58 Vict. c. 5.); the Seats for Shop Assistants Act, 1899 (62 & 63 Vict. c. 21); the Shop Hours Act, 1904 (4 Edw. 7, c. 31); and the Shops Act, 1911 (1 & 2 Geo. 5, c. 54); see s. 2 of the Act of 1895, s. 10 of the Act of 1904, and s. 17 (1) of the Act of 1911.

SCHEDULES.

FIRST SCHEDULE. [Section 1.

INTERVALS FOR MEALS.

Intervals for meals shall be arranged so as to secure that no person shall be employed for more than six hours without an interval of at least twenty minutes being allowed during the course thereof (*a*).

Without prejudice to the foregoing provision—

(1) where the hours of employment include the hours from 11.30 a.m. to 2.30 p.m., an interval of not

less than three-quarters of an hour shall be allowed between those hours for dinner; and

(2) where the hours of employment include the hours from 4 p.m. to 7 p.m., an interval of not less than half-an-hour shall be allowed between those hours for tea;

and the interval for dinner shall be increased to one hour in cases where that meal is not taken in the shop, or in a building of which the shop forms part or to which the shop is attached:

Provided that an assistant employed in the sale of refreshments or in the sale by retail of intoxicating liquors need not be allowed the interval for dinner between 11.30 a.m. and 2.30 p.m., if he is allowed the same interval so arranged as either to end not earlier than 11.30 a.m., or to commence not later than 2.30 p.m., and the same exemption shall apply to assistants employed in any shop on the market day in any town in which a market is held not oftener than once a week, or on a day on which an annual fair is held (*b*).

This schedule reproduces Schedule I. of the Shops Act, 1911.

(*a*) **Exemptions.**—This provision does not apply either to the persons exempted by the proviso at the end of the schedule, or to shops where all the assistants are members of the occupier's family living in the house. See s. 1 (3), *ante*, p. 381.

(*b*) **Fairs.**—Assistants employed in the fair itself are altogether exempt (s. 19 (2), *ante*, p. 402).

Section 4.] SECOND SCHEDULE.

TRADES AND BUSINESSES EXEMPTED FROM THE PROVISIONS AS TO WEEKLY HALF-HOLIDAY.

The sale by retail of intoxicating liquors.

The sale of refreshments, including the business carried on at a railway refreshment room.

The sale of motor, cycle, and air-craft supplies and accessories to travellers (*a*).

The sale of newspapers and periodicals.

The sale of meat, fish, milk, cream, bread, confectionery (*b*), fruit, vegetables, flowers, and other articles of a perishable nature (*c*).

The sale of tobacco and smokers' requisites (*d*).

The business carried on at a railway bookstall on or adjoining a railway platform (*d*).

The sale of medicines and medical and surgical appliances.

Retail trade carried on at an exhibition or show, if the local authority certify that such retail trade is subsidiary or ancillary only to the main purpose of the exhibition or show.

This schedule reproduces Schedule II. of the Shops Act, 1911.

(*a*) **Accessories.**—This means only accessories relating to motors, cycles, and aircraft; not accessories generally (*Williams* v. *Gosden*, [1914] 1 K. B. 35; 77 J. P. 464; 83 L. J. K. B. 77; 109 L. T. 870; 30 T. L. R. 4; 58 Sol. Jo. 49; 11 L. G. R. 1174).

(*b*) **Confectionery.**—Run honey is not "confectionery" (*per* PICKFORD and AVORY, JJ., *diss.*, RIDLEY, J., in *London County Council* v. *Welford's Surrey Dairies Co., Limited*, [1913] 2 K. B. 529; 77 J. P. 206; 82 L. J. K. B. 669; 108 L. T. 998; 23 Cox C. C. 428; 29 T. L. R. 438; 11 L. G. R. 831).

The word includes both sweets and pastry (*Gee* v. *Davis* (1916), 80 J. P. 285; 85 L. J. K. B. 1431; 114 L. T. 1132; 32 T. L. R. 446; 25 Cox C. C. 415; 14 L. G. R. 694).

(*c*) **Perishable Articles.**—Butter is an "article of a perishable nature" (*London County Council* v. *Welford's Surrey Dairies Co., Limited, supra*). It is submitted that meat, fish, etc., which has been treated with preservatives and is therefore not perishable (*e.g.* bacon or red herrings) is not within the exemption.

(*d*) **Sale of Tobacco: Railway Bookstall.**—An Order of a local authority extending (under s. 4 (6)) the early closing day to "the sale of tobacco and smokers' requisites" does not apply to a railway bookstall adjoining a platform, at which a substantial part of the business consists of the sale of such articles; since such sales are part of the ordinary business of a railway bookstall (*Fyfe* v. *John Menzies & Co., Limited*, [1920] S. C. (J.) 7).

THIRD SCHEDULE. [Section 5.

TRADES AND BUSINESSES EXEMPTED FROM PROVISIONS OF CLOSING ORDERS.

The sale by retail of intoxicating liquors.
The sale of refreshments for consumption on the premises
The business carried on at a railway refreshment room.
The sale of newspapers.
The sale of tobacco and smokers' requisites.
The business carried on at a railway bookstall.
The sale of medicines and medical and surgical appliances.
Post Office business.

This schedule has been repealed. See 3rd Schedule, Shops (Hours of Closing) Act, 1928, p. 422.

Section 21.]

FOURTH SCHEDULE.

PROVISIONS APPLICABLE TO RURAL DISTRICTS IN IRELAND AND TOWNS WITHIN SUCH DISTRICTS.

PART I.

TOWNS WITHIN RURAL DISTRICTS.

Section of Act.	Extent of Application and Modifications.
5	The whole section; subject to the modifications that on one specified day in the week the closing hour may be an hour not earlier than one o'clock in the afternoon, and that a closing order may prohibit, either absolutely or subject to such exemptions and conditions as may be contained in the order, the carrying on of any retail trade after the closing hour in any place, not being a shop, within the area to which the order applies for the carrying on of which it would be unlawful to keep a shop open after that hour.
6	The whole section.
8	The whole section.
10	Sub-section (2).
12	Sub-section (1) except paragraphs (a) and (b).
13	Sub-section (1), so far as relates to the appointment of inspectors by local authorities and the powers of inspectors so appointed (other than powers to institute and carry on proceedings on behalf of a local authority), subject to the modification that it shall not be obligatory on the local authority to appoint inspectors unless they think fit.
16	The whole section.
17	The whole section.
18	Sub-section (1).
Third Schedule	The whole Schedule.

PART II.

RURAL DISTRICTS, INCLUDING TOWNS WITHIN SUCH DISTRICTS.

Section of Act.	Extent of Application and Modifications.
2	The whole section, subject to the modification that it shall not apply to— (*a*) any shop, wholesale shop or warehouse where the only persons employed are members of the same family dwelling in a building of which such shop or warehouse forms part or to which such shop or warehouse is attached; or (*b*) members of the occupier's family so dwelling.
3	The whole section.
14	The whole section, except the proviso to sub-section (1) and sub-section (2).
19	The whole section.
21	The whole section, except paragraph (6) and the succeeding paragraphs.
22	The whole section.

This schedule is adapted from s. 16 of the Shops Act, 1911.

FIFTH SCHEDULE. [Section 21.

PROVISIONS WITH RESPECT TO SHOPS IN IRELAND IN WHICH THE BUSINESS OF THE SALE BY RETAIL OF INTOXICATING LIQUORS IS CARRIED ON.

1. A shop assistant shall not, save as otherwise provided by this schedule, be employed for more than seventy-two hours (exclusive of meal hours) in any week about the business of a shop in which the sale by retail of intoxicating liquors is carried on.

2. Intervals for meals shall be allowed to each assistant, amounting to not less than two hours on each week-day.

3. The occupier of the shop shall fix within the limit aforesaid, and shall specify in a notice in the prescribed form affixed in the shop, the times at which the employment or the several spells of employment, as the case may be, of the assistant are to commence and end on the several days of the week, and the assistant shall not be employed about the business of the shop, except within the time so fixed.

4. The assistant may be employed overtime for not more than ninety hours in the calendar year, and such employment shall not be reckoned as employment for the purposes of the foregoing limitation of the hours of employment:

Provided that, during the first two months after the assistant has entered the employment, the amount of overtime worked by him shall not exceed the proportion of two hours for every week he has been in the employment, or is entitled under a contract to continue in the employment.

5. The assistant shall be deemed to be employed overtime if he is employed before the time fixed by the notice for the commencement or after the time so fixed for the ending of his employment or during the interval so fixed between two spells of employment, and overtime shall be reckoned in periods of half an hour, and any period of overtime of less than half an hour shall be reckoned as a complete half hour; and the occupier of the shop when he intends to employ the assistant overtime on any day shall, before the overtime employment commences, record the prescribed particulars with respect to that employment in the prescribed manner.

6. The assistant shall, subject as hereinafter mentioned, be allowed on one week-day in each week a holiday of not less than seven hours (in this schedule referred to as a weekly half-holiday).

Unless the employer and the shop assistant otherwise agree, the weekly half-holiday shall commence either at the time at which the shop opens on that day (in this paragraph referred to as "a morning half-holiday"), or at a time not less than seven hours before the time at which the shop closes on that day (in this paragraph referred to as "an afternoon half-holiday"), and the aforesaid half-holidays shall be so arranged that the assistant shall be allowed a morning half-holiday and an afternoon half-holiday alternately.

7. An assistant who has been employed by the same employer for a period of not less than twenty-six consecutive weeks about the business of one or more shops of the employer shall, so long as he continues in the employment of that employer, be allowed an annual holiday of at least seven consecutive days,

or, if he has been employed as aforesaid for a period of not less than fifty-two consecutive weeks, an annual holiday of at least fourteen consecutive days.

8. In any week in which an assistant is absent from his employment in or about the business of the shop, either on his annual holiday or on account of ill-health or otherwise, the weekly half-holiday may be disallowed in the case of every other assistant employed in or about the business of the shop and the number of hours of weekly employment of every such other assistant may be increased by seven hours accordingly : Provided that, where the assistant is absent for more than four consecutive weeks on account of ill-health, the weekly half-holiday of the other assistants shall not be disallowed and their hours of employment shall not be increased by reason of such absence except in the first four weeks in which he is absent.

9. No deduction from wages or salary payable to the assistant shall be made on account of any such holidays or half-holidays as aforesaid.

This schedule reproduces s. 16 (5) of the Shops Act, 1911.

THE SHOPS ACT, 1913.

(2 & 3 GEO. 5, c. 24.)

An Act to amend the Shops Act, 1912, *in its application to premises for the sale of refreshments.*

[7th March 1913.]

1. *Amendment of 2 Geo. 5, c. 3, in its application to premises for the sale of refreshments.*]—(1) The provisions of section one of the Shops Act, 1912 (*a*), shall not apply to shop assistants (*b*) employed in any premises for the sale of refreshments, whether licensed for the sale of intoxicating liquor or not, if their employment is wholly or mainly in connexion with the sale of intoxicating liquors or refreshments for consumption on the premises, and if the occupier of the premises, by such a notice as is hereinafter mentioned, signifies that he elects that instead of those provisions the following provisions shall apply :—

(a) No such assistant shall be employed for more than sixty-five hours in any week exclusive of meal times.

(b) Provision shall be made for securing to every such assistant—

(i) thirty-two whole holidays on a week-day in every year, of which at least two shall be given within the currency of each month and which shall comprise a holiday on full pay of not less than six consecutive days ;

(ii) twenty-six whole holidays on Sunday in every year, so distributed that at least one out of every three consecutive Sundays shall be a whole holiday :

Provided that two half-holidays (*c*) on a week-day shall be deemed equivalent to one whole holiday on a week-day.

(c) Intervals for meals shall be allowed to every such assistant amounting on a half-holiday (*c*) to not less than three-quarters of an hour, and on every other day to not less than two hours, and no assistant shall be employed for more than six hours without being allowed an interval of at least half an hour :

Provided that this provision shall not apply if the only persons employed as such shop assistants are members of the family of the occupier of the premises maintained by him and dwelling in his house.

(d) The occupier shall affix and constantly maintain in a conspicuous position in the premises a notice in the prescribed form (*d*) referring to the provisions of this section, and stating the steps taken with a view to compliance therewith.

(2) Where the occupier of any premises has signified as aforesaid that he elects that the foregoing provisions shall apply, and any of those provisions are not complied with, the occupier of the premises shall be guilty of an offence against the Shops Act, 1912 (*e*), and shall be liable to a fine not exceeding—

(a) in the case of a first offence, one pound ;

(b) in the case of a second offence, five pounds ; and

(c) in the case of a third or subsequent offence, ten pounds.

(3) For the purposes of this section, the expression "half-holiday" means a day on which the employment of an assistant ceases not later than three o'clock in the afternoon and on which he is not employed for more than six hours including meal-time.

(4) A notice under this section may be withdrawn by the occupier of the shop at the expiration of a year from the date when it was given, and thereafter at the expiration of any succeeding year, and upon any such withdrawal section one of the Shops Act, 1912 (*a*), shall apply to the shop in like manner as before the notice was given.

(5) The Shops Act, 1912, as amended by this Act, shall, in its application to any premises in respect to which a notice under this section is in force, have effect as though the definition of "shop assistant" included all persons wholly or mainly employed in any capacity at the premises in connexion with the business there carried on.

(*a*) *Ante*, p. 381.

(*b*) **Shop Assistants.**—For definition, see s. 19 of the Act of 1912, *ante*, p. 401, and sub-s. (5) of this section.

(*c*) **Half-holiday.**—For definition, see sub-s. (3) of this section.

(*d*) **Prescribed Form.**—See the Shops Regulations, 1913, *post*, p. 433.

(*e*) **Recovery of penalty.**—See ss. 143—147 of the Factory and Workshop Act, 1901, *ante*, pp. 209—211, applied to shops by s. 14 (1) of the Shops Act, 1912, *ante*, p. 398.

2. *Short title and extent.*]—(1) This Act may be cited as the Shops Act, 1913, and shall be construed as one with the Shops Act, 1912; and the Shops Act, 1912, and this Act may be cited together as the Shops Acts, 1912 and 1913.

(2) This Act shall not extend to shops in Ireland in which the business of the sale by retail of intoxicating liquors is carried on.

In *Rutherford* v. *Trust Houses*, [1926] 1 K. B. 321; 42 T. L. R. 148; 90 J. P. 62:—*Held*, that where the occupier elects under s. 1, sub-s. (1), he cannot be held to say that any person so employed is not a shop assistant.

THE SHOPS (HOURS OF CLOSING) ACT, 1928.

(18 & 19 GEO. 5, c. 33.)

An Act to amend the law relating to the closing of shops; and for purposes connected therewith. [3rd August 1928.]

1. *Closing hours.*]—(1) Every shop shall, save as otherwise provided by this Act, be closed for the serving of customers not later than nine o'clock in the evening on one day in the week (in this Act referred to as "the late day"), and not later than eight o'clock in the evening on any other day in the week, and those hours are in this Act referred to as the "general closing hours."

(2) The late day shall be Saturday unless the local authority by order fix some other day as the late day, and any such order may fix the same day for all shops, or may fix—

(a) different days for different classes of shops; or
(b) different days for different parts of the district; or
(c) different days for different periods of the year:

Provided that, where the local authority have under the Shops Act, 1912 (*a*) (hereinafter referred to as "the principal Act"), fixed any day as the weekly half-holiday for any class of shop, or for any part of their district, or for any period of the year, they shall, as respect that class, part, or period, fix some other day as the late day.

(3) Nothing in this Act or in any closing order made under the principal Act shall prevent—

(a) the serving of a customer where it is proved that the customer was in the shop (*b*) before the closing hour, or that reasonable grounds existed for believing that the article supplied after the closing hour to a customer was required in the case of illness; or
(b) any transaction mentioned in the First Schedule (*c*) to this Act.

2. *Special provisions as to confectionery.*]—Subject as hereinafter provided, as respect the trade or business of selling table waters, sweets, chocolates, or other sugar confectionery or ice cream, the general closing hours shall be ten o'clock in the evening on the late day and half-past nine o'clock in the evening on any other day:

(*a*) 2 & 3 Geo. 5, c. 3.

(*b*) **Customer in shop before closing hour.**—Apparently this clause does not protect a seller who invites customers to come in before closing time in order to make purchases after that tme. See *Salford Cattle Market Salerooms, Ltd.* v. *Osborne* (1923), 87 J. P. 134; 92 L. J. K. B. 1018; 129 L. T. 686; 21 L. G. R. 468.

(*c*) See p. 420.

Provided that a local authority may, in their area or in any part thereof, by order subsitute for either of the general closing hours hereinbefore in this section mentioned an earlier hour, not being earlier than eight o'clock in the evening, if they are satisfied that such an order is desired by the occupiers of a majority of the shops to be affected by the order.

3. *Special provisions as to tobacco and smokers' requisites.*]—As respects the trade or business of selling tobacco and smokers' requisites, a local authority may, in their area or in any part thereof, by order substitute for the general closing hours fixed by this Act later hours, not being later than ten o'clock in the evening on the late day or half-past nine o'clock in the evening on any other day, if they are satisfied that such an order is desired by the occupiers of at least two-thirds in number of the shops to be affected by the order.

4. *Saving as to closing orders.*]—Save as in this Act otherwise expressly provided, nothing in this Act shall affect—

(a) any closing order in force at the commencement of this Act fixing closing hours earlier than the general closing hours fixed by or under the provisions of this Act; or

(b) the power of a local authority by a closing order made and confirmed in manner provided by the principal Act to fix, subject to the limits imposed by that Act, closing hours earlier than the general closing hours fixed by or under the provisions of this Act:

Provided that any closing order, whether made before or after the commencement of this Act, shall be of no effect in so far as it authorises sales after the general closing hours fixed by or under the provisions of this Act or contains provisions inconsistent (*a*) with the provisions of this Act.

5. *Power to grant exemption in respect of exhibitions.*]—(1) As respects any retail trade or business carried on at an exhibition or show within the area of a local authority, the local authority may by order substitute for the general closing hours fixed by or under this Act, or for any closing hour fixed by a closing order made under the principal Act (*b*), later hours, not being later than ten o'clock in the evening, if they are satisfied that the retail trade or business so carried on is subsidiary or ancillary only to the main purpose of the exhibition or show.

(2) Any order under this section shall be made subject to such conditions as the local authority may consider necessary for securing

(*a*) In *Kenyon* v. *Street* [1930], W. N. 267; 47 T. L. R. 107:—*Held*, that a closing order under the Shops Act, 1912, requiring sweet shops to close at 7 p.m. was not saved by sec. 4, since the provision fixing the closing at 7 p.m. was inconsistent with the special provisions of the Act of 1928, that a closing order in respect of such shops might fix an hour "not being earlier than 8 o'clock in the evening."

(*b*) See p. 389.

that shop assistants affected by the order shall not be employed in or about the retail trade or business to which the order relates for more than such number of hours as may be specified by the order.

6. *Special provisions as to holiday resorts and sea fishing centres.*]—(1) In places frequented as holiday resorts during certain seasons of the year, and in places where sea fishing is principally carried on during certain seasons of the year, the local authority shall by order, during such period as may be specified in the order, substitute for the general closing hours fixed by or under this Act such later hours as they may think fit if, upon application being made to them for an order under this section, they are satisfied that such an order is desired by the occupiers of a majority of the shops to be affected by the order:

Provided that the local authority shall not in any year by orders under this subsection substitute later hours for the closing hours fixed by this Act for periods exceeding four months in the aggregate in that year.

(2) Any order under this section—

(a) may be made so as to apply to the whole or to any part of the area of the local authority, and to all shops, or to shops of any class, within that area or part; and

(b) shall be made subject to such conditions as the local authority may consider necessary for securing that shop assistants affected by the order shall not be employed in or about the business of a shop for more than such number of hours as may be specified by the order; and

(c) may suspend the operation of any closing order made under the principal Act which is, for the time being, in force in the area of the local authority.

(3) If, while orders made under this section are in force, any shop assistant affected by any such order is, in any year, employed in or about the business of a shop for extra hours, he shall, subject to the provisions of the Second Schedule to this Act, be entitled to corresponding holidays, calculated in accordance with the provisions of that Schedule, with full wages; and if at the date of the termination of his employment or at the end of the year, whichever first occurs, default has been made in granting to him any holiday or wages to which he is entitled under this subsection, the shop assistant may recover as a debt due from the employer for every day's holiday in respect of which such default has been made a sum equal to one-sixth of the highest weekly rate of wages paid to him in respect of his employment in or about the business of the shop during the year or the part thereof during which he has been employed therein.

(4) For the purpose of this Act—

"Extra hours" means, in relation to any shop assistant, hours in excess of the customary working day, being hours after the general closing hours fixed by or under this Act otherwise than by an order made under this section;

"Customary working day" means, in relation to any shop assistant, the daily number of hours during which shop assistants of his class are, while unaffected by any order made under this section, customarily employed in or about the business of the shop in which he is employed;

"Full wages" means, in relation to any holiday granted to a shop assistant, wages at a rate equivalent to the rate of wages to which he was entitled immediately before the holiday.

7. *Power to suspend operation of Act and closing orders on special occasions.*]—(1) The Secretary of State may by order for such periods as he thinks fit suspend the operation of the provisions of this Act relating to general closing hours during the Christmas season or in connection with any other special occasion, and while any order made under this subsection is in force the provisions of any closing order made under the principal Act shall be deemed to be suspended except in so far as may be otherwise directed by the order of the Secretary of State.

(2) Subject as hereinafter provided, a local authority may, in connection with any special occasion, by order suspend the operation of the provisions of this Act relating to general closing hours and the provisions of any closing order made by them under the principal Act for such period as they may think fit:

Provided that a local authority shall not in any year by orders under this subsection suspend the operation of the said provisions for more than seven days in the aggregate in that year.

8. *Offences.*]—In the case of any contravention of or failure to comply with any of the provisions of this Act or of a closing order made under the principal Act, or in the case of any breach of a condition imposed by any order made under this Act, the occupier of the shop shall be guilty of an offence against the principal Act and liable to a fine not exceeding—

(a) in the case of a first offence, five pounds;

(b) in the case of a second or subsequent offence, twenty pounds.

9. *Consequential and minor amendments of* 2 *Geo.* 5, *c.* 3.]—The amendments in the second column of the Third Schedule to this Act (being consequential amendments and amendments relating to matters of minor detail) shall be made in the provisions of the principal Act specified in the first column of that Schedule..

10. *Short title, citation, construction, extent and repeal.*]—(1) This Act may be cited as the Shops (Hours of Closing) Act, 1928, and this Act and the Shops Acts, 1912 and 1913, may be cited together as the Shops Acts, 1912 to 1928.

(2) Except where the context otherwise requires, references in this Act to the principal Act shall be construed as references to that Act as amended by this Act, and this Act shall be contrued as one with the Shops Acts, 1912 and 1913.

(3) This Act shall not extend to Northern Ireland.

(4) The enactments mentioned in the Forth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULES.

Section 1.] FIRST SCHEDULE.

TRANSACTIONS NOT PREVENTED BY THIS ACT OR BY CLOSING ORDERS MADE UNDER THE PRINCIPAL ACT.

1. The sale after the closing hour of—

(a) meals or refreshments (including table waters, sweets, chocolates, sugar confectionery, and ice cream), for consumption on the premises, or (in the case of meals or refreshments sold on railway premises) for consumption on the trains :

Provided that—

(i) in the case of canteens attached to and situated within or in the immediate vicinity of any works, if persons are employed at such works after the closing hour, and the canteen is kept open only for the use of such persons, meals or refreshments may be sold after the closing hour for consumption anywhere within the works premises ; and

(ii) for the purposes of the foregoing provisions tobacco supplied at a meal for immediate consumption shall be deemed to form part of the meal ;

(b) newly cooked provisions and cooked or partly cooked tripe to be consumed off the premises ;

(c) intoxicating liquors to be consumed on or off the premises ;

(d) tobacco, table water or matches on licensed premises during the hours during which intoxicating liquor is permitted by law to be sold on the premises ;

(e) tobacco, matches, table waters, sweets, chocolates, or other sugar confectionery or ice cream, at any time during the performance in any theatre, cinema, music hall, or other similar place of entertainment so long as the sale is to be a bonâ fide member of the audience and in a part of the building to which no other members of the public have access ;

(f) medicine or medical or surgical appliances, so long as the shop is kept open only for such time as is necessary for serving the customer ;

(g) newspapers, periodicals and books from the bookstalls of such terminal and main line stations as may be approved by the Secretary of State ;

(h) aircraft, motor, or cycle, supplied or accessories for immediate use, so long as the shop is kept open only for such time as is necessary for serving the customer ;

(i) victuals, stores, or other necessaries required by any naval, military or air force authority for His Majesty's forces orl required for any ship on her arrival at or immediately before her departure from a port, so long as the shop is kept open only for such time as is necessary for serving the customer.

2. The transaction after the closing hour of any post office business.

SECOND SCHEDULE. [Section 6.

METHOD OF CALCULATING THE HOLIDAYS TO WHICH ANY SHOP ASSISTANT IS ENTITLED UNDER SUBSECTION (3) OF SECTION SIX OF THIS ACT.

1. The number of extra hours for which a shop assistant has been employed in or about the business of the shop while any one or more orders have been in force under section six of this Act shall be added together, any fraction of any hour not exceeding half being treated as half an hour, and any fraction of an hour exceeding half being treated as an hour.

2. For the purposes of this Schedule the number of hours comprised in the customary working day on days other than half holidays shall be taken as the standard unit.

3. The aggregate number of the extra hours, as calculated in accordance with the provisions of paragraph 1 of this Schedule shall be divided by the standard unit, and the quotient, fractions thereof being disregarded, shall be the number of the days' holiday to which the shop assistant shall be entitled.

THIRD SCHEDULE. [Section 9.

CONSEQUENTIAL AND MINOR AMENDMENTS OF THE SHOPS ACT, 1912.

Enactments amended.	Amendment.
Section 9	For the words " to such exemptions and conditions (if any) as may be contained in closing orders " there shall be substituted the words " in so far as the prohibition is " affected by any closing order, to such exemptions and " conditions, if any, as may be contained in the order."
Section 10	The following subsection shall be inserted after subsection (1) :— " (1A) Where several trades and businesses are " carried on in the same shop and any of those trades " or businesses consist only of transactions of such a " nature that if they were the only transactions " carried on in the shop the provisions of this Act " relating to general closing hours would not apply to " the shop, the shop may be kept open after the " general closing hour for the purposes of those trans- " actions alone, subject, however, to such conditions " as may be prescribed " ; and in subsection (3) for the word " under " there shall be substituted the words " or any proportion or number " of occupiers or of shops for the purposes of "
Section 11	The following subsection shall be inserted after subsection (1) :— (1A) Any order made under this section may be made so as to apply to the whole or to any part of the area of the local authority, and to all shops, or to shops of any class, within that area or part.

Section 10.] FOURTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short title.	Extent of Repeal.
2 Geo. 5. c. 3 -	The Shops Act, 1912	In section five, sub-sections (4) and (5) thereof; in section twelve, paragraph (c) of sub-section (1) thereof; and the Third Schedule.
10 & 11 Geo. 5, c. 58.	The Shops (Early Closing) Act, 1920	The whole Act.
11 & 12 Geo. 5, c. 60.	The Shops (Early Closing) Act, 1920 (Amendment) Act, 1921	The whole Act.

SHOPS REGULATIONS.

STATUTORY RULES AND ORDERS, 1912.

No. 316.

REGULATIONS, DATED APRIL 1, 1912, MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT, IN PURSUANCE OF THE SHOPS ACT, 1912.

In pursuance of the powers conferred on me by the Shops Act, 1912, I hereby make the following Regulations:—

I.

Notice to be given by occupier as to assistants' weekly half-holiday (Section 1 (2)) (a).

1. The notice required to be affixed in a shop specifying the day or days on which the shop assistants employed therein are not employed after half-past one o'clock shall be in the Form marked I. in the Schedule to these Regulations (*b*).

2. The notice shall be kept constantly affixed in a position where

it may be readily seen and read by any person whom it affects, and shall be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

If the half-holiday is given on different days to the assistants employed in different rooms or departments of a shop, a separate notice shall be affixed in each such room or department.

3. The notice shall be affixed before the assistants to whom it relates cease work on the Saturday preceding the week (*c*) during which it is to have effect.

(*a*) See p. 381, *ante*.

(*b*) See p. 429, *post*.

(*c*) **Week.**—For definition, see s. 19 of the Act of 1912, *ante*, p. 401.

Inquiries by Local Authorities as to Orders fixing the day on which shops are to be closed for the weekly half-holiday (*Section* 4 (2)) (*a*).

4. Before the local authority make an Order fixing the day of the weekly half-holiday for any class of shops, they shall take the following steps for ascertaining whether the occupiers of a majority of that class of shops approve the Order :—

(1) They shall cause a register of the shops of that class to be prepared in the manner hereinafter provided (*b*).

(2) They shall give notice of their intention to make the Order and of the times and place at which the register may be inspected by any shopkeeper affected, in the Form marked II. in the Schedule to these Regulations (*c*). The notice shall either be advertised in at least two newspapers circulating in the area to which the Order is to apply, or be posted up in streets and public places in the area to which the Order is to apply, in such positions and in such manner that it is likely to be seen and can easily be read by persons interested.

(3) They shall take a vote of the occupiers of the shops of that class in the manner hereinafter provided (*d*), or, if the local authority have received an application in writing purporting to be signed by the occupiers of a majority of the shops of that class, they may in lieu of taking a vote take such steps as they think fit to verify the signatures to the application, and signatures so verified shall, unless reason appear to the contrary, be taken to mean that the occupiers whose signatures they purport to be approve the Order.

Provided that if shops of any class are required under a closing Order in force before the 1st May, 1912, to close on a certain day of the week (other than Saturday) at one o'clock in the afternoon, it shall not be necessary to take a vote of the occupiers of those shops in respect of a proposal to make an Order fixing that day as the day

of the weekly half-holiday, unless representations are made to the local authority by a substantial proportion of the occupiers in favour of another day being fixed.

(*a*) See p. 385, *ante*.
(*b*) **Register.**—See Regulation 19, *post*, p. 426.
(*c*) See p. 429, *post*.
(*d*) **Vote.**—See Regulation 20, *post*, p. 427.

Conditions for mixed shops remaining open on weekly half-holiday (Section 10 (1)) (a).

5. Where any trade or business exempted from the provisions of the Act as to closing on the weekly half-holiday (*b*) is carried on in the same shop with any trade or business not so exempted, the shop shall only be kept open for the purpose of the exempted trade or business on the day fixed for the weekly half-holiday in respect of the trade or business not exempted, on the following conditions :— (a) after the hour of closing on the day of the weekly half-holiday, whether fixed by the occupier or by an Order made by the local authority under the Act, there shall be exhibited in some conspicuous places on the exterior and in the interior of the shop notices in letters of the size of not less than two inches in accordance with the Form marked IV. in the Schedule to these Regulations (*c*) ; (b) so far as reasonably practicable no goods in connexion with the trade or business not exempted shall be exhibited either inside or outside the shop.

(*a*) See p. 393, *ante*.
(*b*) **Exempted Trades.**—See s. 4 (4) and (6) and Sched. II., *ante*, pp. 386, 408.
(*c*) See p. 431, *post*.

II.

Notice of intention to make Closing Order (a).

6. As soon as may be after the local authority are satisfied that a *primâ facie* case (*b*) is made out for making a Closing Order they shall cause a register to be prepared in the manner hereinafter provided (*c*).

(*a*) See ss. 5 and 6, *ante*, pp. 389, 390.
(*b*) See ss. 6 (1) and 7 (3), *ante*, pp. 390, 391.
(*c*) **Register.**—See Regulation 19, *post*, p. 426.

7.—(1) Notice of the intention of the local authority to make a closing Order shall be given in the Form marked A in the Schedule to these Regulations (*a*), and unless a copy of the proposed Order be annexed to it, it shall specify the area within which and the

class or classes of shops to which the Order will apply and the proposed days and hours of closing. The notice shall

(i) be advertised at least twice in a newspaper or newspapers circulating in the area to which the Order is to apply;

(ii) be posted up in streets and public places in the area to which the Order is to apply, in such positions and in such manner that it is likely to be seen and can easily be read by persons interested; and

(iii) be given to any ratepayer in the area making reasonable application for it.

If the Order applies to an area with a population of not more than 5000, the local authority may, in lieu of advertising the notice in a newspaper or newspapers, cause a copy to be sent to the occupier of every shop known to be affected by the Order.

(2) If anything in the Order affects Post Office business, a copy of the notice shall be sent to the Postmaster-General.

(*a*) See p. 431, *post*.

8. The prescribed period within which objections may be made to the proposed Order shall be four weeks (*a*).

(*a*) See s. 6 (1), *ante*, p. 390.

Ascertaining opinion of occupiers of Shops.

9. If the local authority, after considering any objections or suggestions received by them in pursuance of the notice of their intention to make an Order, desire to proceed with the Order, they shall, for the purpose of ascertaining whether the occupiers of at least two-thirds in number of the shops to be affected by the Order approve the Order, either take a vote in the manner hereinafter provided (*a*) or, if they have received an application in writing for the making of the Order, purporting to be signed by the occupiers of at least two-thirds in number of the shops to be affected by the Order, they may in lieu of taking a vote take such steps as they think fit to verify the signatures to the application, and signatures so verified shall, unless reason appear to the contrary, be taken to mean that the occupiers whose signatures they purport to be approve the Order.

(*a*) See Regulation 20, *post*, p. 427.

Notice, &c., when Order submitted to Secretary of State.

10. When the local authority have made a Closing Order, a notice, in the Form marked C in the Schedule to these Regulations (*a*), shall be given in the manner above prescribed for the notice of intention to make an Order (*b*).

(*a*) See p. 432, *post*.

(*b*) See Regulation 7, *ante*.

11. In submitting the Order to the Secretary of State, the local authority shall inform him as to the method adopted by them for ascertaining the opinion of the occupiers of shops, and as to any matters which they think it desirable to bring to his notice, and shall forward to him copies of any notices given by them under these Regulations and other evidence that the Regulations have been duly complied with, verified by a certificate signed by their Clerk.

Local Enquiries.

12. When the Secretary of State directs a local enquiry to be held with regard to a Closing Order it shall be held at such place as the local authority, with the approval of the Secretary of State, may appoint, and at such time as may be fixed by the person appointed by the Secretary of State to hold the enquiry (hereinafter called "the Commissioner").

13. Not less than three weeks before the time of holding the enquiry notice thereof and of the place where the enquiry will be held shall be given in the manner above prescribed for the notice of intention to make an Order (*a*).

(*a*) See Regulation 7, *ante*, p. 424.

14. The enquiry shall be held in public, and any person who, in the opinion of the Commissioner, is affected by the Closing Order, may appear and be heard either in person, or by counsel, solicitor, or agent.

15. The Commissioner may give such directions as he thinks fit as to the order in which the objections to the Order shall be considered; and, if any person who has not sent objections in writing to the Secretary of State claims to be heard at the enquiry, may require him to state his objections in writing.

16. The Commissioner may adjourn the enquiry from time to time as he thinks desirable.

17. If the objections to the Order made by more than one person appearing at the enquiry seem to the Commissioner to be the same in substance, he may select any person whom he considers representative of the largest number of the persons affected by the Order, to state such objections, and to call evidence (if required); provided that any other person making the same objections may be heard subsequently with the consent of the Commissioner.

18. Subject to the foregoing rules, all the proceedings shall be conducted in such manner as the Commissioner may direct.

III.—General.

Preparation of Register.

19.—(1) A register required to be prepared in pursuance of these Regulations shall show the addresses, trades, and names of the occupiers of all the shops to be affected by the Order.

In the case of a shop in which several trades or businesses are carried on, the local authority may require the occupier to specify, in pursuance of sub-section (3) of section 10 of the Act (*a*), which trade or business he considers to be his principal trade or business, and the local authority shall not insert the name of the occupier in the register in respect of any other trade or business carried on in the shop unless the occupier satisfies them that it forms a substantial part of the business carried on in the shop.

(2) Every occupier of a shop to be affected shall be entitled to attend within the times and at the place specified in the notices required to be given by these Regulations for the purpose of securing that the entries in the register with regard to his shop are duly made.

(3) Any occupier of a shop to be affected may represent to the local authority any matter, in regard to the register, which seems to him to require to be rectified; and the local authority shall consider all such representations.

(*a*) See p. 393, *ante*.

The Taking of a Vote.

20. If a local authority decide, or are required, to take a vote for the purpose of ascertaining the opinion of the occupiers of shops to be affected by an Order fixing the day of the weekly half-holiday or by a Closing Order, they shall proceed as follows:—

(1)—(a) A notice, together with a voting paper, in the Form marked III. or in the Form marked B in the Schedule to these Regulations, as the case may be (*a*), shall be sent by post or otherwise delivered to every occupier appearing in the register, at his registered address.

(b) Voting papers shall be returned to the local authority either through the post or by a collector appointed in writing by them for the purpose, and carrying with him at the time of collection his written appointment, which he shall show to any occupier who shall require it to be shown.

(c) A voting paper shall be deemed to be duly signed if signed by the occupier with his full name or with the ordinary signature used for the purpose of his business: Provided that, if any occupier is unable to write, he may, in the presence of some other person, who shall explain the effect of the voting paper, attach his mark thereto, and such mark shall be attested by such other person, who shall append his signature and address.

(d) The local authority shall cause the voting papers, as soon as may be after the last day fixed for their return, to be scrutinised and compared with the register, and the numbers respectively of the votes for and against the Order to be ascertained.

(*a*) See pp. 430, 431, *post*.

Other provisions as to making of Orders.

21. The making of an Order shall not be frustrated nor the Order invalidated by reason merely of any failure in the delivery of a notice or a voting paper to any person or to the local authority or of any other informality in complying with these Regulations (*a*).

(*a*) As to this, see also s. 6 (3) of the Act, *ante*, p. 390

22. When an Order fixing the day of the weekly half-holiday is made by the local authority, or a Closing Order is confirmed by the Secretary of State, the local authority shall forthwith either cause to be advertised once in a newspaper, and to be posted up in streets and public places, in the area to which the Order applies a notice giving the terms of the Order as made or confirmed, or shall send such a notice to the occupier of every shop affected by the Order.

Revocation of Orders.

23. Before revoking an Order fixing the day of the weekly half-holiday or applying to the Secretary of State to revoke a Closing Order, the local authority shall, for the purpose of ascertaining whether the occupiers of a majority of each of the several classes of shops affected by the revocation approve the revocation, follow, with the necessary modifications, the same procedure as is prescribed in the foregoing Regulations in regard to the making of such Orders.

24. When an Order is revoked in whole or in part by a local authority or by the Secretary of State, as the case may be, the local authority shall forthwith either cause to be advertised once in a newspaper, and to be posted up in streets and public places, in the area to which the Order applied a notice announcing such revocation or shall send such a notice to the occupier of every shop known to be affected by the revocation.

Certificate of appointment of Inspector.

25. The certificate of appointment with which an inspector is required to be furnished shall be in the form marked V in the Schedule of these Regulations (*a*).

(*a*) See p. 431, *post*.

R. McKenna,
One of His Majesty's Principal
Secretaries of State.

Home Office,
1st April, 1912.

SCHEDULE.

I.—PRESCRIBED FORM OF NOTICE AS TO ASSISTANTS' WEEKLY HALF-HOLIDAYS.

Shops Act, 1912, *Section* 1.

Prescribed Form of Notice as to Assistants' Weekly Half-Holidays.

I HEREBY GIVE NOTICE that the Assistants employed in this shop / room / department * will not be employed about the business of the shop after 1.30 p.m. on the day named below in the week following the date of this notice and until further notice.†

Names ‡ *or* Class *or* Department of Assistants.	Week-day on which half-holiday is allowed.

* Strike out the words which are not appropriate.

† Strike out the words "and until further notice" if the notice is intended to apply only to one week.

‡ If the same day is fixed for all the Assistants, the word "All" only need be inserted in this column.

Signature of Occupier or Manager.

Date.

This Notice must be kept constantly affixed in the shop in a position where it may be readily seen and read by any person whom it affects, and must be renewed whenever it becomes defaced or otherwise ceases to be clearly legible.

If the half-holiday is given on different days to the assistants employed in different rooms or departments of a shop, a separate notice must be affixed in each such room or department.

The Notice must be affixed before the assistants to whom it relates cease work on the Saturday preceding the week during which it is to have effect.

II.—NOTICE OF INTENTION TO MAKE A HALF-HOLIDAY ORDER AND AS TO INSPECTION OF REGISTER.

Shops Act, 1912, *Section* 4 (2).

NOTICE IS HEREBY GIVEN that the Council [on application made to them] propose to make an order fixing the day of the weekly half-holiday for the trades hereinafter mentioned as follows :—

Name of Trade.	Day of weekly half-holiday.
———	———(or, at option of shopkeeper, Saturday) *or as the case may be,* Saturday (or, at option of shopkeeper——

NOTICE IS FURTHER GIVEN that the occupier of any shop to be affected by the Order may, on presenting himself at [the Council's Offices] between the hours of and on [any] day before the [date] next, verify that his name, address and trade are duly entered in the Register of Shops, [and may inspect the application for the making of the Order received by the Council].

Dated this day of , 19 .

Clerk to the Council.

III.—NOTICE FOR ASCERTAINING THE OPINION OF OCCUPIERS OF SHOPS ON PROPOSED ORDER BY TAKING A VOTE.

Shops Act, 1912, *Section* 4 (2).

NOTICE IS HEREBY GIVEN that the Council propose to make the Order shown on the enclosed voting paper, provided they are satisfied that the occupiers of a majority of the shops to be affected by the Order approve the Order.

You are requested (i) to signify your opinion for or against the making of the Order by writing "Yes" or "No" on the enclosed voting paper in the space provided for the purpose; and (ii) to return the paper by post to the Council at [the Council's Offices] before the day of 19 , [or to hand the paper to a Collector appointed by the Council for the purpose, who will call for it, and will show, on request, his written appointment] [or to hand the paper to the person delivering it].

Dated this day of , 19 .

Clerk to the Council.

FORM OF VOTING (*to be enclosed with the foregoing notice*).

Shops Act, 1912.

I. (Here insert terms of Draft Order.)

II. Form for Votes.

[Borough] *or* [Urban District] *or* [Area] of

———	*Write in the space below either* "Yes" *or* "No."
Are you in favour of the making of the above Order ?	

Signature
Address of Shop
Date

IV.—NOTICE TO BE AFFIXED IN SHOPS PARTIALLY EXEMPTED FROM CLOSING FOR THE WEEKLY HALF-HOLIDAY.

Shops Act, 1912, *Section* 10 (1).

This shop is closed for to-day except for the *trade or business of [ ].

* In shops where a wholesale and retail business are carried on together, and the shop is kept open on the half-holiday for the wholesale business, the word "wholesale" should be inserted in the notice before "trade."

V.—FORM OF CERTIFICATE OF APPOINTMENT OF AN INSPECTOR UNDER THE SHOPS ACT, 1912.

Shops Act, 1912.

I HEREGY CERTIFY THAT A.B. has been appointed an Inspector for the purposes of the above-mentioned Act for [the City of London or County or Borough or Urban District of].

(Signature)

The Lord Mayor of the City of London
or
Chairman of the County Council of
or
Mayor of the Borough of
or
Chairman of the Urban District Council of

Dated this day of , 19 .

A.—NOTICE OF INTENTION TO MAKE A CLOSING ORDER.

Shops Act, 1912.

NOTICE IS HEREBY GIVEN that the Council propose to make a closing Order for [specify class or classes of shops] in [specify the area] fixing the hours at which such shops shall be closed as follows:—

Any person wishing to make objections to the Order or suggestions as to the provisions of the Order should address a statement in writing to the Clerk to the Council before the [date] next.

NOTICE IS FURTHER GIVEN that the occupier of any shop to be affected by the Order may, on presenting himself at [the Council's Offices] between the hours of and on [any] day before the aforesaid date, verify that his name, address and trade are duly entered in the Register of Shops.

Dated this day of , 19 .

Clerk to the Council.

B.—NOTICE FOR ASCERTAINING THE OPINION OF OCCUPIERS OF SHOPS ON PROPOSED CLOSING ORDER BY TAKING A VOTE.

Shops Act, 1912.

NOTICE IS HEREBY GIVEN that the Council propose to make the Order shown on the enclosed voting paper, provided they are satisfied that the occupiers of two-thirds of the shops to be affected by the Order approve the Order.

You are requested (i) to signify your opinion for or against the making of the Order by writing "Yes" or "No" on the enclosed voting paper in the space provided for the purpose: and (ii) to return the paper by post to the Council at [the Council's Offices] before the day of 19 , [or to hand the paper to a Collector appointed by the Council for the purpose, who will call for it, and will show, on request, his written appointment] [or to hand the paper to the person delivering it].

Dated this day of , 19 .

Clerk to the Council.

FORM OF VOTING PAPER (*to be enclosed with the foregoing notice*).

Shops Act, 1912.

I. (Here insert terms of Draft Order.)

II. Form of Votes.

[City] [Borough] *or* [Urban District] *or* [Area] of

—	*Write in the space below either* "Yes" *or* "No."
Are you in favour of the making of the above Order ?	

Signature
Address of Shop
Date

C.—NOTICE OF MAKING OF ORDER.

Shops Act, 1912.

NOTICE IS HEREBY GIVEN that the Council have made a Closing Order, of which a copy is annexed hereto, and have submitted the Order to the Secretary of State for confirmation.

A copy of the Order may be obtained by any person whom it may concern on application at [the Offices of the Council].

If any person desires to make any objections to the provisions of the Order he should address a written statement to the Secretary of State, Home Department, London, within one month from the date hereof, *i.e.*, before the day of , 19 .

Dated this day of , 19 .

Clerk to the Council.

ORDER.

SHOPS REGULATIONS, 1913.

STATUTORY RULES AND ORDERS, 1913.

No. 250.

REGULATION, DATED MARCH 8, 1913, MADE BY THE SECRETARY OF STATE FOR THE HOME DEPARTMENT, IN PURSUANCE OF THE SHOPS ACTS, 1912 AND 1913 (2 GEO. 5, C. 3, AND 2 & 3 GEO. 5, C. 24).

In pursuance of the powers conferred on me by the Shops Acts, 1912 and 1913, I hereby make the following Regulation :—

The notice required by Section 1 (1) (*d*) of the Shops Act, 1913, to be affixed in premises for the sale of refreshments where the occupier elects that the provisions of the Act shall apply, shall be in the Form in the Schedule to this Regulation.

R. McKenna,
One of His Majesty's Principal Secretaries of State.

Home Office,
8th March, 1913.

SCHEDULE.

(This notice must be affixed and constantly maintained in a conspicuous position in the premises.)

Shops Act, 1913.

I HEREBY GIVE NOTICE that I elect that instead of the provisions of Section 1 of the Shops Act, 1912, in regard to the weekly half-holiday and meal times for shop assistants, the provisions of the Shops Act, 1913 (as set out below), shall apply to all assistants employed wholly or mainly in connection with the business on these premises of the sale of * and that I propose to carry out those provisions in the manner indicated below.

This notice can only be withdrawn at the end of a year from this date or at the end of any succeeding year.

Dated the day of , 19 .

Signature of Occupier or Manager.

1. The following provisions apply to all persons wholly or mainly employed in any capacity on these premises in connection with the business here carried on of the sale of *

2. *Total Hours of Work.*—An assistant must not be employed for more than 65 hours in any week *exclusive* of meal times.

3. *Meal Times.*—Two hours must be allowed to each assistant for meals on ordinary days and three-quarters of an hour on half-holidays. No assistant may be employed on any day for more than six hours without being allowed an interval of at least half an hour.

* Insert "intoxicating liquor" or "refreshments" or both as the case may be.

4. *Week-day Holidays.*—Every assistant must be given 32 whole holidays on a week day in the year. Of these six are to be given consecutively on full pay as an annual holiday, and the remaining 26 must be so distributed that there shall be at least two holidays in each month. Except as regards the consecutive holiday, two half-holidays on week days may be allowed instead of any whole holiday. On any such half-holiday the assistant may not be employed for more than six hours including meal time, and he must cease work not later than 3 p.m.

5. *Sunday Holidays.*—Every assistant must be given 26 whole holidays on Sunday in the year, and at least one in every three consecutive Sundays must be a whole holiday.

Steps taken to comply with the Act.†
Week-day Holidays.

Sunday-Holidays.†

† Here state as precisely as possible in what manner it is proposed to carry out the Act. *E.g.*, It will be open to an occupier to give a weekly half-holiday commencing at 3 p.m. in lieu of the corresponding number of whole holidays. If he decides to do this, he can state this in the notice, and the day on which, as a general rule, the half-holiday will be given. Or he may decide to give a whole holiday every other week: if so, he can state this and the day on which the holiday will be given: &c., &c.

PART III.

REGULATIONS, WELFARE ORDERS, AND BYELAWS.

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A. REGULATIONS FOR DANGEROUS TRADES.

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[The Regulations for Dangerous Trades should be carefully distinguished from the Welfare Orders (pp. 626—658, *post*) made under the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916.]

(At the time of going to Press, Regulations were in draft to supersede the existing code for refractory materials; for amendment of the code for buildings; and a new code for the process of chromium plating.)

I. Rules for Inquiries as to Draft Regulations.

RULES, DATED FEBRUARY 5, 1903, FOR THE CONDUCT OF INQUIRIES WITH REGARD TO ANY DRAFT REGULATIONS FOR DANGEROUS TRADES.

1903. No. 84

In pursuance of the powers conferred on me by Section 81 (4) of the Factory and Workshop Act, 1901, I hereby make the following rules for the conduct of inquiries with regard to draft regulations for Dangerous Trades:—

(1) The inquiry shall be opened at such time and place as may be fixed by the person appointed by the Secretary of State to hold the inquiry (in these rules referred to as "the Commissioner"), and not less than three weeks' notice of the time and place so fixed shall be sent by post by him or on his behalf to all persons who have sent to the Secretary of State any objection to the draft regulations: Provided that the non-receipt of such notice by any such person shall not invalidate the proceedings or render necessary an adjournment of the inquiry.

(2) The Commissioner may adjourn the inquiry from time to time as he sees fit, and may hold adjourned sittings at any place which he thinks necessary for the convenience of persons who objected to the draft regulations.

(3) The Commissioner may give such directions as he thinks necessary as to the order in which the draft regulations and the objections thereto shall be considered and as to the order in which the parties appearing at the inquiry shall be heard.

(4) If any person who has not made objections to the draft regulations in accordance with section 80 claims to be heard at the inquiry, the Commissioner may require him to state his objection in writing in the manner provided by section 80 (2).

(5) If the objections to any draft regulation made by more than one person appearing at the inquiry appear to the Commissioner to be the same in substance, he may select any person whom he

considers representative of the largest number of persons affected by the draft regulation to state such objections, and to call evidence (if required) in support of such objections. Any other person making the same objections may be heard subsequently by consent of the Commissioner.

(6) The Commissioner may stop any statement which appears to him to be irrelevant to the draft regulation or objection under consideration, or to involve unnecessary repetition of arguments already fully stated.

(7) Subject to the provisions of section 81, and to the foregoing rules, all the proceedings shall be conducted in such manner as the Commissioner may direct.

A. Akers-Douglas,
One of His Majesty's Principal
Secretaries of State.

Home Office,
5th February, 1903.

II. Regulations for Particular Trades.

The following codes of Regulations are in force in places under the Factory Acts.

FOR THE MANUFACTURE OF AERATED WATER.

(*These Regulations were gazetted December* 20, 1921.)

1921. No. 1932.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations, and direct that they shall apply to all factories and workshops or parts thereof in which is carried on the manufacture of aerated water and processes incidental thereto.

These Regulations may be cited as the Aerated Water Regulations, 1921, and shall come into force on the first day of January, 1922.

Duties.

It shall be the duty of the employer to observe Part I. of these Regulations.

It shall be the duty of every person employed to observe Part II. of these Regulations.

PART I.

Duties of Employers.

1. All machines for filling bottles or syphons shall be so constructed, placed or fenced, as to prevent as far as possible a fragment of a bursting bottle or syphon from striking any person employed in the works.

2. The fittings of a filled syphon shall not be polished unless the syphon is held in a box or case so constructed as to prevent as far as possible the escape of fragments of a bursting syphon. Provided that this Regulation shall not apply in the case of syphons filled at a pressure of less than 130 lbs. per square inch.

3. There shall be provided and maintained in good condition for the use of all persons engaged in filling bottles or syphons (*a*) suitable face guards to protect the face, neck and throat, and (*b*) suitable gauntlets for both arms to protect the whole hand and arm. Provided that (i) this Regulation shall not apply where bottles are filled by means of an automatic machine so constructed that no fragment of a bursting bottle can escape, and (ii) where a machine is so constructed that only one arm of the bottler at work upon it is exposed to danger, a gauntlet need not be provided for the arm which is not exposed to danger.

4. There shall be provided and maintained in good condition for the use of all persons engaged in corking, crowning, screwing, wiring, foiling, capsuling, sighting or labelling, and, on request by any person engaged in any other process for the use of such person, (*a*) suitable face guards to protect the face, neck and throat, and (*b*) suitable gauntlets for both arms to protect the arm and at least half of the palm and the space between the thumb and forefinger.

5. There shall be provided and maintained in good condition for the use of all persons employed in any process involving exposure to wet, waterproof aprons with bibs and waterproof boots or clogs. Provided that where it is shown to the satisfaction of the Chief Inspector of Factories that the conditions of work in any factory or workshop are such as to render the use of waterproof boots and clogs unnecessary he may by certificate in writing exempt the occupier of such factory or workshop from the part of this Regulation requiring the provision of waterproof boots or clogs ; and he may at his discretion revoke such certificate.

6.—(*a*) There shall be provided and maintained in readily accessible positions First Aid boxes or cupboards in the proportion of at least one to every hundred and fifty persons employed. Each First Aid box or cupboard shall be distinctively marked, and if newly provided after the date of these Regulations shall be marked plainly with a white cross on a red ground, and shall contain, besides any other medical appliances or requisites—

(i) a sufficient supply of sterilised dressings, small, medium and large size suitable for fingers, hands and other injured parts ;
(ii) a supply of sterilised cotton wool ;
(iii) impermeable waterproof plaster ;
(iv) a two per cent. alcoholic solution of iodine, a bottle of sal volatile and a bottle of eye-drops ;
(v) a copy of the First Aid Leaflet issued by the Factory Department of the Home Office.

(*b*) Nothing except appliances or requisites for First Aid shall be kept in a First Aid box or cupboard.

(*c*) Each First Aid box or cupboard shall be kept stocked and in good order and shall be placed under the charge of a responsible person who shall always be readily available during working hours. A notice or notices shall be affixed in every workroom stating the name of the person in charge of the First Aid box or cupboard provided in respect of that room.

PART II.

Duties of Persons Employed.

7. All persons engaged in any of the processes named in Regulations 3 and 4 shall, while at work in these processes, wear the face guards and gauntlets provided in pursuance of these Regulations.

8. No person shall polish the fittings of a filled syphon unless it is held in a box or case constructed as required by Regulation 2, or unless the syphon has been filled at a pressure of less than 130 lbs. per square inch.

9. All persons employed in any process involving exposure to wet shall, while at work, wear the protective clothing provided in pursuance of Regulation 5.

E. Shortt,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
19th December, 1921.

FOR THE CASTING OF BRASS.

(*These Regulations were gazetted June* 26, 1908.)

1908. No. 484.

Whereas the *casting* of brass or any alloy of copper with zinc has been certified in pursuance of Section 79 of the Factory and Workshop Act to be dangerous :

I hereby in pursuance of the powers conferred on me by that Act make the following Regulations and direct that they shall come into force on the 1st day of January, 1910, and shall apply to all factories in which the *casting* of *brass* is carried on, with the following exceptions :—

(i) The Regulations shall not apply to the *sand-casting shop* having an air-space equivalent to 2,500 cubic feet for each of the *persons employed*, nor to any other *casting-shop* having an air-space equivalent to 3,500 cubic feet for each of the *persons employed*. Provided—

(a) that provision is made for the egress of the fumes during *casting* by inlets below and outlets above of adequate size, and

(b) that a notice in the prescribed form (*a*), giving the prescribed particulars, shall be kept affixed at or near the entrance of the *casting shop* and that a copy thereof shall be sent to the Inspector of the district, and

(c) that the conditions of exemption stated in such notice are not departed from.

(ii) So much of Regulation 1 as requires that exhaust draught shall be maintained during the process of *casting* shall not apply in the case of strip or solid drawn tube *casting* or any other class of *casting* which the Secretary of State may certify on that behalf, provided that—

(a) the exhaust draught cannot be so maintained without damage to the metal (proof of which shall be upon the occupier); and

(b) the exhaust draught is put into operation immediately after the *casting*; and

(c) provision is made for the egress of fumes during *casting* by inlets below and outlets above of adequate size.

(iii) Where it is proved to the satisfaction of the Chief Inspector of Factories that by reason of exceptional features in the construction or situation of a *casting shop* or by reason of the infrequency of the *casting* or the small quantity or the nature or composition of the metal cast or other circumstances all or any of the Regulations are not necessary for the protection of the *persons employed* he may by certificate in writing (which he may in his discretion revoke) exempt such *casting shop* from all or any of the provisions of the same, subject to such conditions as he may by such certificate prescribe.

In these Regulations (including the above provisions and exceptions)—

"*Brass*" means any alloy of copper and zinc.

"*Casting*" includes the pouring and skimming of *brass*.

"*Casting shop*" means any place in which *casting* of *brass* is carried on.

"*Sand-casting*" means *casting* into moulds prepared by hand in sand or loam or sand and loam.

"*Sand-casting shop*" means a place in which no kind of *casting* other than *sand-casting* is carried on.

"*Pot*" includes any crucible, ladle or other vessel in which the *brass* is skimmed or from which it is poured.

"*Employed*" means employed in the *casting shop* in any capacity.

"*Persons employed*" means the maximum number of persons at any time employed.

(*Terms to which defined meanings are given are printed throughout in italics.*)

It shall be the duty of the occupier to observe Part I. of these

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(*a*) The form is Official Form No. 68.

Regulations, and the conditions contained in any certificate of exemption.

It shall be the duty of all persons *employed* to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1. *Casting* of *brass* shall not be carried on unless the following conditions are complied with :—

(a) There shall be an efficient exhaust draught operating by means either of (i) a tube attached to the *pot*, or (ii) a fixed or movable hood over the point where the *casting* takes place, or (iii) a fan in the upper part of the *casting shop*, or (iv) some other effectual contrivance for the prompt removal of the fumes from the *casting shop* and preventing their diffusion therein. The exhaust draught shall be applied as near to the point of origin of the fumes as is reasonably practicable having regard to the requirements of the process, the maintenance of the exhaust draught during the process of *casting*, and (as regards *casting shops* in use prior to 1st January, 1908) the structure of the premises and the cost of applying the exhaust draught in that manner.

(b) There shall be efficient arrangements to prevent the fumes from entering any other room in the factory in which work is carried on.

(c) There shall be free openings to the outside air so placed as not to interfere with the efficiency of the exhaust draught.

2. There shall be provided and maintained in a cleanly state and in good repair, for the use of all *persons employed*, a lavatory, under cover, (i) with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and (ii) with either—

(a) A trough with a smooth, impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least two feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or

(b) At least one lavatory basin for every five such persons, fitted with a waste pipe and plug, or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water, or warm water, laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by *persons employed*.

3. No female shall be allowed to work, in any process whatever, in any *casting shop*.

PART II.

Duties of Persons Employed.

4 No person *employed* shall leave the premises or partake of food without carefully washing the hands.

5. No persons *employed* shall carry on the pouring of *brass* without using apparatus provided in pursuance of Regulation 1 (*a*).

6. No person *employed* shall in any way interfere without the knowledge and concurrence of the occupier or manager with the means provided for the removal of fumes.

H. J. Gladstone,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
20th June, 1908.

FOR BRONZING WITH DRY METALLIC POWDERS IN LETTERPRESS PRINTING, LITHOGRAPHIC PRINTING AND COATING OF METAL SHEETS.

(*These Regulations were gazetted April* 10, 1912.)

1912. No. 361.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations and direct that they shall apply to all factories and workshops or parts thereof in which is carried on the process (in these Regulations referred to as *bronzing*) of applying dry metallic powders to, or dusting them off from, surfaces previously printed or otherwise prepared, in :—

LETTERPRESS PRINTING ; OR
LITHOGRAPHIC PRINTING ; OR
COATING OF METAL SHEETS.

These Regulations shall come into force on June 1st, 1912.

Exemptions.

1. Regulation 2 shall not apply to *bronzing* by hand for the purpose of proof-pulling ;

2. Exemption shall be allowed from Regulation 2 on not more than two days in any week, and on not more than fifty days in any calendar year, subject to the following conditions :—

(a) notice in the prescribed form (*a*) and with the prescribed particulars shall be affixed in the factory or workshop not less than seven days before use is first made of the exemption, and shall be kept so affixed as long as the exemption is used ; and a copy of such notice shall at the same time be forwarded to the Inspector for the district ;

(b) the prescribed particulars shall be entered in the prescribed register (*b*) before the commencement of the work on each day on which any use is made of the exemption ; and any

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(*a*) The form is Official Form No. 82.
(*b*) The register is Official Form No. 339.

day in respect of which such entry is made shall be counted as a day on which this exemption has been used; and

(c) at least one day shall intervene between any two days on which this exemption is used.

Definitions.

(*The terms "bronzing" and "efficient exhaust draught" to which defined meanings are given are printed throughout in italics.*)

In these Regulations—

"*Efficient exhaust draught*" means localised ventilation effected by mechanical means for the removal of dust so as to prevent it as far as practicable from escaping into the air of any occupied room. No draught shall be deemed efficient which fails to remove smoke generated at the point where such dust originates.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations, and the conditions attached to Exemption 2 as above, if used by him.

It shall be the duty of every person employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1. *Bronzing* by machine shall not be done except under such conditions as to prevent as far as practicable the escape of dust into the air of any occupied room.

2. Subject to the exemptions hereinbefore mentioned, *bronzing* by hand shall not be done except in connection with—

(a) an *efficient exhaust draught*, or

(b) an appliance so constructed as to prevent as far as practicable the escape of dust into the air of any occupied room.

3. There shall be provided and maintained in a cleanly state and in good repair, for the use of all persons employed in *bronzing*, a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

(a) a trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least two feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet; or

(b) at least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by such persons.

4. There shall be provided—

(a) suitable overalls for all persons employed in *bronzing* and head-coverings for females employed in *bronzing*, which shall be collected at the end of every day's work, and be washed or renewed at least once every week ;

(b) for all persons employed in *bronzing*, a suitable place for places for clothing put off during working hours.

PART II.

Duties of Persons Employed.

5. Every person employed in *bronzing* shall—

(a) wash the face and hands before partaking of any food or leaving the premises ;

(b) wear the overalls provided in pursuance of Regulation 4 (a) ;

(c) deposit clothing put off during working hours in the place or places provided in pursuance of Regulation 4 (b) ;

and every female employed in *bronzing* shall wear the head-coverings provided in pursuance of Regulation 4 (a).

6. No person employed shall—

(a) introduce, keep, prepare, or partake of any food or drink (other than milk or tea provided by the occupier) in any part of the factory or workshop in which *bronzing* is carried on ;

(b) make use of tobacco in any part of the factory or workshop in which *bronzing* is being carried on ;

(c) interfere in any way without the concurrence of the occupier or manager with the means and appliances provided for the removal of dust, and for carrying out these Regulations.

R. McKenna,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
11th April, 1912.

THE BUILDING REGULATIONS, 1926, DATED JUNE 21, 1926, MADE BY THE SECRETARY OF STATE UNDER SECTION 79 OF THE FACTORY AND WORKSHOP ACT, 1901 (1 EDW. 7, C. 22), IN RESPECT OF CERTAIN BUILDING OPERATIONS.

1926. No. 738.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations and direct that they shall apply to all premises on which machinery worked by steam,

water or other mechanical power is temporarily used (*a*) for the purpose of the construction of a building, or for the purpose of any addition to the structure of an existing building. Provided that nothing in these Regulations except paragraph 45 shall apply to premises on which the only machinery worked by steam, water or other mechanical power consists—

(a) of machinery which is not used for hoisting purposes and is outside the area of the building under construction, or

(b) of portable tools such as drills or rivetters.

These Regulations may be cited as the Building Regulations, 1926, and shall come into force on 1st October, 1926.

*Definition.**

In these Regulations "*prescribed*" means prescribed for the time being by the Secretary of State.

Duties.

It shall be the duty of every contractor and employer (*b*) of workmen to observe such of the requirements in Part I of these Regulations as affect any workman engaged by him.

It shall be the duty of every person employed to observe Part II of these Regulations and to co-operate with the employers in carrying out Part I of these Regulations.

Part I.—Duties of Employers.

1. Suitable scaffolding plant shall be provided for workmen where necessary. All scaffolding and appliances connected therewith shall be of sound material and of adequate substance having regard to the purpose for which it is to be used. The parts thereof shall be examined before use as to strength and suitability, and if found defective, shall be repaired; or if not capable of repair, shall not be used as scaffold plant.

(*a*) In *Barnett* v. *Caxton Floors, Ltd.*, 45 T. L. R. 141; 140 L. T. 138; 93 J. P. 59:—*Held*, that the words "temporarily used" are not confined to the actual moment when the machinery is in use, but extends to the whole period during which the machinery is available for use in the constructional work, and therefore that persons who had brought such machinery upon the premises were liable to conviction as the occupiers of a factory in respect of the death of a workman who fell through an unfenced shaft at a time when the mechanical hoist for which the shaft was made was not in use.

(*b*) In *Butler* v. *Kleine Patent Fire Resisting Flooring Syndicate, Ltd.*, 45 T. L. R. 141; 140 L. T. 138; 93 J. P. 59:—*Held*, that the words "employers of workmen" imposed upon sub-contractors engaged in laying floors in a building in course of erection liability in respect of the death of one of their workmen who fell through an unguarded well-hole which the sub-contractors had left for a staircase, in the construction of which the sub-contractors were not concerned.

* The term to which a defined meaning is given is printed throughout in italics.

2. Sufficient material shall be provided for, and shall be used in the construction of, scaffolds, and when in place shall not be removed until the part to be removed is no longer required for working purposes, stability, or safety.

3. Pole standards and the legs of gabbard scaffolds shall be vertical and fixed sufficiently close together to secure the stability of the scaffolding having regard to all the circumstances of the case; the ledgers shall be practically level, and the whole scaffold shall be sufficiently and properly braced. Gabbard scaffolds, frames, standards, or other appliances used as supports for working platforms shall be of sound construction, shall have a firm footing and shall be adequately secured, strutted and braced. The legs and needles of gabbard scaffolds shall be securely fastened together by bolts, dogs, clamps, or other effective means.

4. Every working platform which is more than five feet above the ground or floor—

(a) shall be closely boarded or planked, provided that a space not exceeding three inches may be left between any two boards or planks of a platform used only by plasterers or painters;

(b) (i) shall at be least 17 inches wide if used as a footing only and not for the deposit of any material;

(ii) shall be at least 34 inches wide if used for the deposit of material;

(iii) shall be at least 43 inches wide if used for the support of any higher platform:

Provided that a working platform upon which stone is dressed or roughly shaped shall be at least 51 inches wide and, if used for the support of any higher platform, shall be at least 60 inches wide.

(c) shall, if part of a pole or gabbard scaffold, be at least 42 inches below the top of the standards wherever possible.

Provided that this Regulation shall not apply to a working platform which is on the outside of a roof.

Provided also that a width of at least 10½ inches shall be sufficient for a working platform used for glazing a roof if the said platform is bolted or otherwise firmly fixed at one end to a bracket securely hooked to a purlin and rests securely at the other end of another purlin.

5. Every working platform erected on trestles, other than folding trestles, shall, where the trestles are of less height than five feet, be 34 inches wide, except that a width of 17 inches shall be sufficient in the case of a platform primarily used as a footing only and not used for the deposit of any material.

6. No trestle scaffold of more than three tiers or exceeding a height of 15 feet from the ground or floor shall be used.

7. Every board or plank forming part of a working platform or run shall be supported at proper distances and near each end by a putlog or other support, and no such board or plank shall

project beyond its end support to a distance exceeding four times the thickness of the board or plank.

8. Where there is a space between a wall and a platform used for plastering the wall, this space shall not exceed 18 inches in breadth.

9.—(a) Boards or planks which exceed $1\frac{1}{2}$ inches in thickness, and form part of a working platform or run shall not overlap each other. Provided that this Regulation shall not apply to any platform or run supported by trestles or by a gabbard scaffold if steps, such as the provision of bevelled pieces, are taken to reduce to a minimum the risk of tripping.

(b) Boards or planks which form part of a run mainly used for the movement of barrows shall not overlap each other unless steps, such as the provision of bevelled pieces, are taken to facilitate the movement of the barrows.

10. Every gangway or run shall be at least 17 inches wide when any part is more than 5 feet above the ground or floor except a gangway or run leading to a plasterer's scaffolding in the interior of a room or place in which the height from the floor to the ceiling does not exceed 14 feet. All planks forming a gangway or run shall be so fixed and supported as will prevent undue or unequal sagging. When the slope renders additional foothold necessary, proper stepping laths the full width of the gangway shall be provided at suitable intervals not exceeding two feet.

Provided that this Regulation shall not apply to any run which is of a width of at least 11 inches and is of adequate thickness and is mainly used for the movement of barrows unless—

(a) the said run reaches a height of more than 5 feet above the ground, or unless

(b) the said run is placed over an excavation which is more than 7 feet deep and 10 feet across.

11. No working platform, run or gangway more than 2 feet above the ground or floor shall be supported by loose bricks, drain pipes, chimney pots or other unsuitable material.

12. No working platform, gangway or run shall be used for working upon until its construction is completed and the safeguards required by these Regulations properly fixed.

13. Where a scaffold has not been erected by or under the superintendence of the employer whose workmen are to use it, the said employer, before allowing work to proceed thereon, and during such period as any person employed by him is engaged thereon, shall satisfy himself, either personally or by his agent, that the scaffolding is in a stable condition, and that the materials used in its construction are sound, and that the required safeguards are in position. During the usage of the scaffolding due regard shall be paid to its carrying capacity.

14. Scaffolding in use shall be examined once a month by a competent person deputed by the employer responsible for the scaffolding, who shall within three days of his examination make an entry in the *prescribed* register to the effect that he has examined

the scaffolding and its fittings and connections, and showing the *prescribed* particulars of the result of his examination. The register shall be kept on the premises to which the Regulations apply.

15. Every working-place and approach thereto shall be efficiently lighted.

16. Every gangway and staircase shall be kept free from any unnecessary obstruction, and if over 12 feet from the ground or floor, shall be provided with a suitable handrail or other efficient means to prevent the fall of persons, except where and when access is required for workmen or for the movement of material.

Provided that this Regulation shall not apply to a temporary gangway used only in connection with glazing or with the erection of ironwork or steelwork.

17. Every working platform which is supported by trestles and is more than 14 feet from the ground, gantry or floor, and every working platform which is otherwise supported and is more than 12 feet above the ground, gantry or floor, shall where practicable and while in actual use be provided on the side away from the wall and at each end with a suitable guard rail and toe-board or with other efficient means to prevent the fall of persons or articles from the platform, except where and when access is required for workmen or for the movement of material.

Provided that this Regulation shall not apply to a working platform which is on the outside of a roof, nor to a working platform which is used only by glaziers or by riveters or bolters-up in ironwork or steelwork.

Provided also that a toe-board shall not be required on a working platform used only by plasterers or painters.

18. Every pole used for scaffolding shall have the bark stripped off.

19. At least one-third of the putlogs used for supporting any working platform more than 12 feet above the ground or floor shall remain in position until the scaffolding is finally removed, and one half of the number so remaining shall be securely fastened.

20. Every employer shall post notices on premises to which these Regulations apply stating that no pole, plank, chain, rope or other material shall be thrown from a scaffold, floor, window, or other opening over 20 feet above the ground, but shall be properly lowered.

21. No person shall be employed on the outside of any roof which has a pitch of over 34 degrees, unless a parapet wall, railings, an outside working platform or other efficient means are maintained to prevent the said person from falling from the edge of the roof.

Provided that this Regulation shall not apply to :—

(a) a roof the eaves of which are less than 22 feet above the ground, or to

(b) a person employed in the erection of any ironwork or steelwork other than roof covering.

22. No person shall be employed on extensive work on the

outside of any roof which has a pitch of over 34 degrees unless the following facilities are provided thereon :—

(a) a suitable working platform, securely supported and of a width of not less than 8½ inches, and

(b) suitable and sufficient ladders, duck ladders, or crawling boards, properly secured.

Provided that this Regulation shall not apply to a person employed in the erection of ironwork or steelwork.

23. No scaffold shall be supported by a cast-iron eaves gutter.

24. Cantilever or jib scaffolding shall be constructed of materials of adequate strength, securely fixed and anchored from the inside, and of sufficient length to ensure stability and shall also be properly braced and supported.

25. When bedding window frames a platform shall be provided to enable workmen to perform their task without danger to themselves or those below them.

26. No suspended scaffold shall be used unless it complies with the following requirements :—

(a) The platform shall be at least 17 inches wide and of adequate strength.

(b) The means of suspension shall be of adequate strength firmly secured. If a weight is used for the purpose of suspension, this weight shall be adequate having regard to all the circumstances of the case.

(c) The scaffold shall be provided with a suitable guard rail and toe-board, or other efficient means to prevent the fall of persons or articles from the platform.

Trestles or other means of increasing the height of the working platform shall not be used on suspended scaffolds.

When a skip or large basket is used as a suspended scaffold for one man, it shall not be less than 2 feet 6 inches deep, and shall be carried by two strong iron bands properly fastened and continued round sides and bottom, with eyes in the iron to receive the ropes.

27. No working platform resting on wooden bearers let into the wall at one end and without other support shall be used unless the bearers go right through the wall, are securely fastened, and are of sufficient strength.

No figure or bracket scaffold supported or held by dogs or spikes driven into the wall shall be used.

28. Planks supported by ladders, steps, or folding trestles, shall be of adequate width and thickness. Where steps are used, the platform shall not exceed 7 feet in height.

29. Every ladder used as a means of communication shall rise at least 5 feet above the place of landing, shall not stand on loose bricks or other loose packing, but shall have a level and firm footing, and shall be securely fixed so that it cannot move from its top point of rest ; undue sagging shall be prevented. Every ladder which cannot be secured at the top, shall, if over 25 feet in length, have a man stationed at the foot to prevent slipping, or shall be securely fastened at the base. A ladder having a missing or defective rung shall not be used.

No ladder made of sawn timber shall be used unless of adequate strength and the steps securely notched in or housed.

30. Every opening left in a floor of a building or in a working platform for an elevator shaft or stairway, or for the hoisting of material, or for access by workmen, or for any other purpose, shall, until it becomes necessary to remove the fencing in order to complete the permanent enclosure, be provided with a suitable guard rail and toe-board or with other efficient means to prevent the fall of persons or articles into the opening, except where and when access is required for workmen or for the movement of material.

31. Any part of the premises in which any person is habitually employed shall be covered in such a manner as to protect any person who is working in that part from being struck by any falling material or article.

32. The stage for every crane shall be built of sound material, shall be of good mechanical construction having regard to its height and the lifting and reaching capacity of the crane. The crane shall be securely anchored or weighted. The platforms for the driver and signalman shall be of sufficient area, close-planked, securely fenced, and provided with safe means of access.

33. On every stage, gantry or other place on which a crane moves an unobstructed passageway of at least 2 feet in width shall be maintained at every position of the crane between the cab or any other part of the crane and the edge of such stage, gantry or place, and between the cab or any other part of the crane and any steelwork or other material placed near the crane rails.

34. The working gear and anchoring appliances of every crane, crab or winch and other hoisting apparatus shall be kept in good repair and in good working order, and shall, as far as practicable, be examined in position at least once in every week by a competent person. The results of this examination shall be entered forthwith in the *prescribed* register (*a*). Every hoisting rope or chain shall be securely fastened to the barrel of the crane, crab or winch with which it is used.

35. Every crane, crab and winch shall be provided with an efficient brake or brakes and shall have the safe working load plainly marked upon it. If the safe working load of a crane may be varied by the raising or lowering of the jib or otherwise an automatic indicator of the safe working loads, or a table showing the safe working loads, at the corresponding inclinations of the jib shall be attached to the crane.

The lever controlling the link-motion reversing gear of every steam crane shall be provided with a suitable spring-locking arrangement.

Every hoisting machine, and all tackle, or apparatus, and all appliances connected therewith, shall be of good mechanical construction, sound material, and of adequate substance, and shall be properly and securely fixed and of suitable strength.

(*a*) **Register.**—The prescribed register is Official Form No. 91.

No rope shall be used over a pulley block if its diameter exceeds the diameter of the grooves of the block.

36. No crane or gear shall be loaded beyond the safe load. No load shall be left suspended from a crane unless there is a competent person actually in charge whilst the load is so suspended.

37. Every chain used on the premises for hoisting or lowering shall—

(a) have been tested ;

(b) be inspected by the foreman or other responsible person immediately before each occasion on which it is used in hoisting or lowering unless it has been so inspected within the preceding three months ;

(c) if in general use, be annealed once at least in every 14 months unless it has been subjected to such other heat treatment as the Secretary of State may sanction ; and

(d) shall be legibly marked in plain figures and letters with an identifying number or description and with the safe working load of the chain.

The *prescribed* particulars of every such chain shall be entered into or attached to a register (*a*) which shall be kept on the premises or at the head office of the employer of the person or persons using the chain.

This register (*a*) shall at all reasonable times be opened to inspection by an Inspector and the employer shall send to an Inspector such extracts therefrom as the Inspector may from time to time require.

38. Every crane driver shall be properly qualified. No person under 18 years of age shall be employed to give signals to a crane driver.

39. When any hoisting or lowering is performed by means of a crane which is in such a position that the crane driver is unable to see the load in all its positions a look-out man shall be employed to give the necessary signals to the driver.

40. Every signal for hoisting or lowering shall be such as can be readily heard or seen, and shall be distinctive in its meaning to the person who has to act upon it. Where a sound signal is used, the signal shall be made by an efficient gong, whistle or electric apparatus or other efficient means. Every signal wire shall be protected from accidental interference.

41. Every box used for hoisting bricks or other loose material shall be closed in, except on one side. One or more of the sides may be hinged or securely slotted.

42. Every hook used for hoisting or lowering shall either be provided with an efficient spring catch to prevent the displacement of the sling from the hook or shall be of such a shape as to reduce as far as possible the risk of such displacement.

43. No basket depending entirely for support on its handles shall be used for hoisting or lowering.

In hoisting a barrow, the wheel shall not be used as a means

(*a*) See note (*a*) to Reg. 34.

of support unless efficient steps are taken to prevent the axle from slipping through the bearing.

44. All rails on which a travelling crane moves shall be of uniform section, shall be secured by fishplates, and shall be securely fastened to sleepers.

Provided that this Regulation shall not apply to an overhead crane on bridge rails.

45. The flywheel of every engine, all dangerous parts of the machinery, and every part of the mill-gearing shall be securely fenced, or be in such a position or of such construction as to be equally safe to every person employed as they would be if they were securely fenced. Every water-gauge glass on a steam boiler shall be adequately protected by a guard. All electrical apparatus and electrical conductors shall be so installed and protected as to prevent danger to any person employed.

46. When necessary, in all excavations, timber struts, waling planks and boards shall be provided and used; and in works of underpinning, the adjacent walls and ground shall be properly shored and strutted, if necessary.

47. There shall be provided in a readily accessible position or positions a sufficient number of "First Aid" boxes or cupboards. Each such box or cupboard shall contain such materials and equipment as may be *prescribed* (*a*), shall be distinctively marked, and if newly provided after the date on which these Regulations come into force shall be plainly marked with a white cross on a red ground.

48. No ironwork or steelwork on which there is wet paint shall be handled on the premises. Provided that this Regulation shall not apply to the painting of ironwork or steelwork on the premises.

Part II.—Duties of Workmen.

49. Every person employed shall co-operate with the employers in carrying out Part I of these Regulations, and shall report to the employer or foreman any defect he may discover in the plant or appliances.

50. No person employed shall interfere with, take away, or destroy any of the plant or safeguards required by these Regulations without the authority of the employer or his responsible foreman.

51. No person employed shall be lifted or carried by a crane (except on the driver's platform) or ride in a barrow hoist, or in a hod hoist, or adopt other unsafe means of getting about the building, but every such person shall use the gangways, ladders or staircases or other safe means provided for the purpose.

W. Joynson-Hicks,
One of His Majesty's Principal Secretaries of State.

Whitehall,
21st June, 1926.

(*a*) **First Aid Boxes.**—The prescribed standard is set out on Official Form No. 1822. See also Docks Regulations, p. 490.

FOR THE MANUFACTURE, MANIPULATION AND STORAGE OF CELLULOID OR ANY ARTICLE WHOLLY OR PARTLY MADE OF CELLULOID.

(*These Regulations were gazetted November* 29, 1921.)

1921. No. 1825.

[*As to these substances, see, further, the Celluloid and Cinematograph Film Act*, 1922, *post, p.*305, *and the Codes of Regulations for Cinematograph Film Manufacture, p.* 470, *Cinematograph Film Stripping, p.* 476.]

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following regulations and direct that they shall apply (except as otherwise provided) to all factories and workshops or parts thereof in which celluloid or any article wholly or partly made of celluloid is manufactured, manipulated or stored.

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

"*Workroom*" means a room in which any process in the manufacture of celluloid or any manufacturing process involving the use of celluloid is carried on.

"*Manufacture*" of cinematograph film means the production of negative and positive pictures on a celluloid film and the operations incidental thereto, including the cutting and perforating of the film.

"*Darkroom*" means a "*workroom*" from which ordinary light has to be excluded.

Exceptions.

For the purpose of these regulations, celluloid shall not be deemed to include any material not containing nitrated-cellulose.

Nothing in these regulations shall apply to any factory or workshop or part thereof in which celluloid is only used in solution except as follows:—Regulations 5, 6, 8, 9, 12, 14 and 15 shall apply where celluloid in solution is applied to fabrics of a readily inflammable nature.

Where the Chief Inspector of Factories is satisfied that by reason of the small quantity of celluloid in use in a factory or workshop at any one time or for any other reason all or any of the provisions in the regulations are not necessary for the protection of the persons employed, he may by certificate in writing (which he may in his discretion revoke) exempt such factory or workshop from all or any of such provisions subject to such conditions as he may prescribe.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations. It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1.—(i) Stocks of celluloid shall be kept in a suitable place, outside the *workrooms*, plainly marked "Celluloid Store."

Stocks of celluloid exceeding one hundredweight shall only be kept in a chamber constructed of fire-resisting materials, in which no open light or fire shall be allowed and which shall not be used for any purpose other than the storage of celluloid.

Any store not complying with the provisions in the foregoing paragraph shall have a notice "Not to contain more than one hundredweight of celluloid" plainly marked or affixed on the outside of the door; and the occupier shall, if so required by an Inspector of Factories for the purpose of determining the amount of celluloid in any such store, cause the same to be weighed in the presence of the Inspector.

(ii) The store shall not be situated so as to endanger the means of escape from the factory or workshop or from any part thereof in the event of a fire occurring in the store.

(iii) No unauthorised person shall be allowed to have access to the store.

2. The amount of celluloid in a *workroom* at any one time shall be kept as small as is practicable without unduly interfering with the work carried on. In the case of cinematograph film the amount in a *workroom* at any one time shall not exceed the supply immediately required for the work in hand.

3.—(i) Celluloid waste created in the process carried on shall not be allowed to accumulate on the floor of the *workroom*, but shall be collected either automatically as created, or at frequent intervals, in suitable receptacles.

(ii) When work ceases for the day such waste shall be removed from the *workroom* and placed in a substantial receptacle provided with a cover and plainly marked "Celluloid Waste"; provided that para. (ii) shall not apply to a factory or workshop in which cutlery is manufactured if the waste is kept in a strong metal receptacle provided with a tight-fitting cover.

4.—(i) Finished articles made wholly or partly of celluloid shall be removed from the *workroom* without undue delay and kept in a suitable place.

(ii) Cinematograph films except while necessarily exposed for *manufacture* shall be kept outside the *workrooms* in suitable receptacles provided with covers.

5.—(i) Efficient steps shall be taken to prevent celluloid from coming into contact with open lights or fires, or except to the extent that may be necessary for the processes of the industry, remaining near thereto.

(ii) No open lights or fires shall be allowed in a room in which cinematograph film is *manufactured* or repaired.

6. No person shall be allowed to smoke in any room in which celluloid is manufactured, manipulated or stored.

7. When a saw is used for cutting celluloid the cutting edge shall wherever practicable be kept constantly wet.

8.—(i) Sealing wax shall not be used on any parcel or package containing celluloid, unless the articles are packed in tins and the sealing is done in a room in which no manufacturing process involving the use of celluloid is carried on.

(ii) If any package or case containing celluloid requires to be soldered efficient steps shall be taken to prevent the solder from coming into contact with the celluloid.

9. Adequate means for extinguishing fire, having regard to the amount of celluloid present in the room at any one time, shall be kept constantly provided for each *workroom* and storeroom.

10.—(i) Adequate means of escape in case of fire shall be provided (*a*) from each floor of the factory or workshop, and (*b*) in each *workroom* from all parts of the room, and such means of escape shall be kept free from obstruction during working hours.

(ii) The doors of a *workroom* shall, except in the case of sliding doors, be constructed so as to open outwards.

(iii) In each *workroom* other than a "*darkroom*" a notice shall be affixed, in a position where it can be easily read, specifying the means of escape provided for the persons employed in the room.

Persons working in a "*darkroom*" shall be instructed as to the means of escape from such room.

11.—(i) A competent person shall be appointed in writing to exercise supervision with regard to the requirements of these Regulations and to enforce the observance of them and of any directions given by the occupier with a view to carrying out the Regulations.

(ii) A printed copy of these Regulations shall be kept posted up in legible characters in each *workroom* other than a "*darkroom*," and outside each "*darkroom*" in a position where it can be easily read by all persons employed in the room.

Note.—A notice as to fire dangers is Form No. 987.

PART II.

Duties of Persons Employed.

12. No person shall smoke in any room in which celluloid is manufactured, manipulated or stored.

13. No person shall use a saw for cutting celluloid, except in accordance with Regulation 7.

14. No person shall use sealing wax on any parcel or package containing celluloid, except in accordance with Regulation 8.

15. Every person shall observe such directions as may be given to him with a view to carrying out these Regulations.

E. Shortt,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
28th November, 1921.

FOR CHEMICAL WORKS.

(*These Regulations were gazetted July* 14, 1922.)

1922. No. 731.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations and direct that they shall apply to the manufactures and processes incidental thereto carried on in chemical works as hereinafter defined.

Provided that nothing in these Regulations shall apply to (*a*) the manufacture of certain compounds of lead, namely, any carbonate, sulphate, nitrate, or acetate of lead; (*b*) the manufacture of red or orange lead or flaked litharge; (*c*) the manufacture and necessary purification of coal gas, water gas, and producer gas for lighting, heating, and power purposes; (*d*) the processes of textile printing, bleaching, dyeing, mercerising, tanning and brewing; (*e*) the distillation of alcohol, of wood (except where acetic acid is isolated or manufactured), and of shale in the manufacture of crude shale oil; (*f*) processes carried on by way of experiment.

Regulations 2 (*b*) and 12, and, so far as concerns the processes of grinding or crushing caustic by machinery or packing ground caustic, making or packing of bleaching powder, distillation of gas or coal tar or any process in chemical manufacture in which gas or coal tar is used, the refining of crude shale oil and the manipulation of pitch, Regulations 26, 27, and 28 shall not come into force till 1st April, 1923, or such later date or dates as the Secretary of State may appoint, but save as aforesaid, all the Regulations shall take effect on 1st October, 1922. From that date the Regulations dated 30th December, 1908, for the manufacture of nitro and amido derivatives of benzene, and the Regulations dated 9th August, 1913, for the manufacture of chromate and bichromate of potassium or sodium shall be revoked.

These Regulations may be cited as the Chemical Works Regulations, 1922.

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

In these Regulations :—

Chemical works means any works or such parts of any works as are named in the Schedule of this Order.

Bleaching powder means the bleaching powder commonly called chloride of lime.

Chlorate means chlorate or perchlorate.

Caustic means hydroxide of potassium or sodium.

Caustic pot means a metal pot fixed over a furnace or flue and surrounded by brickwork, such as is commonly used for concentrating caustic liquor, whether such pot be used for concentrating or boiling caustic or other liquor.

Chrome process means the manufacture of chromate or bichromate of potassium or sodium, or the manipulation,

movement or other treatment of these substances in connection with their manufacture.

Nitro or amido process means the manufacture of nitro or amido derivatives of phenol and of benzene or its homologues, and the making of explosives with the use of any of these substances.

Breathing apparatus means (1) a helmet or face-piece with necessary connections by means of which a person using it in a poisonous, asphyxiating, or irritant atmosphere breathes ordinary air, or (2) any other suitable apparatus approved in writing by the Chief Inspector of Factories.

Life-belt means a belt made of leather or other suitable material which can be securely fastened round the body, with a suitable length of rope attached to it, each of which is sufficiently strong to sustain the weight of a man.

Efficient exhaust draught means localised ventilation effected by mechanical or other means for the removal of gas, vapour, fume, or dust, which prevents it from escaping into the air of any place in which work is carried on.*

Surgeon means the Certifying Factory Surgeon of the District, or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

Suspension means suspension by written certificate in the Health Register, signed by the *Surgeon*, from employment in any process mentioned in the certificate.

Exceptions.

Where it is proved to the satisfaction of the Chief Inspector of Factories that by reason of exceptional circumstances in any works subject to these Regulations, or by reason of the infrequency of the process, or for other reasons, all or any of the requirements of the Regulations are not necessary for the protection of persons employed in such works, he may by certificate in writing (which he may in his discretion revoke) exempt such works from all or any of the provisions of the same, subject to such conditions as he may by such certificate prescribe.

Duties.

It shall be the duty of the occupier to comply with these Regulations, and it shall be the duty of all agents, foremen, and persons employed to conduct their work in accordance with these Regulations.

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* Care must be taken that the means provided do not cause a contravention of the provisions of the Alkali, &c., Works Regulation Act, 1906 (6 Edw. 7, c. 14).

PART I.

APPLYING TO ALL CHEMICAL WORKS.

1. With regard to every fixed vessel, whether pot, pan, vat, or other structure, containing any dangerous material, and not so covered as to eliminate all reasonable risk of accidental immersion of any portion of the body of a person employed :—

(*a*) Each such vessel shall, unless its edge is at least 3 feet above the adjoining ground or platform, be securely fenced to a height of at least 3 feet above such adjoining ground or platform.

(*b*) No plank or gangway shall be placed across or inside any such vessel unless such plank or gangway is—

(i) at least 18 inches wide ; and

(ii) securely fenced on both sides ; either by upper and lower rails, to a height of 3 feet, or by other equally efficient means.

(*c*) Where such vessels adjoin, and the space between them, clear of any surrounding brick or other work, is either

(i) less than 18 inches in width, or

(ii) is 18 or more inches in width, but is not securely fenced on both sides to a height of at least 3 feet, secure barriers shall be so placed as to prevent passage between them.

Provided that paragraph (*a*) of this Regulation shall not apply to that part of the sides of brine evaporating pans at which raking, drawing or filling is carried on, or to saturators used in the manufacture of sulphate of ammonia.

2. The following processes shall not be carried on except under an *efficient exhaust draught* :—

(*a*) drawing a charge from a salt cake furnace ;

(*b*) slaking of lime for use in a chemical process except when it is carried on in the open air or by means of an enclosed mechanical or other appliance so constructed as to prevent the escape of steam or dust into the air of any place in which any person is employed ;

(*c*) any process involving action of acid or alkali on metal whereby there is a liability to the evolution of arseniuretted hydrogen.

3. All mills and screens for grinding and screening anhydrous lime, and all mechanical conveyors used in connection therewith, shall be so enclosed as to prevent the escape of dust.

4.—(*a*) All places in which persons are employed and all means of access thereto shall be efficiently lighted by day and by night.

(*b*) No electric arc lamp, or naked light, fixed or portable, shall be used, and no person shall have in his possession any lucifer match or any apparatus of any kind for producing a naked light or spark in, on, or about any part of the works where there is a liability to explosion from inflammable gas, vapour or dust, and all

incandescent electric lights in such parts shall be in double air-tight glass covers.

(*c*) Stoves shall not be used for the artificial heating of places in which there is danger of ignition of gas, vapour, or dust; if steam pipes or radiators are used for this purpose they shall be placed so that there is a space of not less than two inches between them and the wall, and shall be protected by a wire screen.

(*d*) A prominent notice, legible by day and by night, prohibiting smoking or the use of naked lights, and the carrying of matches, or any apparatus for producing a naked light or spark, shall be affixed at the entrance of every room or place in which there is liability to explosion from inflammable gas, vapour, or dust.

5. Every still and every closed vessel in which gas is evolved or into which gas is passed, and in which the pressure is liable to rise to a dangerous degree, shall have attached to it, and maintained in proper condition, a proper safety valve or other equally efficient means to relieve the pressure.

Nothing in this Regulation shall apply to metal bottles or cylinders used for the transport of compressed gases.

6. There shall be provided in every works where dangerous gas or fume is liable to escape a sufficient supply of :—

(*a*) *Breathing apparatus.*

(*b*) Oxygen and suitable means for its administration.

(*c*) *Life-belts.*

The *breathing apparatus* and other appliances required by this Regulation shall be maintained in good order and kept in an ambulance room or in some other place approved in writing by the District Inspector of Factories, which shall be conveniently situated. In every such room or place and wherever required in writing by the District Inspector of Factories there shall be affixed the official cautionary notice regarding gassing and burns.

Such apparatus and appliances shall be inspected once every month by a competent person, conversant with their use, appointed by the occupier, and a record of their condition shall be entered in a book provided for that purpose, which shall be produced when required by an Inspector.

7. Before any person enters, for any purpose except that of rescue, any absorber, boiler, culvert, drain, flue, gas purifier, sewer, still, tank, tower, vitriol chamber, or other place where there is reason to apprehend the presence of dangerous gas or fume, a responsible person appointed by the occupier for the purpose shall personally examine such place and shall certify in writing in a book to be kept for the purpose either that such place is isolated and sealed from every source of such gas or fume and is free from danger, or that it is not so isolated and sealed and free from danger. No person shall enter any such place which is certified not to be so isolated and sealed and free from danger unless he is wearing a *breathing apparatus*, and (where there are no cross-stays or obstructions likely to cause entanglement) a *life-belt*, the free end of the rope attached to which shall be left with a man outside, whose sole duty shall be to keep watch and to draw out the wearer if he

appears to be affected by gas or fume. The belt and rope shall be so adjusted and worn that the wearer can be drawn up head foremost through any manhole or opening.

8. No person shall enter any place mentioned in Regulation 7 for the purpose of rescue unless he is wearing a *breathing apparatus* and a *life-belt* in the manner specified in that Regulation.

9. A sufficient supply of non-metallic spades, scrapers and pails shall be provided for the use of persons employed in cleaning out or removing the residues from any chamber, still, tank, or other vessel which has contained sulphuric or hydrochloric acid or other substance which may cause evolution of arseniuretted hydrogen.

10. In all places where strong acids or dangerous corrosive liquids are used—

(*a*) there shall be provided, for use in case of emergency :—

(i) Adequate and readily accessible means of drenching with cold water persons, and the clothing of persons, who have become splashed with such liquid ;

(ii) A sufficient number of eye-wash bottles, filled with distilled water or other suitable liquid, kept in boxes or cupboards conveniently situated and clearly indicated by a distinctive sign which shall be visible at all times.

(*b*) Except where the manipulation of such acids and liquids is so carried on as to prevent risk of personal injury from splashing or otherwise, there shall be provided for those who have to manipulate such acids or liquids, sufficient and suitable goggles and gloves or other suitable protection for the eyes and hands. If gloves are provided they shall be collected, examined and cleaned at the close of the day's work and shall be repaired or renewed when necessary.

(*c*) There shall be kept affixed the official (*a*) cautionary notice regarding gassing and burns.

11. There shall be provided in readily accessible positions a sufficient number of " First Aid " boxes or cupboards.

Each " First Aid " box or cupboard shall be distinctively marked, and if newly provided after the date of these Regulations shall be marked plainly with a white cross on a red ground, and shall contain, besides any other medical appliances or requisites :—

(i) A supply of suitable sterilised dressings for fingers, hands, feet, or other injured parts.
(ii) A supply of sterilised cotton-wool.
(iii) A supply of sterilised burn dressings (large and small).
(iv) Plaster—waterproofed on the outside.
(v) Ointment, a 2 per cent. alcoholic solution of iodine and a bottle of sal volatile.
(vi) A copy of the First Aid leaflet issued by the Factory Department of the Home Office.

Nothing except appliances or requisites for First Aid shall be kept in a " First Aid " box or cupboard.

(*a*) **Notice, Gassing and Burns.**—Official Form No. 395.

Each "First Aid" box shall be kept stocked and in good order, and shall be placed in the charge of a responsible person, who shall always be readily available during working hours.

A notice or notices shall be affixed in every workplace stating the name of the person in charge of the "First Aid" box or cupboard provided in respect of that place.

12. There shall be provided and maintained in good order in every works in which the total number of persons employed in the processes to which these Regulations apply at any one time is 250 or more, an Ambulance room.

The Ambulance room shall be a separate room used only for the purpose of treatment and rest. It shall have a floor space of not less than 100 square feet and smooth, hard and impervious walls and floor, and shall be provided with ample means of natural and artificial lighting. It shall contain at least :—

(i) A glazed sink with hot and cold water always available.
(ii) A table with a smooth top.
(iii) Means for sterilising instruments.
(iv) A supply of suitable dressings, bandages and splints.
(v) A couch.
(vi) A stretcher.

Where persons of both sexes are employed, arrangements shall be made at the Ambulance room for their separate treatment.

The Ambulance room shall be placed under the charge of a qualified nurse, or other person trained in First Aid, who shall always be readily available during working hours and shall keep a record of all cases of accidents or sickness treated in the room.

13. At every works there shall be provided and maintained in good condition a suitably constructed ambulance carriage, for the purpose of the removal of serious cases of accident or sickness, unless arrangements have been made for obtaining such a carriage when required from a hospital or other place in telephonic communication with the works.

14. Arrangements shall be made to the satisfaction of the Chief Inspector of Factories for the effective training and practising of a sufficient number of persons in the use of the appliances required by Regulation 6 and in administering First Aid.

15. There shall be provided for all female persons employed whose work is done standing, facilities for sitting, so as to enable them to take advantage of any opportunities for resting which may occur in the course of their employment.

16. There shall be provided and maintained at suitable points, conveniently accessible at all times to all persons employed :—

(*a*) An adequate supply of wholesome drinking water from a public main or from some other source of supply approved in writing by the local authority of the district in which the factory is situated, which shall be either laid on, or contained in a suitable vessel ;

(*b*) (except where the water is delivered in an upward jet from which the workers can conveniently drink) at least one

suitable cup or drinking vessel at each point of supply, with facilities for rinsing it in drinking water.

Each drinking water supply shall be clearly marked "Drinking Water."

All practicable steps shall be taken to preserve the water and vessels from contamination.

17.—(1) Every person employed shall—

(*a*) report to his foreman any defect in any fencing, *breathing apparatus*, appliance or other requisite provided in pursuance of these Regulations, as soon as he becomes aware of such defect;

(*b*) use the articles, appliances or accommodation required by these Regulations for the purpose for which they are provided;

(*c*) wear the *breathing apparatus* and *life-belt* where required under Regulations 7 and 8.

(2) No person shall—

(*a*) remove any fencing provided in pursuance of Regulation 1 unless duly authorised; or

(*b*) stand on the edge or on the side of any vessel to which Regulation 1 applies;

(*c*) pass or attempt to pass any barrier erected in pursuance of Regulation 1 (*c*);

(*d*) place across or inside any vessel to which Regulation 1 applies any plank or gangway which does not comply with Regulation 1 (*b*), or make use of any such plank gangway while in such position;

(*e*) take a naked light or any lamp or matches or any apparatus for producing a naked light or spark into, or smoke in, any part of the works where there is liability to explosion from inflammable gas, vapour or dust;

(*f*) use a metal spade, scraper or pail when cleaning out or removing the residues from any chamber, still, tank, or other vessel which has contained sulphuric acid or hydrochloric acid or other substance which may cause evolution of arseniuretted hydrogen;

(*g*) remove from a First Aid box or cupboard or from the Ambulance room any First Aid appliance or dressing except for the treatment of injuries in the works.

PART II.

APPLYING TO WORKS OR PARTS THEREOF IN WHICH—

I. *Caustic pots* are used; or

II. *Chlorate* or *bleaching powder* is manufactured; or

III.—(*a*) Gas tar or coal tar is distilled or is used in any process of chemical manufacture; or

(*b*) A *nitro or amido process* is carried on; or

(*c*) A *chrome process* is carried on; or

IV. Crude shale oil is refined or processes incidental thereto are carried on; or

V. Nitric acid is used in the manufacture of nitro compounds.

18. Every *caustic pot* shall be of such construction that there shall be no foothold on the top or sides of the brickwork or flues ; and the edge of every such pot constructed, rebuilt or replaced after these Regulations come into force shall be at least 3 feet in height above the adjoining ground or platform.

19. Before any person enters a gas tar or coal tar still for any purpose except that of rescue, it shall be completely isolated from adjoining tar stills, either by disconnecting—

(*a*) the pipe leading from the swan neck to the condenser worm, or

(*b*) the waste gas pipe fixed to the worm end or receiver ; and in addition, blank flanges shall be inserted between the disconnected parts, and the pitch discharge pipe or cock at the bottom of the still shall be disconnected.

20. No person shall enter a chamber for the purpose of withdrawing the charge of *bleaching powder* unless and until

(i) The chamber is efficiently ventilated, and

(ii) The air in the chamber has been tested and found to contain not more than 2·5 grains of free chlorine gas per cubic foot.

A register containing details of all such tests shall be kept in a form approved by the Chief Inspector of Factories.

21. In a *nitro or amido process* :—

(*a*) If crystallised substances are broken or any liquor agitated by hand, means shall be taken to prevent, as far as practicable, the escape of dust or fume into the air of any place in which any person is employed. The handles of all implements used in the operations shall be cleansed daily.

(*b*) Cartridges shall not be filled by hand except by means of a suitable scoop.

(*c*) Every drying stove shall be efficiently ventilated to the outside air in such a manner that hot air from the stove shall not be drawn into any workroom.

(*d*) No person shall enter a stove to remove the contents until a free current of air has been passed through it.

(*e*) Every vessel containing nitro or amido derivatives of phenol or of benzene or its homologues shall, if steam is passed into or around it, or if the temperature of the contents be at or above the temperature of boiling water, be covered in such a way that steam or vapour shall be discharged into the open air at a height of not less than 25 feet from the ground or the working platform, and at a point where it cannot be blown back again into the workroom.

(*f*) In every room in which dust is generated or fume is evolved an *efficient exhaust draught* shall be provided.

22.—(*a*) Every machine used for grinding or crushing *caustic* shall be enclosed, and

(*b*) Where any of the following processes are carried on :—

(i) Grinding or crushing of *caustic ;*

(ii) Packing of ground *caustic ;*

(iii) Grinding, sieving, evaporating or packing in a *chrome process ;*

(iv) Crushing, grinding or mixing of material or cartridge filling in a *nitro or amido process ;*

an *efficient exhaust draught* shall be provided.

23.—(*a*) *Chlorate* shall not be crystallised, ground or packed except in a room or place not used for any other purpose, the floor of which room or place shall be of cement or other smooth, impervious and incombustible material, and shall be thoroughly cleansed daily.

(*b*) Wooden vessels shall not be used for the crystallisation of *chlorate*, or to contain crystallised or ground *chlorate ;* provided that this Regulation shall not prohibit the packing of *chlorate* for sale into wooden casks or other wooden vessels.

24. No person under 18 years of age shall be employed in a *chrome process* or in a *nitro or amido process.*

25.—(*a*) There shall be provided and maintained for the use of all persons employed in :—

(i) A *nitro or amido process*, sufficient and suitable overalls or suits of working clothes and sufficient and suitable protective footwear ; *

(ii) grinding raw materials in a *chrome process*, sufficient and suitable overall suits ;

(iii) the crystal department and in packing in a *chrome process*, sufficient and suitable protective coverings ;

(iv) packing in a *chrome process*, sufficient and suitable respirators ;

(v) any room or place in which *chlorate* is crystallised, ground or packed, clothing of woollen material and boots or overshoes, the soles of which shall have no metal on them ;

(vi) any room or place in which *caustic* is ground or crushed by machinery, sufficient and suitable goggles and gloves, or other suitable protection for the eyes and hands ;

(vii) *bleaching powder* chambers, or in packing charges drawn from such chambers, a supply of flannel or other suitable respirators.

(b) (i) The overalls or suits of working clothes required to be provided by (*a*) (i) and (ii) of this Regulation shall be washed, cleansed or renewed at least once every week ;

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* In those places to which the Explosives Act, 1875 (38 & 39 Vict. c. 17) applies, the provision made must conform to the requirements of that Act.

(ii) the filtering material of the respirators required to be provided by (*a*) (iv) of this Regulation shall be washed or renewed daily ;

(iii) the woollen clothing required to be provided by (*a*) (v) of this Regulation shall not be removed from the works for any purpose, but shall be washed daily after use and thoroughly dried before being worn again ; all such clothing when worn out shall be destroyed ;

(iv) if gloves are provided to comply with (*a*) (vi) of this Regulation, they shall be collected, examined and cleaned at the close of the day's work, and shall be repaired or renewed when necessary.

26. There shall be provided and maintained for the use of all persons for whom overalls or suits of working clothes are required to be provided under Regulation 25 (*a*) :—

(*a*) A suitable cloakroom for clothing put off during working hours, with adequate arrangements for drying the clothing if wet ; and

(*b*) a suitable place, or places, separate from the cloakroom and from the meal room provided in pursuance of Regulation 27, for the storage of overalls or working suits.

The accommodation so provided shall be placed under the charge of a responsible person, and shall be kept clean.

27. There shall be provided and maintained for the use of all persons remaining on the premises during the meal intervals, who are employed in (*a*) any *nitro or amido process*, (*b*) any *chrome process*, (*c*) grinding or crushing *caustic* by machinery or packing of ground *caustic*, (*d*) making or packing of *bleaching powder*, including the drawing of the charges from the chambers, (*e*) crystallising, grinding or packing of *chlorate*, (*f*) distilling gas tar or coal tar (other than blast furnace tar), or in any process of chemical manufacture in which gas or coal tar (other than blast furnace tar) is used, or (*g*) refining of crude shale oil, suitable and adequate mess-room or canteen accommodation, which shall be furnished with—

(i) sufficient tables and chairs or benches with back rests ;

(ii) adequate means for cooking or warming food and for boiling water ; and

(iii) arrangements for washing crockery and utensils

The mess-room shall be sufficiently warmed for use during meal intervals, be placed under the charge of a responsible person and be kept clean and well ventilated.

28. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in (*a*) any *nitro or amido process ;* (*b*) any *chrome process ;* (*c*) grinding or crushing *caustic* by machinery or packing of ground *caustic ;* (*d*) making or packing of *bleaching powder*, including the drawing of the charges from the chambers ; (*e*) crystallising, grinding or packing of *chlorate ;* (*f*) distilling gas tar or coal tar (other than blast furnace tar), or in any process of chemical manufacture in which gas or coal tar (other than blast furnace tar) is used ; (*g*) the manipulation of

pitch (other than blast furnace pitch) ; or (*h*) refining of crude shale oil :—

A lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

(*a*) a trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least two feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or

(*b*) at least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons employed.

29. There shall be provided for the use of all persons employed in (*a*) a *nitro or amido process*, (*b*) the crystal department and the packing room in a *chrome process*, (*c*) the process of distilling gas or coal tar (other than blast furnace tar) and any process of chemical manufacture in which such tar is used and (*d*) refining of crude shale oil :—

Sufficient and suitable bath accommodation (douche or other), with hot and cold water laid on and a sufficient supply of soap and towels.

A bath register shall be kept containing a list of all persons employed in the above processes and an entry of the date when each person takes a bath.

30. In a *chrome process* and in a *nitro or amido process* :—

(*a*) A Health Register (*a*), containing the names of all persons employed, shall be kept in a form approved by the Chief Inspector of Factories.

(*b*) No person shall be newly employed for more than fourteen days without a certificate of fitness granted after examination by the *Surgeon* by signed entry in the Health Register.

(*c*) Every person employed shall be examined by the *Surgeon* once in each calendar month (or at such other intervals as may be prescribed in writing by the Chief Inspector of Factories) on a date or dates of which due notice shall be given to all concerned.

(*d*) Every person employed shall present himself at the appointed time for examination by the *Surgeon* as provided in (*b*) and (*c*) of this Regulation.

(*e*) The *Surgeon* shall have power of *suspension* as regards all persons employed, and no person after *suspension* shall

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(*a*) The Register is Official Form No. 605.

be employed without written sanction from the *Surgeon* entered in the Health Register.

No person shall introduce, keep, prepare or partake of any food, drink, or tobacco in any room or place in which a *nitro or amido process* is carried on, or in the crystal department of a *chrome process.*

31. Every person employed—

(*a*) in a process to which Regulation 25 (*a*) applies shall wear the protective clothing, footwear, respirators, goggles or gloves provided under Regulation 25 (*a*) and shall deposit overalls or suits of working clothing so provided, as well as clothing put off during working hours, in the places provided under Regulations 26 (*a*) and (*b*) ;

(*b*) in processes to which Regulation 28 applies shall carefully wash the hands and face before partaking of any food or leaving the premises ;

(*c*) in any processes to which Part II. of these Regulations apply shall use the protective appliances supplied in respect of any process in which he is engaged.

Edward Shortt,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
11th July, 1922.

Schedule.

Chemical works means any works or that part of a works in which :—

1. The manufacture or recovery of any of the following is carried on :—
   (*a*) Carbonates, chromates, chlorates, oxides or hydroxides of potassium, sodium, iron, aluminium, cobalt, nickel, arsenic, antimony, zinc or magnesium.
   (*b*) Ammonia and the hydroxide and salts of ammonium.
   (*c*) Sulphurous, sulphuric, nitric, hydrochloric, hydrofluoric, hydriodic, hydrosulphuric, boric, phosphoric, arsenious, arsenic, lactic, acetic, oxalic, tartaric or citric acids and their metallic or organic salts, and
   (*d*) Cyanogen compounds.
2. A wet process is carried on—
   (*a*) For the extraction of metal from ore or from any by-product or residual material ; or
   (*b*) In which electrical energy is used in any process of chemical manufacture.
3. Alkali waste or the drainage therefrom is subjected to any chemical process for the recovery of sulphur, or for the utilisation of any constituent of such waste or drainage.
4. Carbon bisulphide is made or hydrogen sulphide is evolved by the decomposition of metallic sulphides, or hydrogen sulphide is used in the production of such sulphides.

5. Bleaching powder is manufactured or chlorine gas is made or is used in any process of chemical manufacture.

6.—(*a*) Gas tar or coal tar or any compound product or residue of such tars is distilled or is used in any process of chemical manufacture.

(*b*) Synthetic colouring matters or their intermediates are made.

7. The refining of crude shale oil or processes incidental thereto are carried on.

8. Nitric acid is used in the manufacture of nitro compounds.

9. Explosives are made with the use of nitro compounds.

THE MANUFACTURE OF CINEMATOGRAPH FILM REGULATIONS, 1928, DATED FEBRUARY 8, 1928, MADE BY THE SECRETARY OF STATE UNDER SECTION 79 OF THE FACTORY AND WORKSHOP ACT, 1901 (1 EDW. 7, c. 22).

1928. No. 82.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations and direct that they shall apply to all factories and workshops or parts thereof in which cinematograph film (as defined below) is manufactured, repaired, manipulated, used or stored.

These Regulations, which may be cited as the Manufacture of Cinematograph Film Regulations, 1928, shall come into force on the 1st March, 1928, from which date so much of the Regulations dated 28th November, 1921, for the manufacture, manipulation and storage of celluloid or any article wholly or partly made of celluloid, as relates to the manufacture, repair, manipulation, use or storage of such cinematograph film, shall be revoked.

*Definitions.**

"*Cinematograph film*" means any film, including uncoated raw base, containing nitro-cellulose or other nitrated product which is intended for use in a cinematograph or other similar apparatus.

"*Manufacture of cinematograph film*" includes the production of negative and positive pictures on the film and also the operations incidental thereto, including the cutting and perforating and the projection of the pictures upon a screen for the purpose of examination.

"*Darkroom*" means a room from which ordinary light has to be excluded.

"*Fire-resisting material*" means—

(a) properly constructed brickwork not less than four and one-half inches in thickness; or

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* Terms to which defined meanings are given are printed throughout in italics.

(b) concrete not less than three inches in thickness ; or
(c) efficiently jointed breeze slabbing not less than three inches in thickness ; or
(d) oak or teak not less than two inches in thickness ; or
(e) glass not less than one quarter of an inch in thickness in the centre of which wire mesh is embedded ; or
(f) other *approved* material.

"*Storeroom*" means a room or chamber or similar enclosure in which *cinematograph film* is kept or stored, other than a room in which a quantity not exceeding twenty reels or eighty pounds in weight, whichever is the greater, is kept in accordance with the exception to No. 2 of these Regulations.

"*Approved*" means approved in writing by the Chief Inspector of Factories.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations. It shall be the duty of all persons employed to observe Part II. of these Regulations.

Exception.

Where the Chief Inspector of Factories is satisfied that, by reason of the small quantity of *cinematograph film* manufactured, repaired, manipulated, used or stored in a factory or workshop or for any other reason, all or any of the provisions in these Regulations are not necessary for the protection of the persons employed, he may by certificate in writing (which he may in his discretion revoke) exempt such factory or workshop from all or any of such provisions, subject to such conditions as he may prescribe.

PART I.

Duties of Occupiers.

1. Each reel of *cinematograph film* shall, except when required to be exposed for the purposes of the work carried on, be kept in a separate box, properly closed and constructed of metal or of other *approved* material.

2. All *cinematograph film* not being actually used, or manipulated, or in the course of manufacture or repair, shall be kept in a room or chamber or similar enclosure satisfying the requirements of these Regulations with regard to *storerooms*, except that a quantity not exceeding twenty reels or eighty pounds in weight, whichever is the greater, may be kept in any room provided it is contained in a properly closed receptacle constructed of metal or of other *approved* material.

3.—(a) All waste and scrap *cinematograph film* shall be collected at frequent intervals during each day and be placed in a strong metal receptacle fitted with self-closing lid, and clearly marked with the words "Film waste."

(b) No material liable to ignite spontaneously nor anything likely to ignite or decompose *cinematograph film* shall be placed in the receptacle.

(c) At the end of each day's work the waste and scrap shall be either transferred to a *storeroom* or removed from the premises.

4. *Cinematograph film* shall not be manufactured, repaired, manipulated or used in any room unless :—

(a) the top of the room is constructed of *fire resisting material :* provided that this requirement shall not apply to any room on the top floor of a building nor to any room of a single-storey building ;

(b) the room is separated from any other room or passage by walls and floor constructed of *fire-resisting material ;*

(c) all the doors of the room are constructed of *fire-resisting material* and are self-closing ;

(d) the fittings are, as far as practicable, constructed of *fire-resisting material ;*

(e) the furniture and apparatus are so arranged as to afford unimpeded egress for every person in the room in the event of fire ; and

(f) the room is adequately equipped with fire-extinguishing appliances.

5.—(a) Adequate means of escape in case of fire shall be provided for every building and for every room in which *cinematograph film* is manufactured, repaired, manipulated or used, and the means of escape shall not be deemed adequate unless :—

(i) at least two separate safe exits are provided from every such room and two safe ways of escape from the building are available for all persons employed in the factory or workshop ; and

(ii) all doors and windows provided in connection with the means of escape are so arranged as to open outward readily.

Provided that the foregoing provisions shall not apply where the factory or workshop forms part of a building from all parts of which means of escape can be required under the London Building Acts (Amendment) Act, 1905, or the London County Council (Celluloid &c.) Act, 1915.

(b) Intercommunicating fire alarm signals shall be arranged for every room.

(c) A notice shall be affixed in every room other than a *dark-room* and immediately outside each *darkroom* and in such other parts of the building as may be named in writing by the District Inspector of Factories, clearly specifying the means of escape provided for the persons employed therein.

6. All hatchways, lifts or similar openings between any rooms, or between any rooms and other parts of the premises, shall be so fitted, constructed and arranged that fire or products of combustion or decomposition of *cinematograph film* will not be likely to pass.

7.—(a) Every *storeroom* shall be either—

(i) a single-storey building in an *approved* situation ; or

(ii) situated on the roof or top floor of a building ; or

(iii) situated in some other *approved* position ; or

(iv) fitted with an efficient automatic water-sprinkling system.

(b) Every *storeroom* constructed or adapted for use as a *storeroom* on or after the 1st March, 1928, shall comply with part (i), (ii) or (iii) of paragraph (a) of this Regulation and shall, in addition, comply with part (iv).

8.—(a) In every *storeroom* situated in accordance with Regulation 7 (a) (i) or 7 (a) (ii) and in any other *storeroom* if so required by notice in writing from the Chief Inspector of Factories, there shall be a part of a wall or a part of the roof constructed of ordinary sheet glass lightly fixed in position, so as to provide a gas relief space in the event of an explosion or fire occurring within the *storeroom*. The area of the gas relief space shall not be less than 70 square inches and not more than 90 square inches for every 500 pounds of *cinematograph film* that may be stored in the *storeroom*.

(b) The gas relief space shall be protected against external breakage by a strong wire mesh guard fitted on the outside of the glass.

(c) The position of the gas relief space shall be such that an outburst of flame through the space would not be likely to endanger the safety of the building or other premises.

9.—(a) Every *storeroom* shall be—

(i) constructed entirely of *fire-resisting material* except as regards the gas relief space ;

(ii) fitted with a self-closing door or doors which shall be, as far as practicable, kept locked, except when any person is in the *storeroom*.

(iii) clearly marked with the words " Film Store " ; and

(iv) provided with adequate ventilation.

(b) No *storeroom* shall—

(i) be used for any purpose other than the storage or keeping of *cinematograph film* or film waste ; or

(ii) contain more than one ton or five hundred and sixty reels of *cinematograph film*, whichever is the greater.

10.—(a) No open fire or light, nor any smoking materials or matches, nor anything likely to ignite or decompose *cinematograph film*, shall be allowed in any *storeroom* or in any room in which *cinematograph film* is manufactured, repaired, manipulated or used.

(b) Suitable arrangements shall be provided for the temporary reception outside such rooms of smoking materials, matches and similar articles.

11. Soldering of cases or packages containing *cinematograph film* shall not be done except in a suitable place reserved for that purpose, and all due precautions shall be taken effectively to prevent the heat generated during the process from affecting the *cinematograph film*.

12. In any *storeroom*, or in any room in which *cinematograph film* is manufactured, repaired, manipulated or used, the following provisions shall apply :

Provided that nothing in this Regulation shall be deemed to relieve the occupier of any obligation imposed by the Regulations dated 23rd December, 1908, for the generation, transformation, distribution and use of electrical energy.

(i) There shall be no electric supply fuses or other main service apparatus.

(ii) No generating plant, switchboard, transformer, motor-generator, converter, fuseboard, fuse, portable resistance, portable radiator or portable heater, shall be placed therein ; excepting fuses for individual circuits if of cartridge type and enclosed in a metal box having the door interlocked with a switch to break circuit on each pole and connected on the live side so that the door can be open only when the switch is "off" and the fuses are dead.

(iii) All bare conductors such as terminals and commutators of motors shall be effectively guarded with wire mesh or other suitable protection. All electric wiring shall be protected throughout by screwed metal conduit except where slack wiring or flexible conductors are unavoidable.

(iv) Unavoidable slack wiring shall be as short as possible and protected where necessary against damage or injury to the insulation. Flexible conductors shall be heavily insulated and either protected by tough rubber sheathing or enclosed in flexible metallic tubing, and proper mechanical fixing of the metallic tubing or rubber sheathing shall be provided at the point of entry into the fitting.

(v) All lighting fittings, including those for examination of *cinematograph film* on the benches and portable lamps, shall be of substantial construction and shall provide for the effective enclosure of the lamp and lamp holder and for the secure attachment of the conductors thereto.

(vi) The covers of switches, including motor starters and regulators, shall be so constructed that the switch handle does not work through an open aperture. Tumbler type switches and connector sockets shall be mounted on metal bases, or on hard wood blocks, or on compressed fibre, affording adequate protection of the back connections. All switches for lights in *storerooms* shall be outside the *storerooms*.

(vii) Lamp holder adaptors shall not be used as connectors. Every connector socket shall be protected by an enclosed switch to break circuit on each pole, and if installed after the 29th February, 1928, shall be so interlocked with the switch that the plug cannot be inserted or

withdrawn whilst the switch is "on"; and no plug connector shall be so connected that the movable portion can remain live after withdrawal.

(viii) Resistances, including the heating elements of electric heaters and radiators, shall be so guarded or enclosed as to prevent ignition or decomposition of *cinematograph film*. Such apparatus shall be so constructed that no external part of the enclosure or guard shall at any time exceed a temperature of 212° F. The top of the enclosure or guard shall be sloped at an angle of not less than 45°.

(ix) All metal work liable to become accidentally electrically charged shall be efficiently earthed.

(x) Electrical make-and-break contacts on *cinematograph film* printing machines shall be so enclosed or arranged as to render it impossible for them to cause ignition or decomposition of the *cinematograph film*.

13. A competent person shall be appointed in writing to exercise supervision with regard to the requirements of these Regulations and to enforce the observance of them and of any directions given to him in writing by the occupier with a view to carrying out the Regulations.

14. A printed copy of these Regulations shall be kept posted up in each room other than a *darkroom* and immediately outside each *darkroom* in a position where it can be easily read by all persons employed in the room.

PART II.

Duties of persons employed.

15. No person shall take any open light or flame, or any smoking materials or matches, or anything likely to ignite or decompose *cinematograph film* into any *storeroom* or into any room in which *cinematograph film* is manufactured, repaired, manipulated or used.

16. Every person shall observe such directions as may be given to him with a view to carrying out these Regulations.

W. Joynson-Hicks,
One of His Majesty's Principal Secretaries of State.

Whitehall,
8th February, 1928.

THE CINEMATOGRAPH FILM STRIPPING REGULATIONS, 1928, DATED FEBRUARY 11, 1928, MADE BY THE SECRETARY OF STATE UNDER SECTION 79 OF THE FACTORY AND WORKSHOP ACT, 1901 (1 EDW. 7, C. 22).

1928. No. 84.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations and direct that they shall apply to all factories and workshops or parts thereof in which stripping or drying of cinematograph film (as defined below) is done.

These Regulations, which may be cited as the Cinematograph Film Stripping Regulations, 1928, shall come into force on the 1st March, 1928, from which date the Regulations dated 28th November, 1921, for the manufacture, manipulation, and storage of celluloid or any article wholly or partly made of celluloid, shall cease to apply to the processes of *stripping* and *drying of cinematograph film.*

Provided in the case of any existing factory or workshop the Secretary of State may as regards any requirement of these Regulations which would involve substantial alterations or additions to the premises, allow the occupier such time as the Secretary of State may consider reasonable for compliance with the requirement, and subject to such conditions for securing safety as he may deem necessary.

*Definitions.**

"*Cinematograph film*" means any film containing nitro-cellulose or other nitrated product which was intended for use or has been used in a cinematograph or other similar apparatus.

"*Stripping of cinematograph film*" means the removal of emulsion from *cinematograph film* and includes all unpacking, sorting, unwinding, winding, decolouring, washing and packing of *cinematograph film* incidental thereto.

"*Drying of cinematograph film*" means the drying of *cinematograph film* from which the emulsion has been removed.

"*Fire-resisting material*" means—

(a) properly constructed brickwork not less than four and one-half inches in thickness ; or
(b) concrete not less than three inches in thickness ; or
(c) efficiently jointed breeze slabbing not less than three inches in thickness ; or
(d) oak or teak not less than two inches in thickness ; or
(e) glass not less than one-quarter of an inch in thickness in the centre of which wire mesh is embedded ; or
(f) other *approved* material.

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* Terms to which defined meanings are given are printed throughout in italics.

"*Storeroom*" means a room or chamber or similar enclosure in which *cinematograph film* is kept or stored, and which satisfies the requirements hereinafter laid down in regard to storerooms.

"*Approved*" means approved in writing by the Chief Inspector of Factories.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations. It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1. All *cinematograph film* which is not in process of *stripping* or *drying* shall be kept in a *storeroom*.

2. The maximum quantity of *cinematograph film* in any room other than a *storeroom* shall not exceed one hundred pounds in weight or such other quantity as may be *approved*.

3.—(a) All scrap *cinematograph film* arising from *stripping* or *drying* shall be collected at frequent intervals during each day and be placed in a strong metal receptacle fitted with a self-closing lid, and clearly marked with the words "Film scrap."

(b) No material liable to ignite spontaneously nor anything likely to ignite or decompose *cinematograph film* shall be placed in the receptacle.

(c) At the end of each day's work the scrap shall be either transferred to a *storeroom* or removed from the premises

4. *Stripping or drying of cinematograph film* shall not be done in any room unless :—

(a) the room is a single-storey building or part of a single-storey building ;

(b) the room is separated from any other room or passage by walls constructed of *fire-resisting material ;*

(c) all the doors of the room are constructed of *fire-resisting material* and are self-closing ;

(d) the fittings are, as far as practicable, constructed of *fire-resisting material ;*

(e) the furniture and apparatus are so arranged as to afford unimpeded egress for every person in the room in the event of fire ; and

(f) the room is adequately equipped with fire-extinguishing appliances.

5. Adequate means of escape in case of fire shall be provided from the premises and from every building and every room in which *stripping* or *drying of cinematograph film* is done, and the means of escape shall not be deemed adequate unless :—

(i) at least two separate safe exits are provided from every

such building and room and two safe ways of escape from the premises are available for all persons employed in the factory or workshop ; and

(ii) all doors and windows provided in connection with the means of escape are so arranged as to open outward readily.

Provided that the foregoing provisions shall not apply where the factory or workshop forms part of a building from all parts of which means of escape can be required under the London Building Acts (Amendment) Act, 1905.

6. *Drying of cinematograph film* shall not be done except under such conditions as will prevent the *cinematograph film* from coming into contact with, or proximity to, any source of heat or heated surface in such a manner as would render the *cinematograph film* liable to be ignited or decomposed.

7. The following are the requirements prescribed in regard to *storerooms :—*

(a) Every *storeroom* shall be—

(i) a single-storey building or part of a single-storey building in an *approved* situation ;

(ii) constructed entirely of *fire-resisting material* except as regards the gas relief space required by Regulation 8 ;

(iii) fitted with a self-closing door or doors which shall be, as far as practicable, kept locked, except when any person is in the *storeroom*, and such door or doors shall be capable of being readily opened from the inside ;

(iv) clearly marked with the words " Film Store " ; and

(v) provided with adequate ventilation.

(b) No *storeroom* shall—

(i) be used for any purpose other than the storage or keeping of *cinematograph film ;* or

(ii) contain more than one ton of *cinematograph film*, or such other quantity as may be *approved*.

8.—(a) In every *storeroom* there shall be a part of a wall or a part of the roof constructed of ordinary sheet glass lightly fixed in position, so as to provide a gas relief space in the event of an explosion or fire occurring within the *storeroom*. The area of the gas relief space shall not be less than 70 square inches and not more than 90 square inches for every 500 pounds of *cinematograph film* that may be stored in the *storeroom*.

(b) The gas relief space shall be protected against externa breakage by a strong wire mesh guard fitted on the outside of the glass.

(c) The position of the gas relief space shall be such that an outburst of flame through the space would not be likely to endanger the safety of the building or other premises.

9. No premises shall be used for the *stripping* or *drying of cinematograph film*, (a) unless and until plans of the premises accompanied by particulars as to the number of persons to be

employed and as to the arrangements for carrying on the processes and complying with the requirements of Regulations 4, 5, 6, 7 and 8, have been submitted and *approved;* nor (b) otherwise than in accordance with the arrangements so *approved;* and no material addition shall be subsequently made to such premises or to the number of persons employed or alteration in the arrangements unless such addition or alteration has been first *approved.*

10.—(a) No open fire or light, nor any smoking materials or matches, nor anything likely to ignite or decompose *cinematograph film,* shall be allowed in any part of the premises.

(b) Suitable arrangements shall be provided for the temporary reception outside the premises of smoking materials, matches and similar articles.

11. In any *storeroom,* or in any room in which *stripping* or *drying of cinematograph film* is done, the following provisions shall apply :

Provided that nothing in this Regulation shall be deemed to relieve the occupier of any obligation imposed by the Regulations dated 23rd December, 1908, for the generation, transformation, distribution and use of electrical energy.

(i) There shall be no electric supply fuses or other main service apparatus.

(ii) No generating plant, switchboard, transformer, motor-generator, converter, fuseboard, fuse, portable resistance, portable radiator or portable heater, shall be placed therein; excepting fuses for individual circuits if of cartridge type and enclosed in a metal box having the door interlocked with a switch to break circuit on each pole and connected on the live side so that the door can be open only when the switch is "off" and the fuses are dead.

(iii) All bare conductors such as terminals and commutators of motors shall be effectively guarded with wire mesh or other suitable protection. All electric wiring shall be protected throughout by screwed metal conduit.

(iv) All lighting fittings shall be of substantial construction and shall provide for the effective enclosure of the lamp and lamp holder and for the secure attachment of the conductors thereto.

(v) The covers of switches, including motor starters and regulators, shall be so constructed that the switch handle does not work through an open aperture. Tumbler type switches and connector sockets shall be mounted on metal bases, or on hard wood blocks, or on compressed fibre, affording adequate protection of the back connections. All switches for lights in *storerooms* shall be outside the *storerooms.*

(vi) Lamp holder adaptors shall not be used as connectors. Every connector socket shall be protected by an enclosed switch to break circuit on each pole, and if installed after the 29th February, 1928, shall be so interlocked

with the switch that the plug cannot be inserted or withdrawn whilst the switch is "on"; and no plug connector shall be so connected that the movable portion can remain live after withdrawal.

(vii) Resistances, including the heating elements of electric heaters and radiators, shall be so guarded or enclosed as to prevent ignition or decomposition of *cinematograph film*. Such apparatus shall be so constructed that no external part of the enclosure or guard shall at any time exceed a temperature of 212° F. The top of the enclosure or guard shall be sloped at an angle of not less than 45°.

(viii) All metal work liable to become accidentally electrically charged shall be efficiently earthed.

12. A competent person shall be appointed in writing to exercise supervision with regard to the requirements of these Regulations and to enforce the observance of them and of any directions given to him in writing by the occupier with a view to carrying out the Regulations.

13. A printed copy of these Regulations shall be kept posted up in each room in which *stripping* or *drying of cinematograph film* is done.

PART II.

Duties of persons employed.

14. No person shall take any open light or flame, or any smoking materials or matches, or anything likely to ignite or decompose *cinematograph film* into any part of any premises in which *stripping* or *drying of cinematograph film* is done.

15. Every person shall observe such directions as may be given to him with a view to carrying out these Regulations.

W. Joynson-Hicks,
One of His Majesty's Principal Secretaries of State.

Whitehall,
11th February, 1928.

THE COTTON CLOTH FACTORIES REGULATIONS, 1929, DATED APRIL 27, 1929, MADE BY THE SECRETARY OF STATE UNDER THE FACTORY AND WORKSHOP (COTTON CLOTH FACTORIES) ACT, 1929 (19 GEO. 5, C. 15), AS TO HUMIDITY AND VENTILATION IN COTTON CLOTH FACTORIES.

1929. No. 300.

In pursuance of section 1 of the Factory and Workshop (Cotton Cloth Factories) Act, 1929, I hereby make the following Regulations.

These Regulations, which may be cited as the Cotton Cloth Factories Regulations, 1929, shall come into force on the 15th

May, 1929, from which date the Regulations under the Factory and Workshop (Cotton Cloth Factories) Act, 1911, shall be repealed.

Definitions.

For the purposes of these Regulations,—

Weaving shed means any room in which the weaving of cotton cloth is carried on.

Humid shed means any room in which the weaving of cotton cloth is carried on with the aid of *artificial humidification*.

Artificial humidification means humidification of the air of a room by any artificial means whatsoever, except the use of gas or oil for lighting purposes only.

Dry shed means any room, other than a *humid shed*, in which the weaving of cotton cloth is carried on.

Degrees (of temperature) means degrees on the Fahrenheit scale.

Hygrometer means an accurate wet-and-dry-bulb *hygrometer*, conforming to such conditions, as regards construction and maintenance, as the Secretary of State may prescribe by Order.

Exemptions.

The Chief Inspector of Factories may by certificate in writing suspend or relax in respect of any *weaving shed* any or all of the Regulations for such time and under such conditions as he may think fit. Any such certificate may be revoked by the Chief Inspector of Factories at any time.

Regulations.

1. There shall be no *artificial humidification* in any *weaving shed*—

(a) at any time when the wet-bulb reading of the *hygrometer* exceeds 72½ *degrees*, the reading to be the average of the readings of all the *hygrometers* provided in the shed in pursuance of Regulation 3 ; or

(b) at any time when the wet-bulb reading of the *hygrometer* is higher than that specified in the Schedule (*a*) of this Order in relation to the dry-bulb reading of the *hygrometer* at that time ; or, as regards a dry-bulb reading intermediate between any two dry-bulb readings indicated consecutively in the Schedule, when the dry-bulb reading does not exceed the wet-bulb reading to the extent indicated in relation to the lower of those two dry-bulb readings.

If the average wet-bulb reading of all the *hygrometers* provided in the shed in pursuance of Regulation 3 exceeds 80 *degrees*, all

(*a*) The Humidity Table as set out in the Schedule is on Official Form No. 305.

work shall cease in the shed until the reading drops to 80 *degrees* or less, and the workers shall leave the shed.

2. No water which is liable to cause injury to the health of the persons employed, or to yield effluvia, shall be used for *artificial humidification*, and for the purpose of this Regulation any water which absorbs from acid solution of permanganate of potash in four hours at 60 *degrees* more than 0·5 grain of oxygen per gallon of water, shall be deemed to be liable to cause injury to the health of the persons employed.

3. In each *weaving shed* two *hygrometers*, and one additional *hygrometer* for every 500 or part of 500 looms in excess of 700 looms, shall be provided and maintained, in such positions as may be approved by the Inspector of the District.

A copy of the Schedule appended to this Order shall be kept affixed near to each *hygrometer* provided in pursuance of this Regulation.

4. In every *weaving shed* the readings of each *hygrometer* provided in pursuance of Regulation 3 shall be observed on every day on which any workers are employed in the shed, between 15 and 30 minutes from the commencement of work, between 11 a.m. and 12 noon, and (except on Saturday) between 4 and 5 p.m., and shall be recorded at each of those times on the prescribed Form of Record of Humidity (*a*). On the occasion of each renewal of the wick and the muslin covering of the wet-bulb the date of such renewal shall also be entered in the Record of Humidity.

The form (*b*) in which the readings of each *hygrometer* are to be recorded shall be hung beside the *hygrometer* and a copy thereof shall be forwarded within seven days after the end of each month to the Inspector of the District. The form itself shall be preserved at the factory for reference for a period of not less than two years.

The prescribed Humidity Register shall be kept in the factory and when an Inspector visits the factory, he shall enter therein particulars of any irregularities in the readings or in the working or maintenance of the *hygrometers* which may be found by him on his inspection.

The entries in the Record of Humidity shall be *primâ facie* evidence of the temperature and humidity of the air of the *weaving shed*.

5. In every *weaving shed* the arrangements shall be such that (1) during working hours the temperature shall not be below 50 *degrees* during the first half hour and 55 *degrees* thereafter throughout the working day, and (2) no person employed shall be exposed to a direct draught from any air inlet, or to any draught at a temperature of less than 50 *degrees*.

In a tenement factory it shall be the duty of the owner to provide and maintain the arrangements required for the purpose of the requirement marked (1) in this Regulation.

(*a*) The Humidity Register is Official Form No. 81.
(*b*) The Humidity Record is Official Form No. 317.

6. In a *weaving shed* in which steam pipes are used for the introduction of steam for the purpose of *artificial humidification* of the air—

(a) the diameter of such pipes shall not exceed two inches; and in the case of pipes installed after April 1st, 1912, the diameter shall not exceed one inch;

(b) such pipes shall be as short as is reasonably practicable;

(c) such pipes shall be kept effectively covered with insulating material in good repair, in such manner that the amount of steam condensed in the covered pipe shall not exceed one-fifth of the amount of steam condensed in the bare pipe under the same conditions; and there shall be kept attached to the Humidity Register a certificate from the manufacturer of the covering to the effect that a sample of the covering in use has been tested by an authority approved by the Chief Inspector of Factories and has been found to conform to the above standard;

(d) all hangers supporting such pipes shall be separated from the bare pipes by an efficient insulator not less than half an inch in thickness;

(e) no uncovered jet from such a pipe shall project more than 4½ inches beyond the outer surface of such covering;

(f) the steam pressure shall be as low as practicable, and shall not exceed 70 lbs. per square inch.

7. In every *humid shed* erected after April 1st, 1912, and in every *dry shed* hereafter erected and any building (not being part of an existing cotton cloth factory) hereafter converted for use as a weaving shed—

(a) the average height of the shed shall not be less than 14½ feet, nor the height of the valley-gutters from the floor less than 12 feet;

(b) the lights shall face between North-East and North-North-West;

(c) the glass of the lights shall be at an angle of not more than 30 degrees to the vertical, except in the case of flat concrete or brick roofs;

(d) the boiler-house and engine-room shall be separated from the shed by an alley-way, not less than 6 feet wide and either open to the outside air or provided with louvre or roof ventilators capable of being opened in summer and of an area equal to one quarter of the floor area of the alley-way;

(e) no boiler flue shall pass under the shed, or within 6 feet horizontally from the wall of the shed.

The provisions of paragraphs (d) and (e) shall apply also to any existing *weaving shed* in which any alteration or addition is made, unless exemption is granted by the Chief Inspector of Factories in the manner provided by these Regulations.

8. In every *weaving shed* the whole of the outside of the roof

(windows excepted) and the inside or outside surface of the glass of the roof-windows shall be white-washed every year before the 31st May, and the white-wash shall be effectively maintained until the 15th of September.

9. In every *humid shed* and in every *dry shed* the arrangements for ventilation shall be such that at no time during working hours shall the proportion of carbon dioxide in the air in any part of the shed exceed the limit specified below for that shed, namely,—

for *humid sheds* eight
for *dry sheds* eleven

} parts by volume of carbon dioxide per 10,000 parts of air in excess of the proportion in the outside air at the time.

Provided that—

(1) during any period in which it is necessary to use gas or oil for lighting purposes, and

(2) before the end of the dinner-hour on any day in which gas or oil has been so used,

it shall be sufficient compliance with this Regulation if means of ventilation sufficient to secure observance of the above requirement during daylight are maintained in full use and in efficient working order.

Where roof ventilators are used, the intakes shall be at least three feet above the ridges, and where the ventilator intake is at the side of the mill, it shall be on the cool or shady side of the shed.

If the average of the wet-bulb readings of the *hygrometers* between 11 a.m. and 12 noon shows that a reading of 72½ *degrees* has been reached, all the available means of natural ventilation shall be kept in full operation during the whole of the mid-day meal interval, and if the average between 4 and 5 p.m. shows the same reading has been reached, all the available means of natural ventilation shall be kept in full operation for two hours at least after the time at which the period of employment ends.

10. In every *humid shed* erected after the 2nd February, 1898, and in every *dry shed* erected after the 1st January, 1928, sufficient and suitable cloak-room or cloak-rooms shall be provided for the use of all persons employed therein, and shall be ventilated and kept at a suitable temperature, provided that in any *weaving shed* erected after the 1st January, 1928, the accommodation shall not be regarded as sufficient unless a locker or separated space for the clothing of each worker is provided, nor as suitable unless the cloak-room is kept clean, properly warmed and ventilated, and under the supervision of a responsible person.

In every *humid shed* and *dry shed* to which the above provision does not apply and in which a suitable and sufficient cloak-room is not provided, suitable and sufficient accommodation within the shed shall be provided for the clothing of all persons employed, within a reasonable distance of the place of employment and consisting of a sufficient number of pegs, not less than one for each person employed and not less than eighteen inches measured

in a horizontal direction apart, and of a covering of suitable non-conducting material spaced not less than half an inch from the wall or pillar, and so arranged that no moisture either from above, or from the wall or pillar, can reach the clothing.

Duties of Persons Employed.

11. Every person employed shall (a) report to his foreman any defect in any appliance or other thing provided in pursuance of these Regulations as soon as he becomes aware of it; (b) use the appliances or other things required by the Regulations for the purpose for which they are provided.

12. No person (unless duly authorised to do so) shall interfere with the (i) *hygrometers* (ii) means of ventilation (iii) means of heating or (iv) means of humidification, provided in pursuance of these Regulations.

W. Joynson-Hicks,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
27th April, 1929.

Schedule.

HUMIDITY TABLE, FOR THE PURPOSES OF REGULATION I.

Dry-Bulb Readings.	Wet-Bulb Readings.	Dry-Bulb Readings.	Wet-Bulb Readings.
(1.)	(2.)	(1.)	(2.)
50°	48°	66°	64°
51°	49°	67°	65°
52°	50°	68°	66°
53°	51°	69°	67°
54°	52°	70°	68°
55°	53°	71°	68·5°
56°	54°	72°	69°
57°	55°	73°	70°
58°	56°	74°	70·5°
59°	57°	75°	71·5°
60°	58°	76°	72·5°
61°	59°		
62°	60°		
63°	61°		
64°	62°		
65°	63°		

COTTON CLOTH FACTORIES REGULATIONS. HYGROMETERS ORDER.

1929. No. 1582

In pursuance of the above Regulations I hereby prescribe the following conditions as regards the construction and maintenance of hygrometers :—

1.—(a) Each hygrometer shall comprise two mercurial thermometers, respectively wet-bulb and dry-bulb, of similar construction, and equal in dimensions, scale, and divisions of scale. They shall be mounted on a frame, with a suitable reservoir containing water.

(b) The wet-bulb shall be closely covered with a single layer of muslin, kept wet by means of a wick attached to it and dipping into the water in the reservoir. The muslin covering and the wick shall be suitable for the purpose, clean, and free from size or grease.

2. With regard to each thermometer as above, whether wet-bulb or dry-bulb :—

(a) The bulb shall be spherical, and not less than two-fifths nor more than three-fifths of an inch in diameter.

(b) The bore of the stem shall be such that the position of the top of the mercury column shall be readily distinguishable at a distance of four feet.

(c) The scale from 45° to 85° shall extend over not less than 5 inches, beginning not less than 1½ inches from the top of the bulb. Each degree and half-degree, between 45° and 85°, shall be clearly marked on the stem by means of horizontal lines, which shall be shorter for half-degrees than for whole degrees, and shall be readily distinguishable at a distance of two feet.

(d) The markings as above shall be accurate ; that is to say, at no temperature between 45° and 85° shall the indicated reading be in error by more than two-tenths of a degree.

(e) A distinctive number shall be indelibly marked upon the thermometer.

(f) A dated certificate of examination of the thermometer, and of its compliance with Condition 2, specifying its distinctive number as above, from the National Physical Laboratory or other authority approved by the Chief Inspector of Factories, shall be kept attached to the Humidity Register. If an Inspector gives notice in writing that a thermometer is not accurate, it shall not after one month from the date of such notice be deemed to be accurate unless and until it has been re-examined as above, and a fresh certificate obtained, which certificate shall be kept attached to the Humidity Register.

(g) The construction shall be such that the thermometer may be exposed without injury to a temperature of 110°.

3. Each hygrometer shall be so mounted that :—

(a) No part of the wet-bulb shall be within 3½ inches from the dry-bulb or within 3 inches from the surface of the water in the reservoir, and the water reservoir shall be below it, on the side of it away from the dry-bulb.

(b) The bulb of each thermometer shall be freely exposed on all sides to the air of the room.

(c) The corresponding points of the two thermometers shall be on the same level.

There shall be marked on the frame of each hygrometer, in such manner as to be readily distinguishable at a distance of six feet :—

(i) The words "Wet" and "Dry," respectively over (or near to) the wet-bulb and dry-bulb thermometers ; and

(ii) The temperatures of 50°, 60°, 70°, 80° and 90°, by horizontal lines and figures ; and

(iii) The temperatures of 45°, 55°, 65°, 75°, and 85°, by horizontal lines, shorter than those marked in pursuance of Condition 3 (ii) ; except that for the wet-bulb thermometer the temperature of 72½° shall be conspicuously marked by an arrow or similar distinctive device.

4. Each hygrometer shall be maintained at all times during the period of employment in efficient working order, so as to give accurate indications ; and in particular,

* (a) The wick and the muslin covering of the wet-bulb shall be renewed once a week.

(b) The reservoir shall be filled with distilled water or pure rain water, which shall be completely renewed once a day.

(c) No water shall be placed in the reservoir, or applied directly to the wick or covering, during the period of employment.

5. No hygrometer shall be affixed to a wall, pillar or other surface, unless protected therefrom by wood or other non-conducting material at least half an inch in thickness and distant at least one inch from the bulb of each thermometer.

W. Joynson-Hicks,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
7th May, 1929.

THE DOCKS REGULATIONS, 1925, DATED MARCH 6, 1925, MADE BY THE SECRETARY OF STATE UNDER SECTION 79 OF THE FACTORY AND WORKSHOP ACT, 1901 (1 EDW. 7, C. 22), IN RESPECT OF THE PROCESSES OF LOADING, UNLOADING, MOVING AND HANDLING GOODS IN, ON, OR AT ANY DOCK, WHARF OR QUAY, AND THE PROCESSES OF LOADING, UNLOADING AND COALING ANY SHIP IN ANY DOCK, HARBOUR OR CANAL.

1925. No. 231.

In pursuance of section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations in respect of the processes of loading, unloading, moving and handling goods in,

* Regulation 4 requires entry to be made in the Record of Humidity (Form 317) of the date of each renewal of the wick and the muslin covering.

on, or at any dock, wharf, or quay, and the processes of loading, unloading and coaling any ship in any dock, harbour, or canal, and direct that they shall apply to all docks, wharves, quays and ships as aforesaid.

Provided that (i) nothing in Parts II. to VI. inclusive of these Regulations shall apply to the unloading of fish from a vessel employed in the catching of fish; (ii) nothing in Regulations 9, 10, 11, 13, 14, 16, 17 and 43 shall apply to a barge or lighter.

These Regulations may be cited as the Docks Regulations, 1925, and shall come into force on the 1st April, 1925, except that (i) in the case of ships, the construction of which was commenced before that date, Regulation 11 (b) and (c) shall not apply until the 1st July, 1926; (ii) in the case of pulleys, gins, blocks and other similar gear in use at that date, Regulation 21, and in the case of ladders provided on cranes or tips before that date, Regulation 27 (c) shall not apply until the 1st July, 1925.

From the 1st April, 1925, the Regulations dated 24th October, 1904, shall be revoked.

*Definitions.**

In these Regulations :—

Processes means the processes above mentioned or any of them.

Person employed means a person employed in the *processes*.

Prescribed means prescribed by the Secretary of State.

Hatch means an opening in a deck used for the purpose of the *processes* or for trimming, or for ventilation.

Hatchway means the whole space within the square of the *hatches*, from the top deck to the bottom of the hold.

Machinery means cranes, winches, hoists, derrick booms, derrick and mast bands, goose necks, eyebolts, and all other permanent attachments to the derricks and masts, used in hoisting or lowering in connection with the *processes*.

Shallow canal includes any of the following parts of a canal, canalised river, non-tidal river, or inland navigation :—

(a) Any part having no means of access to tidal waters except through a lock not exceeding ninety feet in length;

(b) Any part not in frequent use for the *processes*; and

(c) Any part at which the depth of water within fifteen feet of the edge does not ordinarily exceed five feet.

Duties.

(a) It shall be the duty of the person having the general management and control of a dock, wharf, or quay, to comply with Part I. of these Regulations; provided that if any other person has the exclusive right to occupation of any part of the dock, wharf, or quay, and has the general management and control of such part, the duty in respect of that part shall devolve upon that other

* Terms to which defined meanings are given are printed throughout in italics.

person ; and further provided that this part of these Regulations shall not apply to any *shallow canal*.

(b) It shall be the duty of the owner, master, or officer in charge of a ship to comply with Part II. of these Regulations.

(c) It shall be the duty of the owner of *machinery* or plant used in the *processes*, and in the case of *machinery* or plant carried on board a ship not being a ship registered in the United Kingdom it shall also be the duty of the master of such ship, to comply with Part III. of these Regulations.

(d) It shall be the duty (*a*) of every person who by himself, his agents, or workmen carries on the *processes*, and of all agents, workmen, and *persons employed* by him in the *processes*, to comply with Part IV. of these Regulations.

Provided that while the *processes* are being carried on, it shall be the duty of the owner, master or officer in charge of a ship to comply with Regulation 34, so far as it concerns those *hatches* which are not in use and which during the *processes* have not been used and are not about to be used for the purpose of the *processes* (*b*).

(e) It shall be the duty of all persons, whether owners, occupiers, or *persons employed*, to comply with Part V. of these Regulations.

(f) Part VI. of these Regulations shall be complied with by the persons on whom the duty is placed in that part.

PART I.

1. The following parts of every dock, wharf, or quay shall, as far as is practicable having regard to the traffic and working, be securely fenced so that the height of the fence shall be in no place less than two feet six inches, and the fencing shall be maintained in good condition ready for use :—

(a) All breaks, dangerous corners, and other dangerous parts or edges of a dock, wharf, or quay.

(b) Both sides of such footways over bridges, caissons, and dock gates as are in general use by *persons employed*, and each side of the entrance at each end of such footway for a sufficient distance not exceeding five yards.

2. Provision for the rescue from drowning of *persons employed* shall be made and maintained, and shall include :—

(a) A supply of life-saving appliances, kept in readiness on the

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(*a*) **Duty.**—In *Manchester Ship Canal Co.* v. *Director of Public Prosecutions*, [1930] 1 K. B. 547 :—*Held*, that the duty of fencing or covering a hatch, in compliance with Reg. 34, which was not in use but which had been used during the process of unloading the ship, lay upon the person who by himself, his agents, or workmen carried on the process of unloading, and not upon the owner, master or officer in charge of the ship. *Held*, further, that for the purposes of the Factory and Workshop Act, 1901, the covering of a hatch which had been used for the purpose of unloading the ship was ancillary to the main work of unloading, and that the work of unloading was not completed till the hatch was covered.

(*b*) See the decision in *Owner* v. *C. J. King & Sons Ltd.* (1922), 86 J. P. 218; 39 T. L. R. 22; 67 S. J. 97; 20 L. G. R. 791.

wharf or quay, which shall be reasonably adequate having regard to all the circumstances.

(b) Means at or near the surface of the water at reasonable intervals for enabling a person immersed to support himself or escape from the water, which shall be reasonably adequate having regard to all the circumstances.

3. All places in which *persons employed* are employed and any dangerous parts of the regular road or way over a dock, wharf, or quay, forming the approach to any such place from the nearest highway, shall be efficiently lighted.

Provided that the towing path of a canal or canalised river shall not be deemed to be "an approach" for the purpose of this Regulation.

4.—(a) A sufficient number of first-aid boxes or cupboards of a standard to be *prescribed* shall be provided at every working place, and, if more than one is provided, at reasonable distances from each other.

(b) A first-aid box or cupboard shall be distinctly marked, and if provided after the date of these Regulations shall be marked plainly with a white cross on a red ground.

5. Nothing except appliances or requisites for first aid shall be kept in a first-aid box or cupboard.

6. A first-aid box or cupboard shall be kept stocked and in good order and shall be placed under the charge of a responsible person who shall always be readily available during working hours. Such person shall, except at docks, wharves or quays at which the total number of *persons employed* at any time does not exceed fifty, be a person trained in first aid.

7. There shall be provided for use at every dock, wharf or quay at which the total number of *persons employed* at any time exceeds fifty, a suitably constructed ambulance carriage maintained in good condition, for the purpose of the removal of serious cases of accident or sickness, unless arrangements have been made for obtaining such a carriage when required from a hospital or other place situate not more than two miles from the dock, wharf or quay, and in telephonic communication therewith.

8. Notices shall be exhibited in prominent positions at every dock, wharf or quay stating—

(a) the position of each first-aid box and the place where the person in charge thereof can be found,

(b) the position of stretchers or other appliances,

(c) the position of the ambulance carriage or, where such is not provided, the position of the nearest telephone and the name and telephone number of the hospital or other place from which such carriage may be obtained.

PART II.

9. If a ship is lying at a wharf or quay for the purpose of loading or unloading or coaling, there shall be safe means of access for

the use of *persons employed* at such times as they have to pass from the ship to the shore or from the shore to the ship as follows :—

(a) Where a gangway is reasonably practicable, a gangway not less than twenty-two inches wide, properly secured, and fenced throughout on each side to a clear height of two feet nine inches by means of upper and lower rails, taut ropes or chains or by other equally safe means.

(b) In other cases a ladder of sound material and adequate length which shall be properly secured to prevent slipping.

Provided that nothing in this Regulation shall be held to apply to cargo stages or cargo gangways if other proper means of access is provided in conformity with these Regulations.

Provided also that as regards any sailing vessel not exceeding 250 tons net registered tonnage and any steam vessel not exceeding 150 tons gross registered tonnage this Regulation shall not apply if and while the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliances.

10. If a ship is alongside any other ship, vessel, or boat, and *persons employed* have to pass from one to the other, safe means of access shall be provided for their use, unless the conditions are such that it is possible to pass from one to the other without undue risk without the aid of any special appliance.

If one of such ships, vessels, or boats is a sailing barge, flat, keel, lighter or other similar vessel of relatively low freeboard, the means of access shall be provided by the ship which has the higher freeboard.

11. If the depth from the level of the deck to the bottom of the hold exceeds five feet, there shall be maintained safe means of access by ladder from the deck to the hold in which work is being carried on and by ladder, cleats or cups on the coamings.

In particular such access shall not be deemed to be safe—

(a) Unless the ladders between the lower decks are in the same line as the ladder from the top deck, if the same is practicable having regard to the position of the lower *hatch* or *hatches*.

(b) Unless, in the case of ladders provided on bulkheads and in trunk *hatchways*, secure hand and foothold is afforded, the sides are continuous and a space of not less than four and a half inches is left behind the rungs.

(c) Unless the cleats or cups provided on coamings (i) stand out not less than four and a half inches for a width of at least ten inches; (ii) are so constructed as to prevent a man's foot slipping off the side; (iii) are placed vertically one above the other and in the same line as the ladders to which they give access.

(d) Unless the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder sufficient room for a man's feet.

(e) If there is not room to pass between a winch or other obstruction and the coamings at the place where the ladder leaves the deck.

(f) If the ladder is recessed under the deck more than is reasonably necessary to keep the ladder clear of the *hatchway*.

Provided that where the provision of a ladder on a bulkhead or in a trunk *hatchway* can be shown to be reasonably impracticable, cleats or cups shall be provided and shall comply with the requirements of paragraph (c).

12. When the *processes* are being carried on—

(a) the places in the hold and on the decks where work is being carried on,

(b) the means of access provided in pursuance of Regulations 9 and 10, and

(c) all parts of the ship to which *persons employed* may be required to proceed in the course of their employment,

shall be efficiently lighted, due regard being had to the safety of the ship and cargo, of all *persons employed* and of the navigation of other vessels and to the duly approved Bye-laws or Regulations of any authority having power by statute to make Bye-laws or Regulations subject to approval by some other authority.

13. All fore and aft beams and thwartship beams used for *hatch* covering shall have suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.

14. All *hatch* coverings shall be kept plainly marked to indicate the deck and *hatch* to which they belong and their position therein : provided that this Regulation shall not apply in cases where all the *hatch* coverings of a ship are interchangeable or, in respect of marking of position, where all *hatch* coverings of a *hatch* are interchangeable.

15. All fore and aft beams, and thwartship beams used for *hatch* covering and all *hatch* coverings shall be maintained in good condition.

16. Adequate hand grips shall be provided on all *hatch* coverings, having regard to their size and weight.

17. Where the working space around a *hatch* is less than two feet wide, such provision shall be made as will enable *persons employed* to remove and replace in safety all fore and aft beams and thwartship beams used for *hatch* covering and all *hatch* coverings.

PART III.

18.—(a) All *machinery* shall have been tested and examined by a competent person before being taken into use and (i) all derricks and permanent attachments, including bridle chains, to the derrick, mast and deck, used in hoisting or lowering shall be

inspected once in every twelve months and be thoroughly examined once at least in every four years ; (ii) all other *machinery* shall be thoroughly examined once at least in every twelve months.

(b) A certificate signed by the person making the test and specifying the safe working load shall be attached to the *prescribed* register (*a*), in which shall also be entered the dates on which the inspections and examinations required under paragraphs (a) (i) and (a) (ii) of this Regulation are made.

19.—(a) No chain, ring, hook, shackle or swivel shall be used in hoisting or lowering unless a certificate of test and examination in the *prescribed* form (*b*) and containing the *prescribed* particulars shall have been obtained.

(b) All chains, other than bridle chains attached to derricks or masts, and all rings, hooks, shackles and swivels used in hoisting or lowering shall, unless they have been subjected to such other heat treatment as may be *prescribed*, be effectually annealed as follows :—

(i) half inch and smaller chains, rings, hooks, shackles and swivels in general use, once at least in every six months,

(ii) all other chains, rings, hooks, shackles and swivels in general use once at least in every twelve months.

Provided that in the case of such gear used solely on cranes and other hoisting appliances worked by hand, twelve months shall be substituted for six months in paragraph (i) and two years for twelve months in paragraph (ii).

Provided also that where the Chief Inspector of Factories is of opinion that, owing to the size, design, material or infrequency of use of any such gear other than chains, the requirement of this Regulation as to annealing is not necessary for the protection of *persons employed*, he may by certificate in writing (which he may in his discretion revoke) exempt any such gear from such requirement subject to such conditions as may be specified in such certificate.

(c) All chains, other than bridle chains attached to derricks or masts, and all rings, hooks, shackles and swivels shall be inspected by a competent person immediately before each occasion on which they are used in hoisting or lowering, unless they have been inspected within the preceding three months.

(d) All chains, rings, hooks, shackles or swivels used in hoisting or lowering which have been lengthened, altered or repaired by welding shall be adequately tested and re-examined.

20.—(a) No rope shall be used in hoisting or lowering unless—

(i) it is of suitable quality and free from patent defect,

(ii) in the case of wire rope, other than wire rope purchased before the 1st April, 1925, a certificate in the *prescribed* form (*c*) and containing the *prescribed* particulars has been obtained from the makers.

(*a*) **Register.**—The prescribed form is No. 88.
(*b*) **Chain Certificate.**—The prescribed form is No. 86.
(*c*) **Rope Certificate.**—The prescribed form is No. 87.

(b) Every wire rope in general use for hoisting or lowering shall be inspected by a competent person once at least in every three months, provided that after any wire has broken in such rope it shall be inspected once at least in every month.

(c) No wire rope shall be used in hoisting or lowering if in any length of eight diameters the total number of visible broken wires exceeds ten per cent. of the total number of wires, or the rope shows signs of excessive wear, corrosion or other defect which, in the opinion of the person who inspects it, renders it unfit for use.

(d) A thimble or loop splice made in any wire rope shall have at least three tucks with a whole strand of the rope and two tucks with one half of the wires cut out of each strand. The strands in all cases shall be tucked against the lay of the rope. Provided that this Regulation shall not operate to prevent the use of another form of splice which can be shown to be as efficient as that laid down in this Regulation.

21. No pulley, gin, block, or other similar gear shall be used in hoisting or lowering unless the safe working load is clearly stamped upon it.

22. Means shall be provided to enable any person using a chain or wire rope sling to ascertain the safe working load for such chain or sling under such conditions as it may be used. Such means shall consist of either :—

(a) marking the safe working load in plain figures or letters upon the sling or upon a tablet or ring of durable material attached securely thereto ; or

(b) stating upon a notice or notices so exhibited as to be easily read by any person concerned, the safe working loads for the various sizes of chains and wire ropes used.

23. Chains shall not be shortened by tying knots in them ; and suitable packing shall be provided to prevent the links coming into contact with sharp edges of loads of hard material.

24. The dates of last annealing of chains required to be made by these Regulations shall be entered in the *prescribed* register.

25. All motors, cog-wheels, chain and friction-gearing, shafting (*a*) and live electric conductors shall (unless it can be shown that by their position and construction they are equally safe to every *person employed* as they would be if securely fenced) be securely fenced so far as is practicable without impeding the safe working of the ship and without infringing any requirement of the Board of Trade.

26. The lever controlling the link motion reversing gear of a crane or winch shall be provided with a suitable spring or other locking arrangement.

27. The driver's platform on every crane or tip driven by

(*a*) **Shafting.**—In *Hunt* v. *Nautilus Shipping Co., Ltd.* (unreported), K. B. D., 7th April, 1927, see 92 J. P. 619 :—*Held*, that fencing of a coupling on a winch shaft was not secure fencing for the shafting.

mechanical power shall be securely fenced and shall be provided with safe means of access. In particular where access is by a ladder—

(a) the sides of the ladder shall extend to a reasonable distance beyond the platform or some other suitable handhold shall be provided ;

(b) the landing place on the platform shall be maintained free from obstruction ;

(c) in cases where the ladder is vertical and exceeds thirty feet in height, a resting place shall be provided approximately midway between the platform and the foot of the ladder.

28. Every shore crane shall have the safe working load plainly marked upon it, and if so constructed that the safe working load may be varied by the raising or lowering of the jib or otherwise, shall have attached to it an automatic indicator of safe working loads, provided that, in cases where the jib may be raised or lowered, provision on the crane of a table showing the safe working loads at the corresponding inclinations of the jib shall be considered sufficient compliance.

29. Adequate measures shall be taken to prevent exhaust steam from, and so far as is practicable, live steam to any crane or winch obscuring any part of the decks, gangways, stages, wharf, or quay where any person is employed in the *processes*.

PART IV.

30.—(a) No *machinery*, chains or other lifting appliance shall be loaded beyond the safe working load except that a crane may be loaded beyond the safe working load in exceptional cases to such extent and subject to such conditions as may be approved by the engineer in charge or other competent person, if on each occasion,

(i) the written permission of the owner or his responsible agent has been obtained,

(ii) a record of the overload is kept.

(b) No load shall be left suspended from a crane, winch, or other machine unless there is a competent person actually in charge of the machine while the load is so left.

31. A person under 16 years of age shall not be employed as driver of a crane or winch, whether driven by mechanical power or otherwise, or to give signals to a driver or to attend to cargo falls on winch-ends or winch-bodies.

32. Where goods are placed on a wharf or quay other than a wharf or quay on a *shallow canal*—

(a) A clear passage leading to the means of access to the ship required by Regulation 9 shall be maintained on the wharf or quay ; and

(b) If any space is left along the edge of the wharf or quay, it shall be at least three feet wide and clear of all obstructions other than fixed structures, plant and appliances in use.

33.—(a) No deck-stage or cargo-stage shall be used in the *processes* unless it is substantially and firmly constructed and adequately supported, and, where necessary, securely fastened.

(b) No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

(c) Any stage which is slippery shall be made safe by the use of sand or otherwise.

34.—(a) Where there is more than one *hatchway*, if any *hatch* of a hold exceeding five feet in depth measured from the level of the deck in which the *hatch* is situated to the bottom of the hold, is not in use for the passage of goods, coal or other material, or for trimming, and the coamings are less than two feet six inches in height, such *hatch* shall either be fenced to a height of three feet or be securely covered.

Provided that this Regulation shall not apply (i) during meal times or other short interruptions of work during the period of employment, (ii) to trimming *hatches* which are not accessible to *persons employed*.

(b) *Hatch* coverings shall not be used in the construction of deck or cargo stages, or for any other purpose which may expose them to damage.

(c) *Hatch* coverings shall be replaced on the *hatches* in the positions indicated by the markings made thereon in pursuance of Regulation 14.

35. No cargo shall be loaded or unloaded by a fall or sling at any intermediate deck unless either the *hatch* at that deck is securely covered or a secure landing platform of a width not less than that of one section of *hatch* coverings has been placed across it.

Provided that this Regulation shall not apply to any process of unloading the whole of which will be completed within a period of half an hour.

36. When the working space in a hold is confined to the square of the *hatch*, hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork, gunny bags or other similar goods, except for the purpose of breaking out or making up slings.

37. When work is proceeding on any skeleton deck, adequate staging shall be provided unless the space beneath the deck is filled with cargo to within a distance of two feet of such deck.

38. The beams of any *hatch* in use for the *processes* shall, if not removed, be adequately secured to prevent their displacement.

39. When cargo is being loaded or unloaded by a fall at a *hatchway*, a signaller shall be employed, and where more than one fall is being worked at a *hatchway*, a separate signaller shall be employed to attend to each fall.

Provided—

(i) That this Regulation shall not apply in cases where a barge, lighter or other similar vessel is being loaded or unloaded if the driver of the crane or winch working the fall has a clear and unrestricted view of those parts of the hold where work is being carried on.

(ii) That where the Chief Inspector is of opinion that, owing

to the nature of the crane or winch or other appliance in use or by reason of any special arrangements, the requirements of this Regulation are not necessary for the safety of *persons employed* he may by certificate in writing (which he may in his discretion revoke) suspend such requirements subject to such conditions as may be specified in such certificate.

PART V.

40. No person shall, unless duly authorised or in case of necessity, remove or interfere with any fencing, gangway, gear, ladder, life-saving means or appliances, lights, marks, stages or other things whatsoever required by these Regulations to be provided.

41. The fencing required by Regulation 1 shall not be removed except to the extent and for the period reasonably necessary for carrying on the work of the dock or ship, or for repairing any fencing. If removed it shall be restored forthwith at the end of that period by the persons engaged in the work that necessitated its removal.

42. Every *person employed* shall use the means of access provided in accordance with Regulations 9, 10 and 11, and no person shall authorise or order another to use means of access other than those provided in accordance therewith.

43. No person shall go upon the fore and aft beams and thwartship beams for the purpose of adjusting the gear for lifting them on and off nor shall any person authorise or order another to do so.

PART VI.

44. No employer of persons in the *processes* shall allow *machinery* or gear to be used by such persons which does not comply with Part III. of these Regulations.

45. If the persons whose duty it is to comply with Regulations 9, 10 and 12 fail so to do, then it shall also be the duty of the employers of the *persons employed* for whose use the means of access and the lights are required, to comply with the said Regulations within the shortest time reasonably practicable after such failure.

46. Every certificate referred to in these Regulations shall be entered in or attached to the *prescribed* register (*a*), and the register shall be kept on the premises unless some other place has been approved in writing by the Chief Inspector and shall, on the application of any of H.M. Inspectors of Factories, be produced by the person in charge thereof; if it relates to the *machinery* and other gear of a ship and is kept on the ship, it shall be produced together with the certificate of the ship's register, by the person for the time being in charge of the ship.

W. Joynson-Hicks,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
6th March, 1925.

(*a*) **Register.**—Official Form No. 88.

THE ELECTRIC ACCUMULATOR REGULATIONS, 1925, DATED JANUARY 19, 1925, MADE BY THE SECRETARY OF STATE UNDER SECTION 79 OF THE FACTORY AND WORKSHOP ACT, 1901 (1 EDW. 7, C. 22), FOR THE MANUFACTURE OR REPAIR OF ELECTRIC ACCUMULATORS OR PARTS THEREOF.

1925. No. 28.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations, and direct that they shall apply to all factories and workshops or parts thereof in which is carried on the manufacture or repair of electric accumulators or parts thereof:

Provided that these Regulations shall not apply to the manufacture or repair of electric accumulators or parts thereof not containing lead or any compound thereof; nor to the repair on the premises of any accumulator forming part of a stationary battery.

These Regulations, which may be cited as the Electric Accumulator Regulations, 1925, shall come into force on the 1st March, 1925, from which date the Regulations for the Manufacture of Electric Accumulators made on 21st November, 1903, under the above section shall be revoked.

*Definitions.**

In these Regulations:—

"*Lead Process*" means the melting of lead or any material containing lead, casting, pasting, lead burning, or any other work, including trimming, or any other abrading or cutting of pasted plates, involving the use, movement or manipulation of, or contact with, any oxide of lead.

"*Manipulation of raw oxide of lead*" means any *lead process* involving any manipulation or movement of raw oxide of lead other than its conveyance in a receptacle or by means of an implement from one operation to another.

"*Surgeon*" means the Certifying Surgeon of the district or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

"*Suspension*" means suspension from employment in any *lead process* by written certificate in the Health Register signed by the *Surgeon*, who shall have power of suspension as regards all persons employed in any such process.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of every person employed to observe Part II. of these Regulations.

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* Terms to which defined meanings are given are printed throughout in italics.

PART I.—DUTIES OF OCCUPIERS.

1.—(i) No person under 18 years of age shall be employed in any *lead process*. Provided that nothing in this Regulation shall affect male young persons employed in (a) washing of formed pasted or Planté plates and subsequent brushing or racking thereof while in a wet state, or (b) casting of small accessory parts, who were so employed at the commencement of these Regulations.

(ii) No woman or young person under 18 years of age shall be employed in any room in which the *manipulation of raw oxide of lead* or pasting is carried on.

2. Each of the following processes shall be carried on in such a manner and under such conditions as to secure effectual separation from one another, and from any other process :

(a) *Manipulation of raw oxide of lead ;*
(b) Pasting ;
(c) Drying of pasted plates ;
(d) Formation with lead burning (" tacking ") necessarily carried on in connection therewith ;
(e) Melting down of pasted plates.

3. In every room in which a *lead process* is carried on, there shall be at least 500 cubic feet of air space for each person employed therein, and in computing this air space no height over 12 feet shall be taken into account.

4. Every workroom shall be provided with inlets and outlets of adequate size so placed and used as to secure and maintain efficient ventilation in all parts of the room.

5. In every pasting room the distance between the centre of the working position of any paster and that of the paster working nearest to him shall not be less than five feet.

6. The floor of every room in which a *lead process* is carried on shall be—

(a) of cement or similar material so as to be smooth and impervious to water ;
(b) maintained in sound condition ;
(c) kept free from materials, plant, or other obstruction not required for, or produced in, the process carried on in the room ;

and in all such rooms other than grid casting shops shall be—

(d) cleansed throughout daily after being thoroughly sprayed with water at a time when no other work is being carried on in the room ;

and in grid casting shops shall be—

(e) cleansed throughout daily ;

and, in addition, where *manipulation of raw oxide of lead* or pasting is carried on, shall be—

(*f*) kept constantly moist while work is being done ;
(*g*) provided with suitable and adequate arrangements for drainage ;
(h) thoroughly washed daily by means of a hosepipe.

7. The work-benches at which any *lead process* is carried on shall—

(a) have a smooth surface and be maintained in sound condition ;

(b) be kept free from all materials or plant not required for, or produced in, the process carried on thereat ;

and all such work-benches other than those in grid casting shops shall—

(c) be cleansed daily either after being thoroughly damped or by means of a suction cleaning apparatus at a time when no other work is being carried on thereat ;

and, all such work-benches in grid casting shops, shall—

(d) be cleansed daily ;

and every work-bench used for pasting shall—

(e) be covered throughout with sheet lead or other impervious material ;

(*f*) be provided with raised edges ;

(g) be kept constantly moist while pasting is being carried on.

8. The following processes shall not be carried on without the use of an efficient exhaust draught :—

(a) Melting of lead or materials containing lead ;

(b) *Manipulation of raw oxide of lead*, unless done in an enclosed apparatus so as to prevent the escape of dust into the workroom ;

(c) Pasting ;

(d) Trimming, brushing, filing or any other abrading or cutting of pasted plates giving rise to dust ;

(e) Lead burning, other than

(i) " tacking " in the formation room ;

(ii) chemical burning for the making of lead linings for cell cases necessarily carried on in such a manner that the application of efficient exhaust is impracticable.

Such exhaust draught shall be effected by mechanical means and shall operate on the dust or fume given off as nearly as may be at its point of origin, so as to prevent it entering the air of any room in which persons work.

Provided that at pots containing molten lead the exhaust draught may be effected by natural means, but if so effected shall not be deemed to be efficient unless it produces through the working opening over the pot an average inward air velocity measured across the plane of the opening of at least 120 linear feet per minute.

9. The products of combustion produced in the heating of any melting pot shall not be allowed to escape into a room in which persons work.

10. A suitable receptacle with tightly fitting cover shall be provided and used for dross as it is removed from every melting pot. Such receptacle shall be kept covered while in the workroom, except when dross is being deposited therein.

11. A suitable receptacle shall be provided in every workroom in which old plates and waste material which may give rise to dust shall be deposited.

12. The racks or shelves provided in any drying room shall not be more than 8 feet from the floor nor more than 2 feet in width. Provided that as regards racks or shelves set or drawn from both sides the total width shall not exceed 4 feet.

Such racks or shelves shall be cleansed only after being thoroughly damped unless an efficient suction cleaning apparatus is used for this purpose.

13.—(a) Every person employed in a *lead process* shall be examined by the *Surgeon* within the seven days preceding or following the date of his first employment in such process and thereafter shall be examined by the *Surgeon* once in every calendar month, or at such other intervals as may be specified in writing by the Chief Inspector of Factories, on a day of which due notice shall be given to all concerned.

First employment means first employment in a *lead process* in the factory or workshop and also re-employment therein in a *lead process* following any cessation of employment in such process for a period exceed three calendar months.

(b) A Health Register (*a*) containing the names of all persons employed in a *lead process* shall be kept in a form approved by the Chief Inspector of Factories.

(c) No person after *suspension* shall be employed in a *lead process* without written sanction from the *Surgeon* entered in or attached to the Health Register.

14. Protective clothing shall be provided and maintained in good repair for all persons employed in—

(a) *Manipulation of raw oxide of lead ;*
(b) Pasting ;
(c) The formation room.

Such protective clothing shall consist of an overall, an apron made of material impervious to water and clogs or other suitable footwear ; and, also, as regards persons employed in the *manipulation of raw oxide of lead* or in pasting, head coverings.

The overalls and head coverings provided for the persons employed in the *manipulation of raw oxide of lead* or in pasting shall be washed or renewed weekly.

15. There shall be provided and maintained for the use of all persons employed in a *lead process* and remaining on the premises during the meal intervals, a suitable mess-room, which shall be furnished with (a) sufficient tables and chairs or benches with back rests, and (b) adequate means for warming food and for boiling water.

The mess-room shall be placed under the charge of a responsible person, and shall be kept clean.

(*a*) **Health Register.**—The Official Form is No. 605.

16. There shall be provided and maintained for the use of all persons employed in a *lead process*—

(a) a cloakroom for clothing put off during working hours with adequate arrangements for drying the clothing if wet. Such accommodation shall be separate from any mess-room ;

(b) separate and suitable arrangements for the storage of protective clothing provided under Regulation 14.

17. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in a *lead process*—

(a) a lavatory, under cover, with either—

(i) a trough with a smooth impervious surface fitted with a waste pipe, without plug, and of sufficient length to allow of at least two feet for every five such persons employed at any one time, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or

(ii) at least one lavatory basin for every five such persons employed at any one time, fitted with a waste pipe and plug, having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on, and a supply of hot water always at hand when required for use by such persons ;

and,

a sufficient supply of clean towels made of suitable material renewed daily ; which supply, in the case of pasters and persons employed in the *manipulation of raw oxide of lead*, shall include a separate marked towel for each such worker ;

and,

a sufficient supply of soap or other suitable cleansing material and of nail brushes.

(b) There shall in addition be provided means of washing in close proximity to the rooms in which *manipulation of raw oxide of lead* or pasting is carried on if required by notice in writing from the Chief Inspector of Factories.

18. 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 for washing to each person who has been employed in the *manipulation of raw oxide of lead* or in pasting.

Provided that if there be one basin or two feet of trough for each such person this Regulation shall not apply.

19. Sufficient bath accommodation shall be provided for all persons engaged in the *manipulation of raw oxide of lead* or in pasting,

with hot and cold water laid on, and a sufficient supply of soap and clean towels.

This Regulation shall not apply if, in consideration of the special circumstances of any particular case, the Chief Inspector of Factories approves the use of local public baths when conveniently near, under the conditions (if any) named in such approval.

PART II.—DUTIES OF PERSONS EMPLOYED.

20.—(a) Every person employed in a *lead process* shall present himself at the appointed time for examination by the *Surgeon* in pursuance of Regulation 13 (a).

(b) No person, after *suspension*, shall work in a *lead process* without written sanction from the *Surgeon* entered in or attached to the Health Register.

21.—(a) Every person employed in a *lead process* shall deposit in the cloakroom provided in pursuance of Regulation 16 (a) all clothing put off during working hours.

(b) Every person employed in the *manipulation of raw oxide of lead*, in pasting, or in the formation room, shall wear the protective clothing provided under Regulation 14. The protective clothing when not being worn shall be deposited in the place provided under Regulation 16 (b).

22. No person shall introduce, keep, prepare or partake of any food or drink, nor make use of tobacco in any place in which a *lead process* is carried on.

23. Every person employed in a *lead process* shall before partaking of food or drink or making use of tobacco or leaving the premises wash the hands and every such person employed in the *manipulation of raw oxide of lead* or in pasting shall, in addition, wash the face.

24. Every person employed in the *manipulation of raw oxide of lead* or in pasting shall take a bath at least once a week.

25. Every person when drossing shall immediately deposit the dross in the receptacle provided under Regulation 10.

26. Every person employed in a *lead process* shall make full and proper use of the appliances provided for any of the purposes of these Regulations.

27. No person shall misuse or, without the concurrence of the occupier or manager, in any way interfere with any appliance provided in pursuance of these Regulations.

W. Joynson-Hicks,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
19th January, 1925.

FOR THE GENERATION, TRANSFORMATION, DISTRIBUTION AND USE OF ELECTRICAL ENERGY IN PREMISES UNDER THE FACTORY AND WORKSHOP ACTS, 1901 TO 1911.

(*These Regulations were gazetted January* 1, 1909.)

1908. No. 1312.

Whereas the generation, transformation, distribution, and use of electrical energy in any factory or workshop, or any place to which the provisions of section 79 of the Factory and Workshop Act, 1901, are applied by that Act, have been certified in pursuance of the said section to be dangerous:

I hereby, in pursuance of the powers conferred upon me by that Act, make the following Regulations, and direct that they shall apply in all places before mentioned.

These Regulations shall come into force on the 1st July, 1909, except as regards such parts of electrical stations as were constructed before the 1st July, 1908, in respect of which they shall come into force on the 1st January, 1910.

Duties.

It shall be the duty of the occupier to comply with these Regulations.

And it shall be the duty of all agents, workmen, and persons employed to conduct their work in accordance with these Regulations.

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

"*Pressure*" means the difference of electrical potential between any two *conductors*, or between a *conductor* and earth as read by a hot wire or electrostatic volt-meter.

"*Low pressure*" means a *pressure* in a *system* normally not exceeding 250 volts where the electrical energy is used.

"*Medium Pressure*" means a *pressure* in a *system* normally above 250 volts, but not exceeding 650 volts, where the electrical energy is used.

"*High Pressure*" means a *pressure* in a *system* normally above 650 volts, but not exceeding 3000 volts, where the electrical energy is used or supplied.

"*Extra-high Pressure*" means a *pressure* in a *system* normally exceeding 3000 volts where the electrical energy is used or supplied.

"*System*" means an electrical system in which all the *conductors* and *apparatus* are electrically connected to a common source of electro-motive force.

"*Conductor*" means an electrical conductor arranged to be electrically connected to a *system*.

"*Apparatus*" means electrical apparatus, and includes all

apparatus, machines, and fittings in which *conductors* are used, or of which they form a part.

"*Circuit*" means an electrical circuit forming a *system* or branch of a *system*.

"*Insulating stand*" means a floor, platform, stand, or mat
"*Insulating screen*" means a screen
"*Insulating boots*" means boots
"*Insulating gloves*" means gloves
} of such size, quality, and construction according to the circumstances of the use thereof, that a person is thereby adequately protected from *danger*.

"*Covered with insulating material*" means adequately covered with insulating material of such quality and thickness that there is no *danger*.

"*Bare*" means not *covered with insulating material*.

"*Live*" means electrically charged.

"*Dead*" means, at, or about, zero potential, and disconnected from any *live system*.

"*Earthed*" means connected to the general mass of earth in such manner as will ensure at all times an immediate discharge of electrical energy without *danger*.

"*Substation*" means any premises, or that part of any premises, in which electrical energy is transformed or converted to or from *pressure* above *medium pressure*, except for the purpose of working instruments, relays, or similar auxiliary *apparatus*; if such premises or part of premises are large enough for a person to enter after the *apparatus* is in position.

"*Switchboard*" means the collection of switches or fuses, *conductors*, and other *apparatus* in connection therewith, used for the purpose of controlling the current or *pressure* in any *system* or part of a *system*.

"*Switchboard passage-way*" means any passage-way or compartment large enough for a person to enter, and used in connection with a *switchboard* when *live*.

"*Authorised person*" means (a) the occupier, or (b) a contractor for the time being under contract with the occupier, or (c) a person employed, appointed, or selected by the occupier, or by a contractor as aforesaid, to carry out certain duties incidental to the generation, transformation, distribution, or use of electrical energy, such occupier, contractor, or person being a person who is competent for the purposes of the regulation in which the term is used.

"*Danger*" means danger to health or danger to life or limb from shock, burn, or other injury to persons employed, or from fire, attendant upon the generation, transformation, distribution, or use of electrical energy.

"*Public supply*" means the supply of electrical energy (a) by any local authority, company, or person authorised by Act of Parliament or Provisional Order confirmed by Parliament or by licence or Order of the Board of Trade to give a supply of electrical energy; or (b) otherwise under Board of Trade regulations.

Exemptions.

1. Nothing in Regulations 2, 3, 4, 7, 9, 10, 11, 15, 16, 17, 21, 22, 23, 24, 25, 26, 28, 29, 30, and 31 shall apply, unless on account of special circumstances the Secretary of State shall give notice to the occupier that this exemption does not apply—

(a) To any *system* in which the *pressure* does not exceed *low pressure* direct or 125 volts alternating ;

(b) In any *public supply* generating station, to any *system* in which the *pressure* between it and earth does not exceed *low pressure ;*

(c) In any above-ground *sub-station* for *public supply,* to any *system* not exceeding *low pressure.*

2. Nothing in these Regulations shall apply to any service lines or *apparatus* on the supply side of the consumer's terminals, or to any chamber containing such service lines or *apparatus,* where the supply is given from outside under Board of Trade regulations ; provided always that no *live* metal is exposed so that it may be touched.

3. If the occupier can show, with regard to any requirement of these Regulations, that the special conditions in his premises are such as adequately to prevent *danger* that requirement shall be deemed to be satisfied ; and the Secretary of State may by Order (*a*) direct that any class of special conditions defined in the Order shall be deemed for the purposes of all or any of the requirements of these Regulations adequately to prevent *danger,* and may revoke such Order.

(*a*) The following Order dated July 28, 1909, has been made under Exemption 3 :—

In pursuance of Exemption 3 of the above Regulations, I hereby direct that in rooms, other than electrical stations, in which the following special conditions are observed, viz. :—

no electrical energy is used except at low pressure, nor for any purpose other than lighting by means of incandescent lamps ; and

the floor is of wood or otherwise insulating ; and

there is no machinery or other earthed metal with which a person handling any non-earthed lamp fittings or any portable lamp is liable to be in contact ; and

no process rendering the floor wet is carried on ; and

no live conductor is normally exposed so that it may be touched ;

such conditions shall be deemed for all the purposes of the Regulations adequately to prevent danger.

H. J. Gladstone,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
28th July, 1909.

4. Nothing in these Regulations shall apply to any process or *apparatus* used exclusively for electro-chemical or electro-thermal or testing or research purposes ; provided such process be so worked and such *apparatus* so constructed and protected and such special precautions taken as may be necessary to prevent *danger.*

5. The Secretary of State may, by Order, exempt from the opera-

tion of all or any of these Regulations any premises to which any special rules or regulations under any other Act as to the generation, transformation, distribution or use of electrical energy apply ; and may revoke such Order.

6. The Secretary of State may, if satisfied that safety is otherwise practically secured, or that exemption is necessary on the ground of emergency or special circumstances, grant such exemption by Order (*a*), subject to any conditions that may be prescribed therein ; and may revoke such Order.

(*a*) The following Order dated May 20, 1911, has been made under Exemption 6 :—

In pursuance of Exemption 6 of the above Regulations, I hereby allow exemption from Regulations 17, 25, and 32 as regards the underground electrical stations constructed in pursuance of the following Orders made by the Board of Trade under the provisions of the Electric Lighting Acts, 1882 and 1888, namely :—

The County of London (North) Electric Lighting Order, 1892 ;
The Wandsworth Electric Lighting Order, 1892 ;
The Southwark Electric Lighting Order, 1892 ;
The St. Olave Electric Lighting Order, 1896 ;
The Camberwell Electric Lighting Order, 1896 ;
The St. Saviour's District Electric Lighting Order, 1896 ;
The County of London (Northern Extensions) Electric Lighting Order, 1897 ;
The Holborn and St. Giles Electric Lighting Order, 1898 ;
The Battersea Electric Lighting Order, 1900 ;
The Croydon Rural Electric Lighting Order, 1905 ;

being satisfied that such exemption is necessary on the ground of special circumstances.

Provided that the said exemption shall only apply to such underground electrical sub-stations aforesaid as conform to the following conditions :—

(i) There shall be no system within the sub-station at extra high pressure.
(ii) All conductors at high pressure shall be normally so protected that they cannot be touched.
(iii) All conductors at low or medium pressure (other than earthed conductors), which would otherwise be liable to be accidentally touched by a person on the ladder, shall be suitably guarded.
(iv) The power transformed shall not at any time exceed 160 kilowatts.

W. S. Churchill,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
20th May, 1911.

7. Nothing in these Regulations shall apply to domestic factories or domestic workshops.

REGULATIONS.

1. All *apparatus* and *conductors* shall be sufficient in size and power for the work they are called upon to do, and so constructed,

installed, protected, worked and maintained as to prevent *danger*, so far as is reasonably practicable.

2. All *conductors* shall either be *covered with insulating material*, and further efficiently protected where necessary to prevent *danger*, or they shall be so placed and safeguarded as to prevent *danger* so far as is reasonably practicable.

3. Every switch, switch fuse, circuit-breaker, and isolating link shall be :—(a) so constructed, placed, or protected as to prevent *danger* ; (b) so constructed and adjusted as accurately to make and to maintain good contact ; (c) provided with an efficient handle or other means of working, insulated from the *system*, and so arranged that the hand cannot inadvertently touch *live* metal ; (d) so constructed or arranged that it cannot accidentally fall or move into contact when left out of contact.

4. Every switch intended to be used for breaking a *circuit* and every circuit-breaker shall be so constructed that it cannot with proper care be left in partial contact. This applies to each pole of double-pole or multipole switches or circuit-breakers.

Every switch intended to be used for breaking a *circuit* and every circuit-breaker shall be so constructed that an arc cannot accidentally be maintained.

5. Every fuse and every automatic circuit-breaker used instead thereof shall be so constructed and arranged as effectively to interrupt the current before it so exceeds the working rate as to involve *danger*. It shall be of such construction or be so guarded or placed as to prevent *danger* from over-heating, or from arcing or the scattering of hot metal or other substance when it comes into operation. Every fuse shall be either of such construction or so protected by a switch that the fusible metal may be readily renewed without *danger*.

6. Every electrical joint and connection shall be of proper construction as regards conductivity, insulation, mechanical strength and protection.

7. Efficient means, suitably located, shall be provided for cutting off all *pressure* from every part of a *system*, as may be necessary to prevent *danger*.

8. Efficient means suitably located shall be provided for protecting from excess of current every part of a *system* as may be necessary to prevent *danger*.

9. Where one of the *conductors* of a *system* is connected to earth, no single-pole switch, other than a link for testing purposes or a switch for use in controlling a generator, shall be placed in such *conductor* or any branch thereof.

A switch, or automatic or other cut-out may, however, be placed in the connection between the *conductor* and earth at the generating station for use in testing and emergencies only.

10. Where one of the main *conductors* of a *system* is *bare* and uninsulated, such as a *bare* return of a concentric *system*, no switch, fuse, or circuit-breaker shall be placed in that *conductor*, or in any *conductor* connected thereto, and the said *conductor* shall be earthed.

Nevertheless, switches, fuses, or circuit-breakers may be used to break the connection with the generators or transformers supplying the power ; provided that in no case of *bare conductor* the connection of the *conductor* with earth is thereby broken.

11. Every motor, converter and transformer shall be protected by efficient means suitably placed, and so connected that all *pressure* may thereby be cut off from the motor, converter or transformer as the case may be, and from all *apparatus* in connection therewith ; provided however, that where one point of the *system* is connected to earth, there shall be no obligation to disconnect on that side of the *system* which is connected to earth.

12. Every electrical motor shall be controlled by an efficient switch or switches for starting and stopping, so placed as to be easily worked by the person in charge of the motor.

In every place in which machines are being driven by an electric motor, there shall be means at hand for either switching off the motor or stopping the machines if necessary to prevent *danger*.

13. Every flexible wire for portable *apparatus*, for alternating currents or for *pressures* above 150 volts direct current, shall be connected to the *system* either by efficient permanent joints or connections, or by a properly constructed connector.

In all cases where the person handling portable *apparatus* or pendant lamps with switches for alternating current, or *pressures* above 150 volts direct current, would be liable to get a shock through a conducting floor or conducting work, or otherwise, if the metal work of the portable *apparatus* became charged, the metal work must be efficiently *earthed ;* and any flexible metallic covering of the *conductors* shall be itself efficiently *earthed* and shall not itself be the only earth connection for the metal of the *apparatus*. And a lamp-holder shall not be in metallic connection with the guard or other metal work of a portable lamp.

In such places and in any place where the *pressure* exceeds *low pressure*, the portable *apparatus* and its flexible wire shall be controlled by efficient means suitably located and capable of cutting off the *pressure*, and the metal work shall be efficiently *earthed* independently of any flexible metallic cover of the *conductors*, and any such flexible covering shall itself be independently *earthed*.

14. The general arrangement of *switchboards* shall, so far as reasonably practicable, be such that—

(a) All parts which may have to be adjusted or handled are readily accessible ;

(b) The course of every *conductor* may where necessary be readily traced ;

(c) *Conductors* not arranged for connection to the same *system* are kept well apart, and can where necessary be readily distinguished ;

(d) All *bare conductors* are so placed or protected as to prevent *danger* from accidental short circuit.

15. Every *switchboard* having *bare conductors* normally so exposed that they may be touched, shall, if not located in an area or areas set

apart for the purposes thereof, where necessary be suitably fenced or enclosed.

No person except an *authorised person*, or a person acting under his immediate supervision, shall for the purpose of carrying out his duties have access to any part of an area so set apart.

16. All *apparatus* appertaining to a *switchboard* and requiring handling, shall so far as practicable be so placed or arranged as to be operated from the working platform of the *switchboard*, and all measuring instruments and indicators connected therewith shall, so far as practicable, be so placed as to be observed from the working platform. If such *apparatus* be worked or observed from any other place, adequate precautions shall be taken to prevent *danger*.

17. At the working platform of every *switchboard* and in every *switchboard passage-way*, if there be *bare conductors* exposed or arranged to be exposed when *live* so that they may be touched, there shall be a clear and unobstructed passage of ample width and height, with a firm and even floor. Adequate means of access, free from *danger*, shall be provided for every *switchboard passage-way*.

The following provisions shall apply to all such *switchboard* working platforms and *passage-ways* constructed after January 1st, 1909, unless the *bare conductors*, whether overhead or at the sides of the *passage-ways*, are otherwise adequately protected against *danger* by divisions or screens or other suitable means :—

(a) Those constructed for *low-pressure* and *medium-pressure switchboards* shall have a clear height of not less than 7 ft., and a clear width measured from *bare conductor* of not less that 3 ft.

(b) Those constructed for *high-pressure* and extra *high-pressure switchboards*, other than operating desks or panels working solely at *low-pressure*, shall have a clear height of not less than 8 ft., and a clear width measured from *bare conductor* of not less than 3 ft. 6 in.

(c) *Bare conductors* shall not be exposed on both sides of the *switchboard passage-way* unless either (i) the clear width of the passage is in the case of *low-pressure* and *medium-pressure* not less than 4 ft. 6 in., and in the case of *high-pressure* and *extra high-pressure* not less than 8 ft., in each case measured between *bare conductors*, or (ii) the *conductors* on one side are so guarded that they cannot be accidentally touched.

18. In every *switchboard* for *high-pressure* or *extra high-pressure*—

(a) Every *high-pressure* and *extra high-pressure conductor* within reach from the working platform or in any *switchboard passage-way* shall be so placed or protected as adequately to prevent *danger*.

(b) The metal cases of all instruments working at *high-pressure* or *extra high-pressure* shall be either *earthed* or completely enclosed with insulating covers.

(c) All metal handles of *high-pressure* and *extra high-pressure*

switches, and, where necessary to prevent *danger*, all metal gear for working the switches, shall be *earthed*.

(d) When work has to be done on any *switchboard*, then, unless the *switchboard* be otherwise so arranged as to secure that the work may be carried out without *danger*, either (i) the *switchboard* shall be made *dead*, or (ii) if the said *switchboard* be so arranged that the conductors thereof can be made *dead* in sections, and so separated by permanent or removable divisions or screens from all adjoining sections of which the *conductors* are *live* that work on any section may be carried out without *danger*, that section on which work has to be done shall be made *dead*.

19. All parts of generators, motors, transformers, or other similar *apparatus*, at *high-pressure* or *extra high-pressure*, and within reach from any position in which any person employed may require to be, shall be, so far as reasonably practicable, so protected as to prevent *danger*.

20. Where a *high-pressure* or *extra high-pressure* supply is transformed for use at a lower *pressure*, or energy is transformed up to above *low-pressure*, suitable provision shall be made to guard against *danger* by reason of the lower-pressure *system* becoming accidentally charged above its normal *pressure* by leakage or contact from the higher-pressure *system*.

21. Where necessary to prevent *danger*, adequate precautions shall be taken either by *earthing* or by other suitable means to prevent any metal other than the *conductor* from becoming electrically charged.

22. Adequate precautions shall be taken to prevent any *conductor* or *apparatus* from being accidentally or inadvertently electrically charged when persons are working thereon.

23. Where necessary adequately to prevent *danger*, *insulating stands* or *screens* shall be provided and kept permanently in position, and shall be maintained in sound condition.

24. Portable *insulating stands*, *screens*, *boots*, *gloves*, or other suitable means shall be provided and used when necessary adequately to prevent *danger*, and shall be periodically examined by an *authorised person*.

25. Adequate working space and means of access, free from *danger*, shall be provided for all *apparatus* that has to be worked or attended to by any person.

26. All those parts of premises in which *apparatus* is placed shall be adequately lighted to prevent *danger*.

27. All *conductors* and *apparatus* exposed to the weather, wet, corrosion, inflammable surroundings or explosive atmosphere, or used in any process or for any special purpose other than for lighting or power, shall be so constructed or protected, and such special precautions shall be taken, as may be necessary adequately to prevent *danger* in view of such exposure or use.

28. No person except an *authorised person* or a competent person

acting under his immediate supervision shall undertake any work where technical knowledge or experience is required in order adequately to avoid *danger ;* and no person shall work alone in any case in which the Secretary of State directs that he shall not. No person except an *authorised person,* or a competent person over 21 years of age acting under his immediate supervision, shall undertake any repair, alteration, extension, cleaning or such work where technical knowledge or experience is required in order to avoid *danger,* and no one shall do such work unaccompanied.

Where a contractor is employed, and the *danger* to be avoided is under his control, the contractor shall appoint the *authorised person,* but if the *danger* to be avoided is under the control of the occupier, the occupier shall appoint the *authorised person.*

29. Instructions as to the treatment of persons suffering from electric shock shall be affixed in all premises where electrical energy is generated, transformed, or used above *low pressure ;* and in such premises, or classes of premises, in which electrical energy is generated, transformed, or used at *low pressure,* as the Secretary of State may direct.

30. Every *sub-station* shall be substantially constructed, and shall be so arranged that no person other than an *authorised person* can obtain access thereto otherwise than by the proper entrance, or can interfere with the *apparatus* or *conductors* therein from outside ; and shall be provided with efficient means of ventilation and be kept dry.

31. Every *sub-station* shall be under the control of an *authorised person,* and none but an *authorised person* or a person acting under his immediate supervision shall enter any part thereof where there may be *danger.*

32. Every underground *sub-station* not otherwise easily and safely accessible shall be provided with adequate means of access by a door or trap-door, with a staircase or ladder securely fixed and so placed that no *live* part of any *switchboard* or any *bare conductor* shall be within reach of a person thereon : Provided, however, that the means of access to such *sub-station* shall be by a doorway and staircase (a) if any person is regularly employed therein, otherwise than for inspection or cleaning, or (b) if the *sub-station* is not of ample dimensions and there is therein either moving machinery other than ventilating fans, or *extra high-pressure.*

H. J. Gladstone,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
23rd December, 1908.

FOR VITREOUS ENAMELLING OF METAL OR GLASS.

(*These Regulations were gazetted December* 22, 1908.)

1908. No. 1258.

Whereas the process of vitreous *enamelling* of metal or glass has been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous:

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories and workshops in which vitreous *enamelling* of metal or glass is carried on.

Provided that nothing in these Regulations shall apply to—

(a) the *enamelling* of jewellery or watches; or

(b) the manufacture of stained glass; or

(c) *enamelling* by means of glazes or colours containing less than 1 per cent. of lead.

These Regulations shall come into force on 1st April, 1909.

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

In these Regulations—

"*Enamelling*" means crushing, grinding, sieving, dusting or laying on, brushing or woolling off, spraying, or any other process for the purpose of vitreous covering and decoration of metal or glass;

"*Employed*" means employed in *enamelling*;

"*Surgeon*" means the Certifying Factory Surgeon of the district or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate;

"*Suspension*" means suspension by written certificate in the Health Register signed by the *Surgeon*, from employment in any *enamelling* process.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons *employed* to observe Part II. of these Regulations.

PART I.

Duties of Employers.

1. Every room in which any *enamelling* process is carried on—

(a) shall contain at least 500 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;

(b) shall be efficiently lighted, and shall for this purpose have efficient means of lighting both natural and artificial.

2. In every room in which any *enamelling* process is carried on—

(a) the floors shall be well and closely laid, and be maintained in good condition ;

(b) the floors and benches shall be cleansed daily and kept free of collections of dust.

3. No *enamelling* process giving rise to dust or spray shall be done save either—

(a) under conditions which secure the absence of dust and spray or

(b) with an efficient exhaust so arranged as to intercept the dust or spray and prevent it from diffusing into the air of the room.

4. Except in cases where glaze is applied to a heated metallic surface, dusting or laying on, and brushing or woolling off, shall not be done except over a grid with a receptacle beneath to intercept the dust falling through.

5. If firing is done in a room not specially set apart for the purpose no person shall be *employed* in any other process within 20 feet from the furnace.

6. Such arrangements shall be made as shall effectually prevent gases generated in the muffle furnaces from entering the workrooms.

7. No child or young person under 16 years of age shall be *employed* in any *enamelling* process.

8. A Health Register (*a*), containing the name of all persons *employed*, shall be kept in a form approved by the Chief Inspector of Factories.

9. Every person *employed* shall be examined by the *Surgeon* once in every three months (or at such other intervals as may be prescribed in writing by the Chief Inspector of Factories) on a date of which due notice shall be given to all concerned.

10. The *Surgeon* shall have power of *suspension* as regards all persons *employed*, and no person after *suspension* shall be *employed* without written sanction from the *Surgeon* entered in the Health Register.

11. There shall be provided and maintained for the use of all persons *employed*—

(a) suitable overalls and head-coverings, which shall be collected at the end of every day's work, and be cleaned or renewed at least once every week ;

(b) a suitable place, separate from the cloakroom and meal-room, for the storage of the overalls and head-coverings ;

(c) a suitable cloakroom for clothing put off during working hours ;

(*a*) **Health Register.**—The Official Form is No. 605.

(d) a suitable meal-room separate from any room in which *enamelling* processes are carried on, unless the works are closed during meal hours.

12. There shall be provided and maintained in a cleanly state and in good repair, for the use of all persons *employed*, a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

(a) a trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least two feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or

(b) at least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons *employed*.

13. The occupier shall allow any of H.M. Inspectors of Factories to take at any time sufficient samples for analysis of any *enamelling* material in use or mixed for use.

Provided that the occupier may at any 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.

No results of any analysis shall be published without the consent of the occupier except such as may be necessary to prove the presence of lead when there has been infraction of the Regulations.

PART II.

Duties of Persons Employed.

14. Every person *employed* shall—

(a) present himself at the appointed time for examination by the *Surgeon* as provided in Regulation 9 ;

(b) wear the overall and head-covering provided under Regulation 11 (a), and deposit them and clothing put off during working hours in the places provided under Regulation 11 (b) and (c) ;

(c) carefully clean the hands before partaking of any food or leaving the premises ;

(d) so arrange the hair that it shall be effectually protected from dust by the head-covering.

15. No person *employed* shall—

(a) after *suspension*, work in any *enamelling* process without written sanction from the *Surgeon* entered in the Health Register ;

(b) introduce, keep, prepare, or partake of any food, drink, or tobacco, in any room in which an *enamelling* process is carried on ;

(c) interfere in any way, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of dust or fumes, and for the carrying out of these Regulations.

H. J. Gladstone,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
18th December, 1908.

FOR THE MANUFACTURE OF FELT HATS, WHERE ANY INFLAMMABLE SOLVENT IS USED.

(*These Regulations were gazetted August* 19, 1902.)

1902. No. 623.

(*The number at the head of these and of subsequent Regulations is the number given to them in the series of Statutory Rules and Orders for the year.*)

Whereas the manufacture of Felt Hats with the aid of inflammable solvent has been certified in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous : I hereby, in pursuance of the power conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories and workshops in which any inflammable solvent is used in the manufacture of Felt Hats :—

1. Every proofing room and every stove or drying room in which an inflammable solvent is evaporated shall be thoroughly ventilated to the satisfaction of the Inspector for the district, so as to carry off as far as possible the inflammable vapour.

2. The number of wet spirit-proofed hat bodies allowed to be in a proofing room at any one time shall not exceed the proportion of one hat for each 15 cubic feet of air space ; and in no stove, whilst the first drying of any spirit-proofed hats is being carried on, shall the number of hat bodies of any kind exceed a proportion of one hat for each 12 cubic feet of air space.

A notice (*a*) stating the dimensions of each such room or stove in cubic feet and the number of spirit-proofed hats allowed to be therein at any one time shall be kept constantly affixed in a conspicuous position.

(*a*) **Notice.**—For proofing rooms the Official Form is No. 765, and for stoving rooms, No. 766.

3. Spirit-proofed hats shall be opened out singly and exposed for one hour before being placed in the stove. This requirement shall not apply in the case of a stove which contains no fire or artificial light capable of igniting inflammable vapour, and which is so constructed and arranged as, in the opinion of the Inspector for the district, to present no risk of such ignition from external fire or light.

4. The above rules, in so far as they affect drying stoves, shall not apply to the process of drying hat bodies where the solvent is recovered in a closed oven or chamber fitted with safe and suitable apparatus for the condensation of the solvent.

5. No person shall smoke in any room or place in which inflammable solvent is exposed to the air.

These Regulations shall come into force on the 1st day of October, 1902.

A. Akers-Douglas,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
12th August, 1902.

FOR THE PROCESS OF FILE-CUTTING BY HAND.

(*These Regulations were gazetted June* 23, 1903.)

1903. No. 507.

Whereas the process of file-cutting by hand has been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous :

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories and workshops (including tenement factories and tenement workshops) or parts thereof in which the process of file-cutting by hand is carried on : Provided that the Chief Inspector of Factories may by certificate in writing exempt from all or any of these Regulations any factory or workshop in which he is satisfied that the beds used are of such composition as not to entail danger to the health of the persons employed.

1. The number of stocks in any room shall not be more than one stock for every 350 cubic feet of air space in the room ; and in calculating air space for the purpose of this Regulation any space more than 10 feet above the floor of the room shall not be reckoned.

2. After the 1st day of January, 1904, the distance between the stocks measured from the centre of one stock to the centre of the

next shall not be less than 2 feet 6 inches, and after the 1st day of January, 1905, the said distance shall not be less than 3 feet.

3. Every room shall have a substantial floor, the whole of which shall be covered with a washable material, save that it shall be optional to leave a space not exceeding 6 inches in width round the base of each stock.

The floor of every room shall be kept in good repair.

4. Efficient inlet and outlet ventilators shall be provided in every room. The inlet ventilators shall be so arranged and placed as not to cause a direct draught of incoming air to fall on the workmen employed at the stocks.

The ventilators shall be kept in good repair and in working order.

5. No person shall interfere with or impede the working of the ventilators.

6. Sufficient and suitable washing conveniences shall be provided and maintained for the use of the file-cutters. The washing conveniences shall be under cover and shall comprise at least one fixed basin for every ten or less stocks. Every basin shall be fitted with a waste pipe discharging over a drain or into some receptacle of a capacity at least equal to one gallon for every file-cutter using the basin. Water shall be laid on to every basin either from the main or from a tank of a capacity of not less than 1½ gallons to every worker supplied from such tank. A supply of clean water shall be kept in the said tank while work is going on, at least sufficient to enable every worker supplied from such tank to wash.

7. The walls and ceiling of every room, except such parts as are painted or varnished or made of glazed brick, shall be limewashed once in every six months ending the 30th of June and once in every six months ending the 31st of December.

8. The floor and such parts of the walls and ceiling as are not limewashed and the benches shall be cleansed once a week.

9. If the factory or workshop is situated in a dwelling-house the work of file-cutting shall not be carried on in any room which is used as a sleeping place or for cooking or eating meals.

10. Every file-cutter shall when at work wear a long apron reaching from the shoulders and neck to below the knees. The apron shall be kept in a cleanly state.

11. A copy of these Regulations and an Abstract of the provisions of the Factory and Workshop Act, 1901, shall be kept affixed in the factory or workshop in a conspicuous place.

12. It shall be the duty of the occupier to carry out Regulations 1, 2, 3, 4, 6, 7, and 11 ; except that, in any room in a tenement factory or tenement workshop which is let to more than one occupier, it shall be the duty of the owner to carry out these Regulations, except the last clause of Regulation 6, which shall be carried out by the occupiers.

It shall be the duty of the occupier or occupiers to carry out Regulation 8.

It shall be the duty of the occupier or occupiers and of every workman to observe Regulations 5, 9, and 10.

These Regulations shall come into force on the 1st day of September, 1903.

A. Akers-Douglas,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
19th June, 1903.

FOR THE PROCESSES OF SPINNING AND WEAVING FLAX AND TOW AND THE PROCESSES INCIDENTAL THERETO.

(*These Regulations were gazetted March* 6, 1906.)

1906. No. 177.

Whereas the processes of spinning and weaving flax and tow and the processes incidental thereto have been certified in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous :

I hereby in pursuance of the powers conferred on me by that Act make the following Regulations, and direct that they shall apply to all factories in which the processes named above are carried on, and to all workshops in which the processes of roughing, sorting, or hand-hackling of flax or tow are carried on.

These Regulationsshall come into force on the 1st day of February, 1907.

Provided that in the case of all rooms in which *roughing* or *hand-hackling* is now carried on, and in which there is respectively (a) no system of local mechanical exhaust ventilation, or (b) no artificial means of regulating the temperature, Regulations 2 and 3 respectively shall not come into force until the 1st day of February, 1908.

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

In these Regulations—

"*Degrees*" means degrees on the Fahrenheit scale.

"*Roughing, sorting, hand-hackling, machine-hackling, carding,* and *preparing*" mean those processes in the manufacture of flax or tow.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1. In every room in which persons are employed the arrangements shall be such that during working hours the proportion of carbonic acid in the air of the room shall not exceed 20 volumes per 10,000

volumes of air at any time when gas or oil is used for lighting (or within one hour thereafter) or 12 volumes per 10,000 when electric light is used (or within one hour thereafter) or 9 volumes per 10,000 at any other time.

Provided that it shall be a sufficient compliance with this Regulation if the proportion of carbonic acid in the air of the room does not exceed that of the open air outside by more than 5 volumes per 10,000 volumes of air.

2. In every room in which *roughing*, *sorting*, or *hand-hackling* is carried on, and in every room in which *machine-hackling*, *carding*, or *preparing* is carried on, and in which dust is generated and inhaled to an extent likely to cause injury to the health of the workers, efficient exhaust and inlet ventilation shall be provided to secure that the dust is drawn away from the workers at, or as near as reasonably possible to, the point at which it is generated.

For the purposes of this Regulation, the exhaust ventilation in the case of *hand-hackling*, *roughing*, or *sorting* shall not be deemed to be efficient if the exhaust opening at the back of the hackling pins measures less than 4 inches across in any direction, or has a sectional area of less than 50 square inches, or if the linear velocity of the draught passing through it is less than 400 feet per minute at any point within a sectional area of 50 square inches.

3. In every room in which *hand-hackling*, *roughing*, *sorting*, *machine-hackling*, *carding*, or *preparing* is carried on, an accurate thermometer shall be kept affixed ; and the arrangements shall be such that the temperature of the room shall not at any time during working hours where *hand-hackling*, *roughing*, or *machine-hackling* is carried on, fall below 50 *degrees*, or where *sorting*, *carding*, or *preparing* is carried on, below 55 *degrees* ; and that no person employed shall be exposed to a direct draught from any air inlet, or to any draught at a temperature of less than 50 *degrees*.

Provided that it shall be a sufficient compliance with this Regulation if the heating apparatus be put into operation at the commencement of work, and if the required temperature be maintained after the expiration of one hour from the commencement of work.

4. In every room in which wet-spinning is carried on, or in which artificial humidity of air is produced in aid of manufacture a set of standardised wet and dry bulb thermometers shall be kept affixed in the centre of the room or in such other position as may be directed by the Inspector of the district by notice in writing, and shall be maintained in correct working order.

Each of the above thermometers shall be read between 10 and 11 a.m. on every day that any person is employed in the room, and again between 3 and 4 p.m. on every day that any person is employed in the room after 1 p.m., and each reading shall be at once entered on the prescribed form (*a*).

The form shall be hung up near the thermometers to which it relates, and shall be forwarded, duly filled in, at the end of each

(*a*) **Humidity Record.**—The Official Form is No. 318.

calendar month to the Inspector of the district. Provided that this part of this Regulation shall not apply to any room in which the difference of reading between the wet and dry bulb thermometers is never less than 4 *degrees*, if notice (*a*) of intention to work on that system has been given in the prescribed form to the Inspector for the district, and a copy of the notice is kept affixed in the room to which it applies.

5. The humidity of the atmosphere of any room to which Regulation 4 applies shall not at any time be such that the difference between the readings of the wet and dry bulb thermometers is less than 2 *degrees*.

6. No water shall be used for producing humidity of the air, or in wet-spinning troughs, which is liable to cause injury to the health of the persons employed or to yield effluvia ; and for the purpose of this Regulation any water which absorbs from acid solution of permanganate of potash in four hours at 60 *degrees* more than 0·5 grain of oxygen per gallon of water shall be deemed to be liable to cause injury to the health of the persons employed.

7. Efficient means shall be adopted to prevent the escape of steam from wet-spinning troughs.

8. The pipes used for the introduction of steam into any room in which the temperature exceeds 70 *degrees*, or for heating the water in any wet-spinning trough, shall, so far as they are within the room and not covered by water, be as small in diameter and as limited in length as is reasonably practicable and shall be effectively covered with non-conducting material.

9. Efficient splash guards shall be provided and maintained on all wet-spinning frames of 2¾-inch pitch and over, and on all other wet-spinning frames unless waterproof skirts, and bibs of suitable material, are provided by the occupier and worn by the workers.

Provided that if the Chief Inspector is satisfied with regard to premises in use prior to 30th June, 1905, that the structural conditions are such that splash guards cannot conveniently be used, he may suspend the requirement as to splash guards. Such suspension shall only be allowed by certificate in writing signed by the Chief Inspector, and shall be subject to such conditions as may be stated in the certificate.

10. The floor of every wet-spinning room shall be kept in sound condition, and drained so as to prevent retention or accumulation of water.

11. There shall be provided for all persons employed in any room in which wet-spinning is carried on, or in which artificial humidity of air is produced in aid of manufacture, suitable and convenient accommodation (*b*) in which to keep the clothing taken off before

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(*a*) **Notice.**—This is Official Form No. 70.

(*b*) It is a question of fact in each case what is "suitable and convenient accommodation" within the meaning of this regulation. It does not necessarily mean either a wardrobe in a workroom or a separate cloak-room outside the workroom (*Eraut* v. *Ross Bros., Ltd.*, [1910] 2 I. R. 591).

starting work, and in the case of a building erected after 30th June, 1905, in which the difference between the readings of the wet and dry bulb thermometers is at any time less than 4 *degrees*, such accommodation shall be provided in cloak-rooms ventilated and kept at a suitable temperature and situated in or near the workrooms in question.

12. Suitable and efficient respirators shall be provided for the use of the persons employed in *machine-hackling*, *preparing*, and *carding*.

PART II.

Duties of Persons Employed.

13. All persons employed on wet-spinning frames without efficient splash guards shall wear the skirts and bibs provided by the occupier in pursuance of Regulation 9.

14. No person shall in any way interfere, without the concurrence of the occupier or manager, with the means and appliances provided for ventilation, or for the removal of dust, or for the other purposes of these Regulations.

H. J. Gladstone,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
26th February, 1906.

THE GRINDING OF CUTLERY AND EDGE TOOLS REGULATIONS, 1925, DATED OCTOBER 26, 1925, MADE BY THE SECRETARY OF STATE UNDER SECTION 79 OF THE FACTORY AND WORKSHOP ACT, 1901 (1 EDW. 7, C. 22) FOR GRINDING OR GLAZING OR PROCESSES INCIDENTAL TO GRINDING IN, OR INCIDENTAL TO, THE MANUFACTURE OF CUTLERY, EDGE TOOLS, SWORDS, BAYONETS, FILES, SAWS, PLOUGHS OR OTHER CUTTING OR PIERCING IMPLEMENTS OF IRON OR STEEL.

1925. No. 1089.

In pursuance of section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations, and direct that they shall apply to all factories (including tenement factories and tenements thereof in which no person is employed by the occupier) in which is carried on any *grinding* or *glazing*, or process incidental to *grinding* in, or incidental to, the manufacture of *cutlery*, edge tools, swords, bayonets, files, saws, ploughs, or other cutting or piercing implements of iron or steel.

These Regulations may be cited as the Grinding of Cutlery and Edge Tools Regulations, 1925.

Regulations 3, 5 (so far as it applies to existing works), 6, 7 (a) and (b) and 8 (a) shall not come into force until three years after the commencement of these Regulations, but save as aforesaid these Regulations shall take effect on 1st January, 1926. From that date the Regulations dated 15th October, 1909, for the Grinding of Metals and Racing of Grindstones, shall be revoked.

*Definitions.**

For the purpose of these Regulations—

Cutlery includes knives, forks and spoons of any metal, and steels.

Grindstone means a *grindstone* composed of natural or manufactured sandstone, or a metal wheel or cylinder into which blocks of natural or manufactured sandstone are fitted.

Abrasive Wheel means a wheel manufactured of bonded emery or similar abrasive.

Grinding, which includes "Whittening" or "Whitening," means the abrasion, by aid of mechanical power, of metal by means of a *grindstone* or *abrasive wheel*.

Glazing means the abrading, polishing or finishing by aid of mechanical power of any article wholly or partly of metal by means of any wheel, buff, mop, bob, dolly, or band to which any abrading or polishing substance is attached or applied except the process known as "sand buffiing" in which articles are polished by means of a mixture of oil and sand applied by hand to a rotating buff.

Racing means the turning up, cutting or dressing of a revolving *grindstone* before the *grindstone* is brought into use for the first time.

Hacking means the chipping of the surface of a *grindstone* by a hack or similar tool.

Exemptions.

(1) Nothing in these Regulations shall apply to any process—

(i) in the manufacture of needles, pins and fish-hooks ;

(ii) in the manufacture, repair, or sharpening of saws, tools, or instruments for use in machines for the cutting or working of metals ; or

(iii) in the manufacture, repair or sharpening of saws, tools, or instruments for use in the factory or for the purpose of the work thereof except as regards any part of the factory in which one or more persons are wholly or mainly employed in *grinding* or *glazing* processes in or incidental to such manufacture, repair or sharpening.

(2) Nothing in these Regulations, except Regulation 13, shall

* Terms to which defined meanings are given are printed throughout in italics.

apply to any *grinding* or *glazing* of metals carried on intermittently and at which no person is employed for more than 8 hours in any week, unless and until so required by notice in writing from the Chief Inspector of Factories.

(3) Regulations 3, 5 and 7 (a) shall not apply to any wet *grinding* where the work being done at the *grindstone* or *abrasive wheel* is carried on by mechanical means unless and until so required by notice in writing from the Chief Inspector of Factories.

If the Chief Inspector of Factories is satisfied in respect of any factory or any class of machines that owing to the special conditions or special methods of work or otherwise, any of the requirements of these Regulations can be suspended or relaxed without danger to the health or safety of the persons employed, or the application of these Regulations or some part thereof would for any reason be impracticable, he may by certificate in writing (which he may in his discretion revoke) authorise such suspension or relaxation for such period and on such conditions as he may think fit.

Duties.

Every occupier and manager of any factory to which these Regulations apply, shall be bound to observe the same, and every person who is employed or engaged in any work to which these Regulations apply shall be so bound, except in so far as any duty is expressly imposed on any other person.

In the application of these Regulations to tenement factories, the owner instead of the occupier shall be responsible for the provision and maintenance of the accommodation, appliances, water supply and other arrangements necessary for the observance of Regulations 1, 2, 3, 4 (a), 6, 7, 8 (a), 8 (c), 12 and 14 ; the keeping of the register required by Regulation 4 (b) ; and (in the case of rooms occupied by more than one tenant) for the cleaning required by Regulations 8 (b) and 9, and the keeping of the register required by Regulation 10 ; and so far as is necessary for any of the aforesaid purposes the special Regulations contained in section 87 of the aforesaid Act shall be modified or extended.

Regulations.

1. No *racing*, dry *grinding*, or *glazing* ordinarily causing the evolution of dust into the air of the room in such a manner as to be inhaled by any person employed shall be performed without the use of adequate appliances for the interception of the dust as near as possible to the point of origin thereof, and for its removal and disposal so that it shall not enter any occupied room, and for the purpose of this Regulation the appliances shall not be deemed adequate unless they either include :—

(a) a hood or other appliance, so constructed, arranged and placed as substantially to intercept the dust thrown off ; and

(b) a duct of adequate size, air-tight, and so arranged as to be capable of carrying away the dust, which duct shall be kept free from obstruction and shall be provided with

proper means of access for inspection and cleaning, and, where practicable, with a connection at the end remote from the fan to enable H.M. Inspector of Factories to attach thereto an instrument necessary for ascertaining the pressure of air in the said duct; and

(c) a fan or other efficient means of producing a draught sufficient to extract the dust;

or are such as, in the case of the particular factory or part thereof, or of the particular manufacture, process or operation, in or for which they are used, shall be proved to be at least as effectual for such interception, removal and disposal as such hood, duct and fan would be.

2. *Racing* shall not be done in any room whilst any person, other than those performing or assisting at the *racing* is present, and work shall not be resumed in the room after *racing* until the dust has been removed and cleaning as required by Regulation 8 (b) has been carried out, provided that in any factory constructed or taken into use for any of the processes to which these Regulations apply after 1st January, 1926, *racing* shall not be done except in a special room or place in which no other work is ordinarily carried on.

3. In every room in which wet *grinding* upon a *grindstone* is carried on there shall be provided and maintained whilst work is in progress either—

(a) adequate exhaust and inlet ventilation; or

(b) a supply of clean water conveyed by pipes and deposited upon the surface of the *grindstone*, and suitable arrangements to ensure the drainage of the waste water from the *grindstone* trough.

For the purposes of this Regulation the ventilation shall not be deemed to be adequate unless (i) it ensures that the air of the room is renewed not less than 15 times per hour; (ii) it is arranged in such a manner as to secure a continuous movement of the air in a direction from the grinder towards the *grindstone;* and (iii) the fresh air inlets are so arranged and are of such dimensions that no worker is exposed to a direct draught from them.

4.—(a) All ventilating plant used for the purpose of extracting or suppressing dust shall at least once in every six months be examined and tested by a competent person, and any defect disclosed by such examination and test shall be rectified as soon as practicable.

(b) A register (*a*) containing particulars of such examination and test shall be kept in a form approved by the Chief Inspector of Factories and shall be available for inspection by any workman employed in any room in respect of which the ventilating plant is provided.

5. In any factory constructed or taken into use for any of the processes to which these Regulations apply after the 1st January,

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(*a*) **Register.**—This is Official Form No. 90.

1926, *glazing* or other processes, except processes incidental to wet *grinding* or a *grindstone*, shall not be carried on in any room in which wet *grinding* on a *grindstone* is carried on, nor in any other factory unless there is a minimum distance of 8 feet measured in any direction between the centres of any *grindstone* and any appliance used for *glazing*.

6. *Hacking* shall not be done unless with an adequate supply of water laid on at the upper surface of the *grindstone*, or the *grindstone* is adequately wetted by other means. The arrangements provided shall be such as to ensure as far as practicable the suppression of dust during the process.

7. Wet *grinding* upon a *grindstone* shall not be done in any room—

(a) in which the height of the room, measured from any part of the floor to the lowest part of the top, is less than 10 feet; nor

(b) in which the total window area is less than one-sixth of the floor area; nor

(c) unless all windows are properly glazed and the glass or other material of such windows maintained whole and kept clean.

8. In every room in which wet *grinding* upon a *grindstone* is carried on—

(a) the floor and walls shall be constructed of, or covered with, smooth impervious material, and all shafts, belts, pulleys and drums shall, as far as practicable, be efficiently covered in or a clear space left below such shafts, belts, pulleys and drums sufficient to permit the cleaning required by paragraph (b) of this Regulation;

(b) the floor, walls and all other parts of the room, fixtures, and coverings, if any, of shafts, belts, pulleys and drums shall be thoroughly cleaned by clean water or by an efficient vacuum apparatus at least once in every week during which any *grinding* as aforesaid has been done;

(c) Adequate drainage shall be provided by means of the floor sloping towards drainage channels, or by such other means as shall be proved at least as effectual:

Provided that paragraphs (a) and (b) of this Regulation shall not apply to any part of the room or fixtures exceeding 14 feet in height from the floor.

9. In every room where *racing*, or *grinding* other than wet *grinding* upon a *grindstone* or *glazing* is carried on, the floor, walls, ceiling or top and all other parts of the room, and fixtures, and all coverings, if any, of shafts, belts, pulleys and drums, shall be properly cleaned at least once in every three calendar months.

Provided that this Regulation shall not apply to any part of the room or fixtures exceeding 14 feet in height from the floor.

10. A register containing the dates and particulars of all cleaning done in pursuance of Regulations 8 (b) or 9, and the name and the

address of the person performing the cleaning or, when more than one are employed, of the person in charge, shall be kept in a form approved by the Chief Inspector of Factories. Such register shall be available for inspection by any workman employed in any room in respect of which the register is required to be kept.

11. No person employed at *grinding*, *glazing* or processes incidental thereto shall spit upon the floor, walls or any part of any room in which *grinding*, *glazing*, or processes incidental thereto are carried on, nor into or upon any apparatus, plant or fixtures in any such room.

12. There shall be provided and maintained for the use of all persons employed in wet *grinding* suitable accommodation for clothing put off during working hours.

13. (a) In every room in which *grinding* is carried on there shall be kept permanently affixed a notice specifying the safe working peripheral speed of every class of *grindstone* and *abrasive wheel* in use in such room. Such notice shall specify also the speeds of the shafts or spindles upon which the *grindstones* or *abrasive wheels* are mounted and the diameters of the pulleys upon such shafts or spindles necessary to secure such safeworking peripheral speeds.

(b) The occupier or his agent shall, when required by H.M. Inspector of Factories, give all necessary facilities and particulars to enable him to determine the speed of any shaft, pulley or other appliance.

14. In every room constructed or converted for use as a *grinding* room after 1st January, 1926, there shall be provided a minimum distance of four feet six inches between any two *grindstones*, or three feet if the stones are less than two feet in diameter. This Regulation shall not apply to *grindstones* made up of blocks of stone inserted into metal frames, nor prevent the use of two *grindstones* in a saw *grinding* or other similar machine.

15. Every person who is employed or engaged in any work to which these Regulations apply shall make full and proper use of all appliances, facilities or accommodation provided for any of the purposes of these Regulations and shall report forthwith to the owner, occupier, manager or other responsible person any defect in the same.

W. Joynson-Hicks,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
26th October, 1925.

THE GRINDING OF METALS (MISCELLANEOUS INDUSTRIES) REGULATIONS, 1925, DATED SEPTEMBER 2, 1925, MADE BY THE SECRETARY OF STATE UNDER SECTION 79 OF THE FACTORY AND WORKSHOP ACT, 1901 (1 EDW. 7, C. 22), FOR THE GRINDING OR GLAZING OF METALS, OR PROCESSES INCIDENTAL TO THE GRINDING OF METALS, OR THE CLEANING OF CASTINGS.

1925. No. 904.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations, and direct that they shall apply to all factories or parts thereof in which is carried on the *grinding* or *glazing* of metals, or any process incidental to the *grinding* of metals, or the *cleaning of castings*.

These Regulations may be cited as the Grinding of Metals (Miscellaneous Industries) Regulations, 1925, and shall come into force on 1st November, 1925, except that Regulations 2, 4, 5 and 6 shall not apply until two years after the said date.

*Definitions.**

For the purpose of these Regulations :—

Grindstone means a *grindstone* composed of natural or manufactured sandstone, but does not include a metal wheel or cylinder into which blocks of natural or manufactured sandstone are fitted.

Abrasive Wheel means a wheel manufactured of bonded emery or similar abrasive.

Grinding means the abrasion, by aid of mechanical power, of metal, article of metal, or part of any article of metal by means of a *grindstone* or *abrasive wheel*.

Glazing means the abrading, polishing or finishing, by aid of mechanical power, of metal, article of metal, or part of any article of metal by means of any wheel, buff, mop, bob, dolly, or band to which any abrading or polishing substance is attached or applied, except the process known as "sand buffing," in which articles are polished by means of a mixture of oil and sand applied by hand to a rotating buff.

Racing means the turning up, cutting or dressing of a revolving *grindstone* before the *grindstone* is brought into use for the first time.

Hacking means the chipping of the surface of a *grindstone* by a hack or similar tool.

Rodding, which includes "barring up" or "scaring," means the dressing of the surface of a revolving *grindstone* by the application of a rod, bar, or strip of metal to such surface.

Cleaning of Castings means the freeing of castings from adherent sand or other substance, and includes the withdrawal or knocking out of cores, core rods and lifters, the removal of

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* Terms to which defined meanings are given are printed throughout in italics.

ingates, risers or other projections or excrescences, and the general smoothing of the castings.

Rumbling, which includes "rattling" or "tumbling" or "jigging," means the freeing of castings from adherent sand by rotating them in a revolving vessel.

Sand blasting means the cleaning or smoothing of castings by a jet of sand, metal shot or grit or other abrasive, propelled by a blast of compressed air or steam.

Exemptions.

Nothing in these Regulations shall apply—

(i) to any process in, or incidental to, the manufacture of cutlery, edge tools, swords, bayonets, files, saws, ploughs, or other cutting or piercing implements of iron or steel, except processes in or incidental to (a) the manufacture of needles, pins and fish-hooks, or (b) the manufacture, repair, or sharpening of saws, tools or implements for use in machines for cutting or working of metals ;

(ii) to any factory in which only repairs are carried on except any part thereof in which one or more persons are wholly or mainly employed in the *grinding* or *glazing* of metals, or any process incidental to the *grinding* of metals, or the *cleaning of castings;*

(iii) to any *grinding* or *glazing* of any article of gold, platinum, or iridium, or any processes incidental thereto ;

(iv) to any processes in or incidental to the sharpening of tools or implements for use in the factory, except as regards any part of the factory in which one or more persons are wholly or mainly employed in such work.

Nothing in these Regulations except Regulations 3 and 9 shall apply—

(v) to any *grinding* or *glazing* of metals carried on intermittently and at which no person is employed for more than 12 hours in any week, unless and until so required by notice in writing from the Chief Inspector of Factories.

If the Chief Inspector of Factories is satisfied in respect of any factory or any class of machines that owing to the special conditions or special methods of work or otherwise any of the requirements of these Regulations can be suspended or relaxed without danger to the health or safety of the persons employed, or the application of these Regulations or some part thereof would for any reason be impracticable, he may by certificate in writing (which he may in his discretion revoke) authorise such suspension or relaxation for such period and on such conditions as he may think fit.

Duties.

Every occupier and manager of any factory to which these Regulations apply, shall be bound to observe the same and it shall be the duty of the occupier to provide and maintain the appliances,

accommodation or water supply as and when required by these Regulations.

It shall be the duty of every person who is employed or engaged in any work to which these Regulations apply to observe the same, except in so far as any duty is expressly imposed on any other person.

Regulations.

1. No *racing*, dry *grinding*, or *glazing* ordinarily causing the evolution of dust into the air of the room in such a manner as to be inhaled by any person employed shall be performed without the use of adequate appliances for the interception of the dust as near as possible to the point of origin thereof, and for its removal and disposal so that it shall not enter any occupied room, and for the purpose of this Regulation the appliances shall not be deemed adequate unless they either include—

(a) a hood or other appliance, so constructed, arranged, and placed as substantially to intercept the dust thrown off; and

(b) a duct of adequate size, air tight and so arranged as to be capable of carrying away the dust, which duct shall be kept free from obstruction and shall be provided with proper means of access for inspection and cleaning, and, where practicable, with a connection at the end remote from the fan to enable H.M. Inspector of Factories to attach thereto any instrument necessary for ascertaining the pressure of air in the said duct; and

(c) a fan or other efficient means of producing a draught sufficient to extract the dust;

or are such as, in the case of the particular factory or part thereof, or of the particular manufacture, process or operation in or for which they are used, shall be proved to be at least as effectual for such interception, removal and disposal as such hood, duct and fan would be.

2. In every room in which wet *grinding* upon a *grindstone* is carried on there shall be provided and maintained whilst work is in progress either—

(a) adequate exhaust and inlet ventilation; or

(b) a supply of clean water conveyed by pipes and deposited upon the surface of the *grindstone*, and suitable arrangements to ensure the drainage of the waste water from the *grindstone* trough.

For the purposes of this Regulation the ventilation shall not be deemed to be adequate unless (i) it ensures that the air of the room is renewed not less than 12 times per hour; (ii) it is arranged in such a manner as to secure a continuous movement of the air in a direction from the grinder towards the *grindstone;* and (iii) the fresh air inlets are so arranged and are of such dimensions that no worker is exposed to a direct draught from them.

3. Not more than one person shall at any time be allowed to

perform the actual process of *grinding* or *glazing* upon any *grindstone*, *abrasive wheel* or *glazing* appliance.

Provided that this Regulation shall not prohibit the employment of persons to assist in the manipulation of heavy or bulky articles at any such *grindstone*, *abrasive wheel* or *glazing* appliance.

4. *Glazing* or other processes, except processes incidental to wet *grinding* upon a *grindstone*, shall not be carried on in any room in which wet *grinding* upon a *grindstone* is done.

5. Wet *grinding* upon a *grindstone* shall not be done in any room—

(a) in which the height of the room, measured from any part of the floor to the lowest part of the top, is less than 10 feet; nor

(b) in which the total window area is less than one-sixth of the floor area; nor

(c) unless all the windows are properly glazed and the glass or other material of such windows maintained whole and kept clean.

6. *Hacking* or *rodding* shall not be done unless during the process either (a) an adequate supply of water is laid on at the upper surface of the *grindstone* or the *grindstone* is adequately wetted by other means, so as to ensure as far as practicable the suppression of dust, or (b) adequate appliances for the interception of the dust are provided in accordance with the requirements of Regulation 1.

7. In every room in which *racing* or *grinding* upon a *grindstone* is done the floor, walls, ceiling or top and all other parts of the room and fixtures shall be properly swept or otherwise cleaned at least one in every three calendar months. Provided that this Regulation shall not apply to any part of the room or fixtures exceeding 14 feet in height from the floor.

8. No person employed at *grinding*, *glazing* or processes incidental thereto shall spit upon the floor, walls or any part of any room in which *grinding*, *glazing* or processes incidental thereto are carried on, nor into or upon any apparatus, plant or fixtures in any such room.

9.—(a) In every room in which *grinding* is carried on there shall be kept permanently affixed a notice specifying the safe working peripheral speed of every class of *grindstone* and *abrasive wheel* in use in such room. Such notice shall specify also the speed of the shafts or spindles upon which the *grindstones* or *abrasive wheels* are mounted and the diameters of the pulleys upon such shafts or spindles necessary to secure such safe working peripheral speed.

(b) The occupier or his agent shall, when required by H.M. Inspector of Factories, give all necessary facilities and particulars to enable him to determine the speed of any shaft, pulley or other appliance.

10. In every room, or part thereof, in which *cleaning of castings* is done—

(a) the walls, ceiling or top and all other parts of the room (except the floor) and fixtures shall be properly swept or otherwise

cleaned at least once in every three calendar months. Provided that this requirement shall not apply to any part of the room or fixtures exceeding 14 feet in height from the floor ; and

(b) all accessible parts of the floor shall be properly swept or otherwise cleaned at least once every day and for this purpose the floor shall be maintained in a smooth and firm condition so as to permit of such proper sweeping or cleaning.

Provided that this Regulation shall not apply to—

(i) *cleaning of castings* done upon the foundry floor at or near the place where the metal for the said castings is poured ; or

(ii) any room wherein the only castings dealt with are those which have been freed from sand elsewhere ; or

(iii) *rumbling* done in any room in which no other work is ordinarily performed if no person is wholly or mainly employed in the process.

11. A register (*a*) containing the dates and particulars of all sweeping or cleaning done in pursuance of Regulation 7 and 10 (a) and the name and the address of the person performing the sweeping or cleaning or, when more than one are employed, of the person in charge, shall be kept in a form approved by the Chief Inspector of Factories. Such register shall be available for inspection by any workman employed in any room in respect of which the register is required to be kept.

12. *Rumbling* shall not be done unless—

(a) the *rumbling* appliance is provided with efficient exhaust draught arranged and maintained so that any dust evolved is prevented from entering any occupied room ; or

(b) such other arrangements are made as shall be proved to be at least as effective in preventing the dust from entering any occupied room.

Provided that this Regulation shall not apply to *rumbling* done in any room in which no other work is ordinarily performed if no person is wholly or mainly employed in the process.

13. *Sand blasting* shall not be done in any room except in an enclosed chamber or cabinet in which no other work is ordinarily performed and at which efficient means are provided, arranged and maintained to prevent the escape of dust to the outside of such chamber or cabinet.

14. No person shall be allowed to perform *sand blasting* or to assist at *sand blasting* in the open air, or be allowed to work within 30 feet of *sand blasting* apparatus in operation in the open air, unless he is wearing a suitable protective helmet and gauntlets, or be allowed to work in or remain in a *sand blasting* chamber whilst

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(*a*) **Register.**—This is Official Form No. 89.

the *sand blasting* apparatus is in operation, unless he is wearing suitable protective helmet, overalls and gauntlets.

15. There shall be provided and maintained suitable protective helmets and gauntlets for the use of all persons performing *sand blasting*, or assisting at *sand blasting*, or working within 30 feet of *sand blasting* in the open air, and suitable protective helmets, overalls and gauntlets for the use of all persons, working in or remaining in a *sand blasting* chamber while the *sand blasting* apparatus is in operation.

A protective helmet shall not be considered suitable unless it carries the distinguishing mark of the person to whom it is issued and by whom it is intended to be used and is provided with a sufficient supply of pure air for breathing and ventilation, together with suitable arrangements to permit the escape of the expired air.

16. No person shall wear a protective helmet that has been worn by another person unless and until such protective helmet shall have been thoroughly disinfected.

17.—(a) All ventilating plant used for the purpose of extracting or suppressing dust shall at least once in every six months be examined and tested by a competent person, and any defect disclosed by such examination and test shall be rectified as soon as practicable.

(b) A register containing particulars of such examination and test shall be kept in a form approved by the Chief Inspector of Factories and shall be available for inspection by any workman employed in any room in respect of which the ventilating plant is provided.

18. Every person who is employed or engaged in any work to which these Regulations apply shall make full and proper use of all appliances, facilities or accommodation provided for any of the purposes of these Regulations and shall report forthwith to the owner, occupier, manager or other responsible person any defect in the same.

W. Joynson-Hicks,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
2nd September, 1925.

FOR THE PROCESSES OF SPINNING AND WEAVING HEMP, OR JUTE OR HEMP OR JUTE TOW, AND PROCESSES INCIDENTAL THERETO.

(*These Regulations were gazetted August* 30, 1907.)

1907. No. 660.

Whereas the processes of spinning and weaving hemp or jute or hemp or jute tow, and the processes incidental thereto have been certified in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous:

I hereby in pursuance of the powers conferred on me by that Act make the following Regulations, and direct that they shall apply to all factories, other than scutch mills, in which any of the processes named above are carried on.

These Regulations shall come into force on the first day of January, 1908.

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

In these Regulations—

"*Degrees*" means degrees on the Fahrenheit scale.

"*Opening of bales*," "*batching*," "*machine-hackling*," "*carding*," and "*preparing*" mean those processes in the manufacture of hemp or jute, or hemp or jute tow.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers

1. In every room in which persons are employed the arrangements shall be such that during working hours the proportion of carbonic acid in the air of the room shall not exceed 20 volumes per 10,000 volumes of air at any time when gas or oil is used for lighting (or within one hour thereafter), or 12 volumes per 10,000 when electric light is used (or within one hour thereafter), or 9 volumes per 10,000 at any other time.

Provided that it shall be a sufficient compliance with this Regulation if the proportion of carbonic acid in the air of the room does not exceed that of the open air by more than 5 volumes per 10,000 volumes of air.

2. In every room in which the *opening of bales, batching, machine-hackling, carding, preparing* or other process is carried on and in which dust is generated and inhaled to an extent likely to cause injury to the health of the workers, efficient exhaust and inlet ventilation shall be provided to secure that the dust is drawn away from the workers at or as near as is reasonably possible to the point at which it is generated.

3. In every room in which the *opening of bales, batching, machine-hackling, carding*, or *preparing* is carried on an accurate thermometer shall be kept affixed.

4. The temperature of any room where *machine-hackling* is carried on shall not fall below 50 *degrees*, or where *carding* or *preparing* is carried on, below 55 *degrees*.

Provided that it shall be a sufficient compliance with this Regulation if the heating apparatus be put in operation at the commencement of work, and if the required temperature be

maintained after the expiration of one hour from the commencement of work.

5. Where *machine-hackling*, *carding*, or *preparing* is carried on the arrangements shall be such that no person employed shall be exposed to a direct draught from any air inlet, or to any draught at a temperature of less than 50 *degrees*.

6. In every room in which artificial humidity of air is produced in aid of manufacture, a set of standardised wet and dry bulb thermometers shall be kept affixed in the centre of the room, or in such other position as may be directed by the Inspector of the district by notice in writing, and shall be maintained in correct working order.

Each of the above thermometers shall be read between 11 and 12 a.m. on every day that any person is employed in the room, and again between 4 and 5 p.m. on every day that any person is employed in the room after 1 p.m., and each reading shall at once be entered on the prescribed form (*a*). The form shall be hung up near the thermometer to which it relates, and shall be forwarded, duly filled in, at the end of each calendar month to the Inspector of the district.

Provided that this part of this Regulation shall not apply to any room in which the difference of reading between the wet and dry bulb thermometers is never less than 4 *degrees*, if notice (*b*) of intention to work on that system has been given in the prescribed form to the Inspector of the district, and a copy of the notice is kept affixed in the room to which it applies.

7. Suitable and sufficient respirators shall be provided for the use of persons employed in the *opening of bales*, *machine hackling*, *preparing* and *carding*, if dust is generated and inhaled to an extent likely to cause injury to the health of the workers.

PART II.

Duties of Persons Employed.

8. No person shall in any way interfere, without the concurrence of the occupier or manager, with the means and appliances provided for ventilation, or for the removal of dust, or for the other purposes of these Regulations.

H. J. Gladstone,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
28th August. 1907.

(*a*) **Humidity Record.**—This is Official Form No. 318.
(*b*) **Notice.**—The prescribed form is No. 69.

FOR THE HANDLING OF HIDES AND SKINS.

(*These Regulations were gazetted January* 6, 1922.)

1921. No. 2076.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations and direct that they shall apply to all premises to which the provisions of the said section are applied by the Factory and Workshop Act, 1901, and in which the handling of dry or drysalted hides or skins imported from Africa (including Madagascar) or Asia (including Japan and the Malay Archipelago) is carried on.

These Regulations may be cited as the Hides and Skins Regulations, 1921, and shall come into force on 1st February, 1922.

Provided that Regulations 3 and 6 shall not apply to persons employed in the process of loading or unloading any ship in any dock, harbour or canal or in moving or handling *hides or skins* in, on, or at any dock, wharf or quay, or in any warehouse other than a warehouse used wholly or mainly for the storage of *hides or skins*.

Provided further that if the Chief Inspector of Factories is satisfied in respect of any warehouse to which Regulation 3 applies that the relaxation of any of the requirements of the said Regulations which involve the provision of means of heating is necessary for the safety of the building he may by certificate in writing authorise such relaxation, subject to such conditions as he may think fit. Any such certificate may be revoked at any time.

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

In these Regulations :—

Hides or skins means any kind of dry or drysalted hides or skins imported from Africa (including Madagascar) or Asia (including Japan and the Malay Archipelago).

Duties.

It shall be the duty of the employer of persons handling *hides or skins* to observe Part I. of these Regulations.

And it shall be the duty of all agents, workmen and persons employed in handling *hides or skins* to conduct their work in accordance with Part II. of these Regulations.

PART I.

Duties of Employers.

1. There shall be provided and maintained in readily accessible positions a sufficient number of "First Aid" boxes or cupboards.

Each "First Aid" box or cupboard shall be distinctively marked, and if newly provided after the date of these Regulations shall be

marked plainly with a white cross on a red ground, and shall contain, besides any other medical appliances or requisites :—

(i) A sufficient supply of sterilised dressings suitable for hands, feet or other injured parts ;
(ii) A supply of sterilised cotton wool ;
(iii) Impermeable waterproof plaster ;
(iv) A two per cent. alcoholic solution of iodine ;
(v) A copy of the First Aid Leaflet issued by the Factory Department of the Home Office.

Nothing except appliances or requisites for First Aid shall be kept in a " First Aid " box or cupboard.

Each " First Aid " box or cupboard shall be kept stocked and in good order and shall be placed under the charge of a responsible person, who shall always be readily available during working hours.

A notice or notices shall be affixed in a prominent place or places in every premises to which these Regulations apply, stating the position of each " First Aid " box or cupboard on such premises, and the name of the person in charge of such box or cupboard.

2. A cautionary notice as to anthrax, in the prescribed form (*a*), shall be kept affixed with these Regulations.

3. There shall be provided and maintained for the use of all persons opening bales of *hides or skins* or handling *hides or skins* after the bales have been opened—

(*a*) suitable accommodation for clothing put off during working hours, with adequate arrangements for drying the clothing if wet. The accommodation so provided shall be placed under the charge of a responsible person and shall be kept clean ;

(*b*) a suitable mess-room, adequate for the number remaining on the premises during the meal intervals, which shall be furnished with (i) sufficient tables and chairs or benches with back rests, and (ii) adequate means for warming food and for boiling water ;

The mess-room shall (i) be outside any room or shed in which bales of *hides or skins* are opened or *hides or skins* are handled after the bales have been opened, (ii) be separate from the cloakroom, (iii) be placed under the charge of a responsible person, and be kept clean, and (iv) be sufficiently warmed for use during meal intervals ;

(*c*) a lavatory under cover, maintained in a cleanly state and in good repair, with a sufficient supply of clean towels of suitable material, renewed daily, and of soap and nail brushes, and with either—

(i) a trough with a smooth impervious surface, fitted with a waste pipe without plug and of such length as to allow at least 2 feet for every five

(*a*) The form is Official Form No. 410. And a warning notice to workmen is form No. 982A.

such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than 2 feet; or

(ii) at least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons employed.

In the case of tanneries this regulation shall not apply to persons employed only in processes subsequent to "liming."

4. In every tannery all wrapping material in which *hides or skins* have been packed shall, unless it is disinfected by exposure to steam at a temperature of not less than 212° F. for at least half an hour, in a properly constructed steam disinfecting apparatus, or by boiling for at least one hour, be destroyed by burning.

PART II.

Duties of Persons Employed.

5. Every workman shall :—

(*a*) report to his foreman any cut or sore and, until it has been treated, abstain from handling *hides or skins ;*

(*b*) if employed in breaking open the bales of or in handling *hides or skins* after the bales have been opened, wash the hands and clean the nails before partaking of food or leaving the premises.

6. No workman shall keep or partake of any food or keep any article of clothing other than those he is wearing, in any room or shed in which bales of *hides or skins* are opened or *hides or skins* are handled after the bales have been opened.

Edward Shortt,
One of His Majesty's Principal Secretaries of State.

Whitehall,
29th December, 1921.

THE HORIZONTAL MILLING MACHINES REGULATIONS, 1928, DATED JULY 10, 1928, MADE BY THE SECRETARY OF STATE UNDER SECTION 79 OF THE FACTORY AND WORKSHOP ACT, 1901 (1 EDW. 7, C. 22).

1928. No. 548.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations and direct that they

shall apply to any factory or part thereof in which a horizontal milling machine is used.

Provided that if the Chief Inspector of Factories is satisfied in respect of any class of horizontal milling machine or of any class of milling cutter used on such machines that, owing to the special conditions of work or otherwise, any of the requirements of the Regulations can be suspended or relaxed without danger to the persons employed, he may by certificate in writing authorise such suspension or relaxation for such period and under such conditions as he may think fit. Any such certificate may be revoked by the Chief Inspector at any time.

These Regulations may be cited as the Horizontal Milling Machines Regulations, 1928, and shall come into force on the 1st September, 1928.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of every person employed to observe Part II. of these Regulations.

Exemptions.

Nothing in Regulation 3 shall apply to any milling cutter used on

(i) a spindle which exceeds $2\frac{1}{2}$ inches in diameter, or arbor which exceeds 2 inches in diameter at the place where the cutter is mounted ;

or when used for

(ii) (a) making tools, jigs, or gauges for use in the factory, or (b) other accurate operations where the position of the work relative to the cutter during the cutting process is determined by the operator and is not merely governed by a previous setting up of the machine ;

(iii) internal milling ;

(iv) end milling other than face milling ;

(v) automatic gear cutting ;

(vi) automatic hobbing ;

(vii) automatic profiling ;

(viii) thread milling.

Provided that these exemptions shall not prejudice the application of Section 10 of the Factory and Workshop Act, 1901, in regard to fencing of such machinery.

Part I.—Duties of Occupiers.

1. The floor immediately surrounding every horizontal milling machine shall be maintained in good and even condition and kept clear from loose material, and effective measures shall be taken to prevent it becoming slippery by the splashing of suds or otherwise.

2. Effective measures shall be taken for securing and maintaining

sufficient and suitable lighting at the machines, and where artificial lighting is provided the lighting points shall be so placed or shaded as to prevent direct rays of light from impinging on the eyes of the operator while he is operating the machine.

3.—(i) The cutter or cutters of every horizontal milling machine shall be fenced by a strong guard, properly adjusted to the work, which shall enclose the whole cutting surface except such part as is necessarily exposed for the milling operations.

(ii) The guard shall either :—

(*a*) be provided with adequate side flanges ; or

(b) extend on each side of the cutter or cutters to the end of the arbor, or to the arbor support, or to a distance of not less than half the diameter of the cutter.

Provided that paragraph (ii) of this Regulation shall not apply to cutters used for face milling.

4. Every horizontal milling machine shall be provided with an efficient starting and stopping appliance, and the control of this appliance shall be in such a position as to be readily and conveniently operated by the person operating the machine.

5. When suds or other cutting lubricants are used on a horizontal milling machine suitable arrangements shall be made to enable the operator to apply the suds or lubricant or to adjust the supply pipe, and suitable means shall be provided for removing the swarf.

6. The guards or other appliances required by these Regulations shall be maintained in an efficient state and shall be constantly kept in position while the milling cutter is in motion, except when the tool setter is setting up the machine.

Part II.—Duties of Persons Employed.

7. Every person employed on a horizontal milling machine shall use and maintain in proper adjustment the guards or appliances provided in accordance with these Regulations.

W. Joynson-Hicks,
One of His Majesty's Principal Secretaries of State.

Whitehall,
10th July, 1928.

FOR THE USE OF HORSEHAIR.

(*These Regulations were gazetted December* 20, 1907.)

1907. No. 984.

Whereas processes involving the use of horsehair from China, Siberia, or Russia have been certified in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous :

I hereby in pursuance of the powers conferred on me by that Act

make the following Regulations, and direct that they shall apply to all factories and workshops in which the said processes are carried on.

These regulations shall come into force on the 1st of April, 1908.

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

"*Material*" means tail or mane horsehair from China, Siberia or Russia, whether in the raw state or partially or wholly prepared, notwithstanding that such preparation may have taken place in some country other than those named.

"*Disinfection*" means—

(a) exposure to steam at a temperature not less than 212° F. for at least half an hour, of *material* so loosened, spread out or exposed as to allow the steam to penetrate throughout; *or*

(b) exposure of *material* to such disinfectant under such conditions of concentration and temperature of the disinfectant, and duration and manner of exposure of the *material* to it, and otherwise, as are *certified* to secure the destruction of anthrax spores in all parts of all horsehair subjected to the process. Provided that such a certificate shall have no force unless and until (1) a copy of it has been submitted to the Secretary of State, and (2) a copy of it is kept in the Register required under Regulation 1. Provided, further, that any such certificate may at any time be disallowed by the Secretary of State, either generally or with regard to a factory or workshop in which anthrax has occurred.

"*Certified*" means certified by the director of a bacteriological laboratory recognised by a corporation in the United Kingdom having power to grant diplomas registrable under the Medical Acts, 1858 to 1905.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Employers.

1. A register shall be kept containing the prescribed particulars * of the *disinfection* of all *material*.

2. *Material* which has not undergone *disinfection* shall not be

* The Secretary of State has prescribed the following as the particulars to be entered in the register kept in pursuance of Regulation 1

stored except in a room set aside for the purpose, in which no other horsehair shall be placed.

3. *Material* which has not undergone *disinfection* shall not be opened from the bale or sorted except in a room set aside for the purpose, in which no other horsehair shall be placed ; nor shall any such *material* be opened from the bale except over or by the side of an efficient screen, or sorted except over an efficient screen.

For the purposes of this Regulation no screen shall be deemed to be efficient unless it is provided with an exhaust draught so arranged that at every point of the screen within 18 inches of the centre the velocity of the exhaust draught shall be at least 300 linear feet per minute.

4. No *material* shall be subjected to any manipulation other than opening or sorting, until it has undergone *disinfection*.

5. Every willowing and dust-extracting machine shall be covered over and provided with efficient exhaust draught so arranged as to carry the dust away from the worker.

6. The dust from the opening and sorting screens, and from the willow or other dust-extracting machines, shall be discharged into furnaces or into chambers so constructed as to intercept the dust.

7. Each extracting shaft and the space beneath the opening and sorting screen shall be cleaned out at least once in every week.

8. All dust collected from the opening and sorting screens shall be burned.

9. There shall be provided and maintained for the use of persons employed on *material* which has not undergone *disinfection*—

(a) suitable overalls and head coverings, which shall be collected at the end of every day's work, and washed or renewed at least once every week, and shall not be taken out of the works for any purpose whatever unless they have previously been boiled for ten minutes or have undergone disinfection after last being used ; and

(b) a suitable meal-room, separate from any work-room, unless the works are closed during meal hours ; and

(c) a suitable cloakroom for clothing put off during working hours ; and a suitable place, separate from the cloakroom and meal-room, for the storage of the overalls ; and

(d) requisites for treating scratches and slight wounds.

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with regard to each consignment of horsehair received in the factory or workshop.

1. Weight of material ;
2. Date of receipt on the premises ;
3. Country of origin ;
4. Whether raw or partially or wholly prepared ;
5. Method of disinfection ;

And in the case of material disinfected on the premises,

6. Date of disinfection ;

And in the case of material disinfected elsewhere than on the premises,

7. Name of person from whom the material was obtained.

10. There shall be provided suitable respirators for the use of persons employed in work necessitated by Regulations 6, 7, and 8. Each respirator shall bear the distinguishing mark of the worker to whom it is supplied, and the filtering material shall be renewed after each day on which it is used.

11. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed on *material* which has not undergone *disinfection*, a lavatory under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

(a) a trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least 2 feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than 2 feet; or

(b) at least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons employed.

12. No person under 18 years of age shall be employed on *material* which has not undergone *disinfection*.

13. No person employed on *material* which has not undergone *disinfection* shall be allowed—

(a) to work having any open cut or sore; or

(b) to introduce, keep, prepare, or partake of any food or drink, or tobacco, in any room in which such *material* is stored or manipulated.

14. A cautionary notice as to anthrax, in the prescribed form (*a*), shall be kept affixed with these Regulations.

PART II.

Duties of Persons Employed.

15. No person employed shall—

(a) open, sort, or willow or otherwise manipulate any *material* except in accordance with the foregoing Regulations;

(b) introduce, keep, prepare, or partake of any food or drink, or tobacco, contrary to Regulation 13 (b).

16. Every person employed on *material* which has not undergone *disinfection* shall—

(a) wear the overall and head-covering provided in pursuance of Regulation 9 (a) while at work, and shall remove them before partaking of food or leaving the premises, and shall deposit in the cloakroom provided in pursuance of Regulation 9 (c) all clothing put off during working hours; and

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(*a*) **Anthrax Placard.**—This is Official Form No. 410.

(b) wash the hands and clean the nails before partaking of food or leaving the premises ; and

(c) report any cut or sore to the foreman, and until it has been treated abstain from work on any such *material.*

17. Every person employed shall wear the respirator provided in pursuance of Regulation 10 while engaged in work necessitated by Regulations 6, 7, and 8.

18. If the arrangement for *disinfection*, or any fan, or any other appliance for the carrying out of these Regulations, appears to any workman to be out of order or defective, he shall immediately report it to the foreman.

H. J. Gladstone,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
20th December, 1907.

FOR CERTAIN PROCESSES INCIDENTAL TO THE MANUFACTURE OF INDIARUBBER AND OF ARTICLES AND GOODS MADE WHOLLY OR PARTIALLY OF INDIARUBBER.

(*These Regulations were gazetted April* 4, 1922.)

1922. No. 329.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations, and direct that they shall apply to all factories and workshops or parts thereof in which is carried on the manufacture of indiarubber or of articles or goods made wholly or partially of indiarubber.

Provided that nothing in these Regulations shall apply to processes in the repair of any article.

Provided also that where it is proved to the satisfaction of the Chief Inspector of Factories that by reason of the restricted use of dangerous materials or the methods of working in any factory or workshop, all or any of these Regulations are not necessary to safeguard the health of the persons employed, he may, by certificate in writing (which he may in his discretion revoke), exempt any such factory or workshop from the application of all or any of the Regulations, subject to such conditions as he may by such certificate prescribe.

These Regulations shall come into force on the 1st May, 1922, and may be cited as the Indiarubber Regulations, 1922.

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

In these Regulations :—

"*Lead Process*" means the weighing, manipulation or other treatment of any dry compound of lead, or of any dry mixture containing dry compound of lead, in processes preparatory to

the incorporation of such compound or mixture with indiarubber at the incorporating or mixing rolls ; and also includes the process of incorporation if the total weight of dry compound of lead calculated as lead monoxide contained in the mixing when determined in the manner described in the Schedule hereto or in such other manner as shall satisfy an Inspector exceeds five per cent. of the total weight of the mixing inclusive of indiarubber and all other ingredients incorporated therewith at the mixing rolls.

"*Fume Process*" means any process in which any of the following materials:—carbon bisulphide (CS_2), chloride of sulphur (S_2Cl_2), benzene (C_6H_6), whether pure or in the form of commercial benzol, carbon tetrachloride (CCl_4), trichlorethylene (C_2HCl_3), or any carbon chlorine compound, or any mixture containing any of such materials is used, or the vapour of any such materials is given off.

Provided that any process of vulcanisation of small indiarubber goods which is not a cold-cure process and which is carried on in a chamber so enclosed that the vapour does not escape into any room in which any person is employed, shall not be deemed to be a "fume process."

"*Surgeon*" means the Certifying Factory Surgeon of the district or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

"*Suspension*" means suspension from employment in any *lead process* or in any *fume process* by written certificate in the Health Register signed by the *Surgeon*, who shall have power of *suspension* as regards all persons employed in any such process.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of every person employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1.—(*a*) No person under 16 years of age, and no female under 18 years of age, shall be employed in any *lead process.*

(*b*) No woman and no young person shall be employed at mixing or incorporating rolls in the process of incorporating dry compound of lead with indiarubber.

2. No person under 18 years of age shall be employed in any *fume process*, and no person under 16 years of age shall be employed in any room in which any *fume process* is carried on.

Provided that this regulation shall not apply to employment in any process in a room where a standard of general ventilation of

30 changes of air per hour is maintained during working hours, and in which the processes carried on are fume processes solely by reason of the use of benzene whether pure or in the form of commercial benzol.

3. No person shall be employed in a room in which carbon bisulphide is used, for more than five hours in all in any one day nor for more than 2½ hours at a time without a rest interval of at least one hour from any employment.

4. A *fume process* shall not be carried on in the open air or in any room the floor of which is in any part below the level of the surrounding ground.

5. No *lead process* and no *fume process* shall be carried on without the use of (*a*) an efficient exhaust draught effected by mechanical means and so contrived as to operate on the dust or vapour given off as nearly as may be at its point of origin and to prevent it entering the air of any room in which persons work ; and (*b*) suitably placed inlets of sufficient area for the supply of fresh air to the room in which such processes are carried on.

Provided that in a room where a standard of general ventilation of 30 changes of air per hour is maintained during working hours such exhaust draught as aforesaid shall not be required in the case of any *fume process* which is a *fume process* solely by reason of the use of benzene whether pure or in the form of commercial benzol.

In the case of a *fume process* an exhaust draught shall not be deemed to be efficient unless adequate arrangements are made to discharge the vapour into the open air at such points and in such manner as not to cause danger to any person.

6. Where a plenum system is used for the supply of fresh air to a room in which a *fume process* is carried on, the air supplied by such system shall not enter the room at a velocity which exceeds 350 feet per minute.

7. In addition to such other requirements contained in these Regulations as are applicable to a *fume process* the cold-cure process of vulcanising waterproof cloth shall not be carried on unless—

(*a*) Every vulcanising machine including any drying cylinder or other drying plant in direct connection therewith is so enclosed and arranged that the mechanical feeding-in and delivery of the cloth takes place outside the enclosure and such enclosure is as complete as practicable.

(*b*) The trough containing the vulcanising material is fed only by natural flow from the reservoir containing such material. Such reservoir and all parts of the connecting pipes or channels for supplying the trough, which are not within the enclosure required by paragraph (*a*), shall be separately enclosed.

8. There shall be provided and maintained for the use of all persons employed in any *lead process* or any *fume process*, and remaining on the premises during the meal intervals, a suitable mess-room, which shall be furnished with (*a*) sufficient tables and

chairs or benches with back rests, and (*b*) adequate means for warming food and boiling water.

The mess-room shall be placed under the charge of a responsible person, and shall be kept clean.

9. Sufficient and suitable overalls shall be provided and maintained for the use of all persons employed in a *lead process*. When not in use such overalls shall be kept in proper custody in a suitable place set apart for the purpose which shall be separate from any mess-room. They shall be washed, cleaned or renewed at least once every week.

10. There shall be provided and maintained for the use of all persons employed in any *lead process* suitable accommodation for clothing put off during working hours with adequate arrangements for drying the clothing if wet. Such accommodation shall be separate from any mess-room.

11. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in any *lead process*—

(*a*) A lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

(i) a trough with a smooth impervious surface fitted with a waste pipe, without plug, and of sufficient length to allow of at least two feet for every five such persons employed at any one time, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet; or

(ii) at least one lavatory basin for every five such persons employed at any one time, fitted with a waste pipe and plug, having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on, and a supply of hot water always at hand when required for use by such persons.

12.—(*a*) Every person employed in any *lead process* or in any *fume process* shall be examined by the *Surgeon* once in every calendar month, or at such other intervals as may be specified in writing by the Chief Inspector of Factories, on a date of which due notice shall be given to all concerned.

(*b*) A Health Register (*a*) containing the names of all such persons shall be kept in a form approved by the Chief Inspector of Factories.

(*c*) No person after *suspension* shall be employed in any *lead process* or in any *fume process* without written sanction from the *Surgeon* entered in the Health Register.

(*a*) The Register is Official Form No. 605.

13. The occupier shall allow any of His Majesty's Inspectors of Factories to take at any time sufficient samples for analysis of any material in use or mixed for use. He shall further provide all necessary facilities to enable the Inspector to take test samples for the purpose of determining whether any process of incorporation is a *lead process* and shall if so required by the Inspector cause any mixing or weighing which may be necessary in connection with the preparation of such samples to be carried out.

The occupier may at the time a test sample is taken, and on providing the necessary appliances, require the Inspector to divide the sample into two parts and to mark and seal and deliver to him one such part.

The result of an analysis made under these Regulations shall not be published or disclosed to any person except in so far as is necessary for the purposes of a prosecution for an offence under these Regulations.

PART II.

Duties of Persons Employed.

14. Every person employed in any *lead process* or in any *fume process* shall present himself at the appointed time for examination by the *Surgeon* in pursuance of Regulation 12 (*a*).

15. No person shall after *suspension* work in any *lead process* or in any *fume process* without written sanction from the *Surgeon* entered in the Health Register.

16.—(*a*) Every person employed in any *lead process* shall deposit in the place or places provided in pursuance of Regulation 10 all clothing put off during working hours.

(*b*) Every person for whose use an overall is provided, in pursuance of Regulation 9, shall wear such overall when employed in any *lead process* and remove it before partaking of food or leaving the premises, and deposit it in the place set apart for the purpose.

17. Every person employed in any *lead process* shall before partaking of food or leaving the premises wash the face and hands.

18. No person shall introduce, keep, prepare or partake of any food or drink, nor make use of tobacco in any place in which any *lead process* is carried on.

19. No person shall interfere in any way, without the concurrence of the occupier or manager, with the appliances provided in pursuance of Regulation 5.

E. Shortt,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
31st March, 1922.

Schedule.

MANNER OF ASCERTAINING THE PERCENTAGE OF A DRY COMPOUND OF LEAD PRESENT IN A MIXING.

The mixing as a whole shall be weighed. The dry material of the mixing which is to be incorporated in powder form with the indiarubber shall likewise be weighed; thereafter and before incorporation the said weighed dry material shall be mixed to the satisfaction of an Inspector who shall take three approximately equal samples from different parts of the mixture. The three samples shall be intimately mixed together to form the test sample. A weighed quantity of the test sample is to be continuously shaken for one hour at the common temperature, with 1,000 times its weight of an aqueous solution of hydrochloric acid containing 0·25 per cent. by weight of hydrogen chloride. This solution is thereafter to be allowed to stand for one hour and then filtered. The lead salt contained in an aliquot portion of the clear filtrate is then to be precipitated as lead sulphide and weighed as lead sulphate. The proportion of lead compound calculated as lead monoxide thus found in the test sample shall be used for the calculation of the percentage required for the purposes of the definition of *lead process*.

FOR THE MANUFACTURE OF CERTAIN COMPOUNDS OF LEAD, NAMELY, ANY CARBONATE, SULPHATE, NITRATE OR ACETATE OF LEAD.

(*These Regulations were gazetted September* 2, 1921.)

1921. No. 1443.

[*The employment of women and young persons in these industries is restricted by the Women and Young Persons* (*Employment in Lead Processes*) *Act*, 1920, *ante*, p. 286.]

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations, and direct that they shall apply to all factories and workshops or parts thereof (other than laboratories) in which is carried on

THE MANUFACTURE OF CERTAIN COMPOUNDS OF LEAD, NAMELY, ANY CARBONATE, SULPHATE, NITRATE OR ACETATE OF LEAD.

These Regulations shall come into force on 1st October, 1921.

Definitions.

(*Terms to which defined meanings are given are printed throughout the Regulations in italics.*)

In these Regulations—

"*Lead Compounds*" means any carbonate, sulphate, nitrate or acetate of lead, or any lead material used in the manufacture of such compounds and containing five per cent. or more of lead but excluding metallic lead or ores which contain lead only in the form of sulphide.

"*Lead process*" means—

(i) manipulation, movement or other treatment of *lead compounds* involving exposure thereto, and

(ii) cleaning, repairing or demolition of any part of any building or plant which has contained *lead compounds*, or reconstruction of any such building or plant with material which has formed part thereof.

"*Damp*" means sufficiently moist to allay dust.

"*Surgeon*" means the Certifying Factory Surgeon of the district or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

"*Suspension*" means suspension from employment in any *lead process* by written certificate in the Health Register, signed by the *Surgeon*, who shall have power of *suspension* as regards all persons employed in any *lead process*.

"*Approved*" means approved in writing by the Chief Inspector of Factories. Any such approval may at any time be revoked by notice in writing signed by the Chief Inspector of Factories.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of every person employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1.—(*a*) Where white lead is made by the "stack" process 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.

2. Where white lead is made by the "chamber" process, the chamber shall be kept *damp* while the process is in operation, and the corrosions shall be effectually *damped* before the chamber is emptied.

3.—(*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 are any dry *lead compounds*.

(*c*) All corrosions before being put into the rollers or washbecks, shall be effectually *damped*, either by dipping the tray containing them in a trough of water or by some other *approved* method.

4. The floor round rollers and open vats and of any place where dry *lead compounds* are packed or manipulated, or where cooper-

ing of old casks which have previously contained *lead compounds* is carried on, shall be of smooth cement or other smooth impervious material, and shall be kept constantly *damp*.

5.—(*a*) Every stove which is entered for the purpose of emptying 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 effectual 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 *approved*, any other means of securing effectual through ventilation of a stove may be adopted, notwithstanding paragraph (*a*) of this Regulation; and if *approved*, any other method of setting and drawing the stoves, which effectually prevents the inhalation of *lead compounds*, may be followed, notwithstanding paragraphs (*b*) and (*e*) of this Regulation.

6. No person shall be employed on more than two days in any week in drawing any internally heated stove which is entered for the purpose of emptying.

7. No dry *lead compounds* shall be deposited anywhere except in an enclosure or receptacle that is provided either with a cover or with efficient means for preventing the escape of dust from such *lead compounds* into any workroom.

8. The treatment or packing of dry *lead compounds* shall be done only under conditions which either

(1) prevent the escape of dust from such compounds, or

(2) secure the effectual removal of such dust at or as near as practicable to its point of origin.

9. Every lead melting pot shall be provided with a proper enclosure fitted with hinged or sliding doors on any openings necessary for manipulative purposes; and every such enclosure and every furnace used in connection with a *lead process* shall be provided with an efficient exhaust draught for effectually preventing the escape from such enclosure or furnace of any dust or fume containing lead into any workroom.

10. No skimmings, dross or similar material containing lead shall be removed from the exhaust draught required by Regulation 9 unless in a suitable covered receptacle.

11.—(*a*) Every person employed in a lead process shall be examined once a week (or at such other intervals as may be *approved*) by the *Surgeon*, who shall have power to order *suspension* from employment in any place or process.

(*b*) No person after such *suspension* shall be employed in a *lead process* without the written sanction of the *Surgeon*.

(*c*) A Health Register (*a*) in an *approved* form shall be kept, and shall contain a list of all persons employed in *lead processes*.

12. The occupier shall provide and maintain sufficient and suitable overalls and head-coverings and clean respirators, and shall cause them to be worn as directed in Regulation 25.

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 shall be washed or renewed daily.

13. The occupier shall provide and maintain for the use of all persons employed, and remaining on the premises during meal intervals, a suitable and adequate mess-room, which shall be furnished with

(*a*) sufficient tables and chairs or benches with back rests, and

(*b*) adequate means for warming food and boiling water.

The mess-room shall be sufficiently warmed for use during meal intervals.

14. The occupier shall provide and maintain for the use of all persons employed suitable accommodation for clothing put off during working hours, with adequate arrangements for drying the clothing if wet. The cloak-room shall be separate from the mess-room.

15. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in a *lead process* :—

(*a*) a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either :—

(i) a trough with a smooth impervious surface, fitted with a waste-pipe without plug, and of such length as to allow at least two feet for every five such persons employed at any one time, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet; or

(ii) at least one lavatory basin for every five such persons employed at any one time, fitted with a waste-pipe and plug, and having a constant supply of hot and cold water or warm water laid on; and

(*b*) sufficient and suitable bath accommodation (douche or other) with hot water laid on, unless the water supply provided under paragraph (*a*) is so arranged that a warm douche for the face, neck and arms can be taken.

(*a*) The Register is Official Form No. 605.

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.

16. 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.

17. The mess-room, cloak-rooms, baths, and sanitary conveniences shall be placed under the charge of a responsible person, and shall be kept clean.

18. The floor of each workroom in which a *lead process* is carried on shall be cleaned daily, after being thoroughly *damped*.

PART II.

Duties of Persons Employed.

19. No person shall strip a white bed or empty a chamber unless such bed or chamber is effectually *damped* as required by Regulations 1 and 2.

20. No person shall carry corrosions, or put them into the rollers or washbecks, otherwise than as permitted by Regulation 3.

21. No person shall set or draw a stove otherwise than as permitted by Regulations 5 and 6.

22. No person shall deposit or pack dry *lead compounds* otherwise than as permitted by Regulations 7 and 8.

23. Every person employed in a *lead process* shall present himself at the appointed times for examination by the *Surgeon*, as provided in Regulation 11.

24. No person, after *suspension* by the *Surgeon*, shall work in a *lead process* without his written sanction.

25.—(*a*) Every person engaged in—
White beds,
Emptying chambers,
Rollers, washbecks or grinding,
Setting or drawing stoves,
Packing,
Paint mixing,
Handling dry *lead compounds*,
or in any work involving exposure to dust of any *lead compounds*, shall, while so occupied, wear an overall suit and head-covering;

(*b*) Every person engaged in—
Emptying white beds,
Emptying chambers,
Dry grinding,

Packing of dry *lead compounds*,
Handling dry *lead compounds*,
Entering a chamber used for the condensation or recovery of *lead compounds*,

shall, while so occupied, wear a respirator.

26. Every person engaged in any place or process named in Regulation 25 shall, before partaking of meals or leaving the premises, deposit his overalls and head-covering and respirator in the place appointed by the occupier for the purpose.

27. Each person employed in a *lead process* shall before partaking of food or leaving the premises, wash his face, neck and arms in the lavatory provided for the purpose under Regulation 15, and where bath accommodation is provided, shall take a bath at the factory at least once a week.

28. No person employed in a *lead process* shall smoke or use tobacco in any form, or prepare or partake of food or drink, elsewhere than in the mess-room.

29. 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.

E. Shortt,
One of His Majesty's Principal Secretaries of State.

Whitehall,
23rd August, 1921.

FOR THE SMELTING OF MATERIALS CONTAINING LEAD, THE MANUFACTURE OF RED OR ORANGE LEAD, AND THE MANUFACTURE OF FLAKED LITHARGE.

(*These Regulations were gazetted August* 18, 1911.)

[*Further restrictions upon the employment of women and young persons in these industries will be found in the* Women and Young Persons (Employment in Lead Processes) Act, 1920, *ante, p.* 286.]

1911. No. 752.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations, and direct that they shall apply to all factories and workshops or parts thereof (other than laboratories), in which any of the following processes are carried on—

THE SMELTING OF MATERIALS CONTAINING LEAD;
THE MANUFACTURE OF RED OR ORANGE LEAD;
THE MANUFACTURE OF FLAKED LITHARGE.

These Regulations shall come into force on October 1st, 1911, except that so much of Regulations 2 and 3 as requires the provision of *efficient exhaust draught* shall come into force on May 1st, 1912.

Definitions.

(*Terms to which defined meanings are given are printed throughout the Regulations in italics.*)

In these Regulations—

"*Lead material*" means—

(i) material containing not less than five per cent. of lead, including lead ore, bullion ore (lead ore rich in precious metals), red lead, orange lead, and flaked litharge; and

(ii) zinc ore, and material resulting from the treatment thereof, containing not less than two per cent. of lead:

except ores which contain lead only in the form of sulphide of lead.

"*Furnace*," "*melting pot*," "*retort*," "*condensing chamber*," mean structures as aforesaid which are used in the treatment of *lead material*.

"*Flue*" means a flue leading from a *furnace*.

"*Lead process*" means—

(i) manipulation, movement or other treatment of *lead material*, whether by means of any *furnace*, *melting pot*, *retort*, *condensing chamber*, *flue*, or otherwise; and

(ii) cleaning or demolition of any *furnace*, *melting pot*, *retort*, *condensing chamber*, *flue*, or part thereof or reconstruction thereof with material which has formed part of any such structure.

"*Surgeon*" means the Certifying Factory Surgeon of the district or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

"*Suspension*" means suspension from employment in any *lead process* by written certificate in the Health Register, signed by the *Surgeon*, who shall have power of suspension as regards all persons employed in any *lead process*.

"*Damp*" means sufficiently moist to prevent the escape of dust.

"*Efficient exhaust draught*" means localised ventilation effected by heat or mechanical means, for the removal of gas, vapour, fumes or dust so as to prevent them (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails to remove smoke generated at the point where such gas, vapour, fumes or dust originate.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of every person employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1. Where a *lead process* is carried on so as to give rise to dust or fumes,

(a) the floor, other than sand beds, shall be maintained in good condition ; and

(b) the floor, except such portion as is permanently set apart for the deposit of *lead material*, shall be sprayed with water at least once a day.

2.—(1) No *lead material* (other than ingots of metal) shall be deposited or allowed to remain on any part of the floor not permanently set apart for the purpose, and no *lead material* (other than ingots of metal) shall be moved to a *furnace*, unless such *lead material* is—

(a) *damp* ; or

(b) under an *efficient exhaust draught* ; or

(c) so enclosed as to prevent the escape of dust into the air of any place in which work is carried on.

(2) Provided, however, that where none of the above conditions are practicable, *lead material* may be moved to a *furnace* by persons wearing suitable respirators.

3. None of the following processes shall be carried on except with an *efficient exhaust draught* :—

melting old or dirty scrap lead ;
heating *lead material* so that vapour containing lead is given off ;
cooling molten flaked litharge ;

or, unless carried on in such manner as to prevent escape of gas, vapour, fumes or dust into any place in which work is carried on—

feeding any *furnace* or *retort* ;
manipulating *lead material* in any *furnace* or *retort* ;
removing *lead material* from any *furnace* or *retort* ;
placing in any hopper or shoot, or packing, red or orange lead or flaked litharge.

4. No sack which has contained *lead material* shall be cleaned, and, except in the process of sampling, no *lead material* shall be broken up, crushed or ground, unless such sack or *lead material* is *damp*, or is placed in an apparatus so enclosed as to prevent the escape of dust.

5. No *lead material* giving off vapour containing lead shall be removed from the *efficient exhaust draught* required by Regulation 3, unless in a receptacle with an efficient cover.

6. No person shall be allowed to enter any *furnace*, *melting pot*, *retort*, *condensing chamber*, or *flue*, until it has been ventilated.

7. No person shall be allowed to remain in any *flue* (unless *damp*) or *condensing chamber* for more than three hours without an interval of at least half an hour.

8. There shall be provided suitable overalls for the use of all persons employed in any of the following processes ; which overalls when required for such use, shall be washed, cleaned or renewed at least once every week :—

(a) cleaning any *flue* (unless *damp*) or *condensing chamber* ;

(b) demolishing any part of a *furnace*, *melting pot*, *retort*, *con-*

densing chamber, or *flue*, unless either *damp* or under an *efficient exhaust draught* ;

(c) reconstructing any part of a *furnace*, *melting pot*, *retort*, *condensing chamber*, or *flue*, with material which has formed part of any such structure, unless *damp* ;

(d) breaking up, crushing, or grinding, in the process of sampling, *lead material* unless either *damp* or placed in an apparatus so enclosed as to prevent the escape of dust ;

(e) placing in any hopper or shoot, or packing, red or orange lead or flaked litharge.

9. There shall be provided suitable respirators for the use of all persons employed in any process named in Regulation 2 (2) or in Regulation 8 ; which respirators, when required for such use, shall be washed or renewed at least once every day.

10. No person under 16 years of age, and no female, shall be employed in any *lead process*.

11. There shall be provided and maintained for the use of all persons employed in any *lead process*—

(a) a suitable meal-room, unless the works are closed during meal hours ;

(b) a suitable place or places for clothing put off during working hours ; and

(c) a suitable place or places for the storage of overalls provided in pursuance of Regulation 8 ; which place or places shall be separate from those required by paragraphs (a) and (b) of this Regulation ;

all of which shall be so located as not to be exposed to dust or fumes from any manufacturing process.

12. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in any *lead process*—

(a) a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

(i) a trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least two feet for every five such persons employed at any one time and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or

(ii) at least one lavatory basin for every five such persons employed at any one time, fitted with a waste pipe and plug, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on, and a supply of hot water always at hand when required for use by such persons ; and

(b) sufficient and suitable bath accommodation (douche or other)

with hot water laid on, unless the water supply provided under paragraph (a) is so arranged that a warm douche for the face, neck and arms can be taken.

Provided that, when the number of persons so employed at any one time is temporarily increased by reason of *flue* cleaning, it shall not be necessary to provide (by reason only of such temporary increase) additional accommodation in pursuance of paragraph (a) of this Regulation if adequate time is allowed to all such persons for washing immediately before each meal (in addition to the regular meal times) and immediately before the end of the day's work.

13.—(a) Every person employed in a *lead process* shall be examined by the *Surgeon* once in every calendar month (or at such shorter or longer intervals as may be prescribed in writing by the Chief Inspector of Factories) on a date of which due notice shall be given.

(b) A Health Register (*a*) containing the names of all persons employed in any *lead process* shall be kept in a form approved by the Chief Inspector of Factories.

(c) No person after *suspension* shall be employed in any *lead process* without written sanction from the *Surgeon*, entered in the Health Register.

PART II.

Duties of Persons Employed.

14.—(a) Every person employed in any *lead process* shall deposit in the place or places provided in pursuance of Regulation 11 (b) all clothing put off during working hours.

(b) Every person for whose use an overall is provided in pursuance of Regulation 8 shall wear the overall when employed in any process named in that Regulation, and remove it before partaking of food or leaving the premises, and deposit it in the place provided under Regulation 11 (c).

(c) Every person for whose use a respirator is provided in pursuance of Regulation 9, shall wear the respirator while employed in any process to which Regulation 2 (2) or Regulation 8 applies.

15. No person employed shall introduce, keep, prepare, or partake of any food or drink (other than a non-alcoholic drink approved by the *Surgeon*), or make use of tobacco, in any place in which any *lead process* is carried on :

Provided that, except in processes named in Regulation 8, this Regulation shall not prevent any person from using tobacco, other than a cigar or cigarette, if his hands are free from lead.

16. Every person employed in any *lead process*, or in any place where any *lead process* is being carried on, shall, before partaking of food, wash the face and hands, and before leaving the premises

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(*a*) **Health Register.**—The Official Form is No. 605.

wash the face, neck, and arms in the lavatory provided in pursuance of Regulation 12.

17. Every person employed in any *lead process* shall present himself at the appointed time for examination by the *Surgeon*, in pursuance of Regulation 13 (a).

18. No person employed shall, after *suspension* under these Regulations or under any other Regulations or Special Rules applying to factories or workshops where any process involving the use of lead is carried on, work in any *lead process* without written sanction from the *Surgeon*, entered in the Health Register.

19. No person employed shall interfere in any way, without the concurrence of the occupier or manager, with the means provided for the removal of gas, vapour, fumes and dust, and for the carrying out of these Regulations.

W. S. Churchill,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
12th August, 1911.

FOR USE OF LOCOMOTIVES AND WAGGONS ON LINES AND SIDINGS IN OR USED IN CONNECTION WITH PREMISES UNDER THE FACTORY AND WORKSHOP ACT, 1901.

(*These Regulations were gazetted September* 14, 1906.)

1906. No. 679.

Whereas the use of *locomotives*, *waggons*, and other rolling stock on *lines of rail* or sidings in any factory or workshop or any place to which the provisions of Section 79 of the Factory and Workshop Act, 1901, are applied by that Act or on *lines of rail* or sidings used in connection with any factory or workshop or any place as aforesaid, and not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900 (63 & 64 Vict. c. 27), has been certified in pursuance of the said section to be dangerous:

I hereby in pursuance of the powers conferred upon me by that Act make the following Regulations and direct that they shall apply to all places before mentioned.

These Regulations shall come into force on the 1st day of January 1907, except Regulations 1, 2, and 22, which shall come into force on the 1st day of January, 1908.

Subject to the exemptions below, it shall be the duty of—

(i) The occupier of any factory or workshop and any place to which any of the provisions of the Factory and Workshop Act, 1901, are applied, and

(ii) The occupier of any *line of rails* or sidings used in connection with a factory or workshop, or with any place to which any of the provisions of the Factory and Workshop Act, 1901, are applied,

to comply with Part I. of these Regulations.

And it shall be the duty of every person who by himself, his agents or workmen, carries on any of the operations to which these Regulations apply, and of all agents, workmen and persons employed to comply with Part II. of these Regulations.

And it shall be the duty of every person who by himself, his agents or workmen, carries on any of the operations to which these Regulations apply, to comply with Part III. of these Regulations.

In these Regulations :—

(*Terms to which defined meanings are given are printed throughout in italics.*)

Line of rails means a line of rails or sidings for the use of *locomotives* or *waggons*, except such lines as are used exclusively for (a) a gantry crane or travelling crane, or (b) any charging machine or other apparatus or vehicle used exclusively in or about any actual process of manufacture.

Waggon includes any wheeled vehicle or non-self-moving crane on a *line of rails*.

Locomotive includes any wheeled motor on a *line of rails* used for the movement of *waggons* and any self-moving crane.

Gantry means an elevated structure of wood, masonry, or metal, exceeding 6 feet in height and used for loading or unloading, which carries a *line of rails*, whereon *waggons* are worked by mechanical power.

Nothing in these Regulations shall apply to :—

(a) A *line of rails* of less than 3 feet gauge, and *locomotives* and *waggons* used thereon.

(b) A *line of rails* not worked by mechanical power.

(c) A *line of rails* inside a railway goods warehouse.

(d) A *line of rails* forming part of a mine within the meaning of the Coal Mines Regulation Act, 1887 (50 & 51 Vict. c. 58) ; now the Coal Mines Act, 1911 (1 and 2 Geo. 5, c. 50), or of a quarry within the meaning of the Quarries Act, 1894 (57 & 58 Vict. c. 42), not being a *line of rails* within or used solely in connection with any factory or workshop not incidental to the maintenance or working of the mine or quarry or to the carrying on of the business thereof.

(e) Pit banks of mines to which the Metalliferous Mines Regulation Act, 1872 (35 & 36 Vict. c. 77), applies, and private *lines of rails* used in connection therewith.

(f) Lines of railways used in connection with factories or workshops, so far as they are outside the factory or workshop premises, and used for running purposes only.

(g) *Waggons* not moved by mechanical power.

(h) Buildings in course of construction.

(i) Explosives factories or workshops within the meaning of the Explosives Act, 1875 (38 Vict. c. 17).

(j) All lines and sidings on or used in connection with docks, wharves and quays not forming part of a factory or workshop as defined in Section 149 of the Factory and Workshop Act, 1901.

(k) *Waggon* or *locomotive* building or repairing shops, and all lines and sidings used in connection with such shops if such shops are in the occupation of a railway company within the meaning of the Regulation of Railways Act, 1871 (34 & 35 Vict. c. 78).

(l) Depôts or car-sheds being parts of tramway or light railway undertakings authorised by Parliament, and used for the storage, cleaning, inspection or repair of tramway cars or light railway cars.

PART I.

1. Point rods and signal wires in such a position as to be a source of danger to persons employed shall be sufficiently covered or otherwise guarded.

2. Ground levers working points shall be so placed that men working them are clear of adjacent lines, and shall be placed in a position parallel to the adjacent lines, or in such other position, and be of such form, as to cause as little obstruction as possible to persons employed.

3. *Lines of rails* and points shall be periodically examined and kept in efficient order, having regard to the nature of the traffic.

4. Every *gantry* shall be properly constructed and kept in proper repair. It shall have a properly fixed structure to act as a stop-block at any terminal point; and at every part where persons employed have to work or pass on foot there shall be a suitable footway, and if such footway is provided between a *line of rails* and the edge of the *gantry* the same shall, so far as is reasonably practicable, having regard to the traffic and working, be securely fenced at such a distance from the *line of rails* as to afford a reasonably sufficient space for such persons to pass in safety between the fence and a *locomotive*, *waggon* or load on the *line of rails*.

5. Coupling poles or other suitable mechanical appliances shall be provided where required for the purpose of Regulation 11.

6. Proper sprags and scotches when required shall be provided for the use of persons in charge of the movement of *waggons*.

7. Where during the period between one hour after sunset and one hour before sunrise, or in foggy weather, shunting or any operations likely to cause danger to persons employed are frequently carried on, efficient lighting shall be provided either by hand lamps or stationary lights as the case may require at all points where necessary for the safety of such persons.

8. The mechanism of a capstan worked by power and used for the purpose of traction of *waggons* on a *line of rails* shall be maintained in efficient condition and if operated by a treadle such treadle shall be tested daily before use.

PART II.

9. When materials are placed within 3 feet of a *line of rails* and persons employed are exposed to risk of injury from traffic by having to pass on foot over them or between them and the line such material shall, as far as reasonably practicable, be so placed as not to endanger such persons, and there shall be adequate recesses at intervals of not more than 20 yards where the materials exceed that length.

10. No person shall cross a *line of rails* by crawling or passing underneath a train or *waggons* thereon where there may be a risk of danger from traffic.

11. *Locomotives* or *waggons* shall wherever it is reasonably practicable without structural alterations be coupled or uncoupled only by means of a coupling pole or other suitable mechanical appliance, except where the construction of *locomotives* or *waggons* is such that coupling or uncoupling can be safely and conveniently performed without any part of a man's body being within the space between the ends or buffers of one *locomotive* or *waggon* and another.

12. Sprags and scotches shall be used as and when they are required.

13. *Waggons* shall not be moved or be allowed to be moved on a *line of rails* by means of a prop or pole, or by means of towing by a rope or chain attached to a *locomotive* or *waggon* moving on an adjacent *line of rails* when other reasonably practicable means can be adopted; provided that this shall not apply to the movement of ladles containing hot material on a *line of rails* in front of and adjacent to a furnace.

In no case shall props be used for the above purpose unless made of iron, steel or strong timber hooped with iron to prevent splitting.

14. Where a *locomotive* pushes more than one *waggon*, and risk of injury may thereby be caused to persons employed, a man shall, wherever it is safe and reasonably practicable, accompany or precede the front *waggon* or other efficient means shall be taken to obviate such risk.

Provided that this Regulation shall not apply to the following :—

(a) Fly shunting.

(b) Movement of *waggons* used for conveyance of molten or hot material or other dangerous substance.

15. No person shall be upon the buffer of a *locomotive* or *waggon* in motion unless there is a secure handhold and shall not stand thereon unless there is also a secure footplace; nor shall any person ride on a *locomotive* or *waggon* by means of a coupling pole or other like appliance.

16. No *locomotive* or *waggon* shall be moved on a *line of rails* until warning has been given by the person in charge to persons employed whose safety is likely to be endangered.

Provided that this Regulation shall not apply to a self-moving crane within a building or to a charging machine or other vehicle so long as it is used in or about any actual process of manufacture.

17. Where persons employed have to pass on foot or work, no *locomotive* or *waggon* shall be moved on a *line of rails* during the period between one hour after sunset and one hour before sunrise, or in foggy weather, unless the approaching end, wherever it is safe and reasonably practicable, is distinguished by a suitable light or accompanied by a man with a lamp.

Provided that this Regulation shall not apply to the movement of *locomotives* or *waggons* within any area which is efficiently lighted by stationary lights.

18. The driver in charge of a *locomotive*, or a man preceding it on foot, shall give an efficient sound signal as a warning on approaching any level crossing over a *line of rails* regularly used by persons employed, or any curve where sight is intercepted, or any other point of danger to persons employed.

19. A danger signal shall be exhibited at or near the ends of any *waggon* or train of *waggons* undergoing repair wherever persons employed are liable to be endangered by an approaching *locomotive* or *waggon*.

20.—(a) The space immediately around such a capstan as mentioned in Regulation 8 shall be kept clear of all obstruction.

(b) Such capstan shall not be set in motion until signals have been exchanged between the man in charge of the capstan and the man working the rope or chain attached to it.

(c) No person under 18 years of age shall work such capstan.

21. No person under the age of 18 shall be employed as a *locomotive* driver, and no person under the age of 16 shall be employed as a shunter.

PART III.

22. All glass tubes of water gauges on *locomotives* or stationary boilers used for the movement of *waggons* shall be adequately protected by a covering or guard.

H. J. Gladstone,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
24th August, 1906.

FOR THE PROCESS OF SPINNING BY SELF-ACTING MULES.

(*These Regulations were gazetted October* 20, 1905.)

1905. No. 1103.

Whereas certain machinery used in the process of spinning in textile factories, and known as self-acting mules, has been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous to life and limb :

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories or parts thereof in which the process of spinning by means of self-acting mules is carried on.

1. In these Regulations the term "*Minder*" means the person in charge of a self-acting mule for the time being.

(*The term "minder" to which a defined meaning is given is printed throughout in italics.*)

2. Save as hereinafter provided it shall be the duty of the occupier of a factory to observe Part I. of these Regulations : provided that it shall be the duty of the owner (whether or not he is one of the occupiers) of a tenement factory to observe Part I. of these Regulations, except so far as relates to such parts of the machinery as are supplied by the occupier.

It shall be the duty of the persons employed to observe Part II. of these Regulations, but it shall be the duty of the occupier, for the purpose of enforcing their observance, to keep a copy of the Regulations in legible characters affixed in every mule room, in a conspicuous position where they may be conveniently read.

PART I.

Duties of Occupiers.

3. After January 1st, 1906, the following parts of every self-acting mule shall be securely fenced as far as is reasonably practicable, unless it can be shown that by their position or construction they are equally safe to every person employed as they would be if securely fenced.

(a) Back shaft scrolls and carrier pulleys and draw band pulleys.
(b) Front and back carriage wheels.
(c) Faller stops.
(d) Quadrant pinions.
(e) Back of head-stocks, including rim-pulleys and taking-in scrolls.
(f) Rim band tightening pulleys, other than plate wheels, connected with a self-acting mule erected after January 1st, 1906.

PART II.

Duties of Persons Employed.

4. It shall be the duty of the *minder* of every self-acting mule to take all reasonable care to ensure:—

(a) That no child cleans any part or under any part thereof whilst the mule is in motion by the aid of mechanical power.

(b) That no woman, young person, or child works between the fixed and traversing parts thereof whilst the mule is in motion by the aid of mechanical power.

(c) That no person is in the space between the fixed traversing parts thereof unless the mule is stopped on the outward run.

5. No self-acting mule shall be started or restarted except by the *minder* or at his express order, nor until he has ascertained that no person is in the space between the fixed and traversing parts thereof.

A. Akers-Douglas,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
17th October, 1905.

THE LEAD PAINT REGULATIONS, 1927, DATED SEPTEMBER 6, 1927, MADE BY THE SECRETARY OF STATE UNDER SECTION 1 OF THE LEAD PAINT (PROTECTION AGAINST POISONING) ACT, 1926 (16 & 17 GEO. 5, C. 37).

1927. No. 847.

In pursuance of Section 1 of the Lead Paint (Protection against Poisoning) Act, 1926, I hereby make the following Regulations for preventing danger from lead paint * to persons employed in or in connection with the painting of buildings.†

Provided that Regulations 4, 5, 7, 9, 11 and 12 shall not apply to persons who are occasionally employed in or in connection with the painting of buildings for an aggregate period not exceeding 26 normal working days in a calendar year and whose ordinary employment does not include the painting of buildings.

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* "Lead paint" means any paint, paste, spray, stopping, filling or other material used in painting which, when treated in a manner prescribed by rules made by the Secretary of State, yields to an aqueous solution of hydrochloric acid, a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis—*see* Section 7 of the Act.

† By Section 7 of the Act, the expression "building" includes "fixtures."

These Regulations may be cited as the Lead Paint Regulations, 1927, and shall come into force on the 1st October, 1927.

Duties.

It shall be the duty of all persons who employ persons in or in connection with the painting of buildings to observe Part I. of these Regulations.

It shall be the duty of all persons employed in or in connection with the painting of buildings to observe Part II. of these Regulations.

PART I.

Duties of Employers.

1.—(a) Lead paint * shall not be used or procured for use for the painting of buildings except in the form of paste or of paint ready for use. Provided that red lead may be procured for use and used in the raw or dry state to such extent as may be necessary for preparing stopping or filling material and for no other purpose.

(b) Lead paint for use in the painting of buildings shall not be procured or stored, whether at the employer's premises or at any place where painting is being done, otherwise than in receptacles legibly marked as containing lead.

2. Lead paint shall not be applied in the form of spray in the interior painting of buildings.

3.—(a) No painted surface other than that of iron or steel work shall be rubbed down or scraped by a dry process.

(b) No painted surface of iron or steelwork shall be rubbed down or scraped by a dry sand-papering process.

(c) All débris produced by rubbing down or scraping of any painted surface shall be removed before it becomes dry.

(d) No contravention of the foregoing provisions shall be deemed to have taken place in respect of any painted surface, if the employer proves that such painted surface contained no lead paint.

4. There shall be provided for the use of persons employed in or in connection with the painting of buildings and liable to come into contact with lead paint a sufficient supply of water, soap, nail brushes and towels and at least one bucket or basin for every five persons so employed.

5. Suitable arrangements shall be made to prevent clothing taken off during working hours by persons employed in or in connection with the painting of buildings, being soiled by lead paint. Where practicable the accommodation so provided shall be outside any apartment in which painting is being carried on.

6. Where the Chief Inspector of Factories is satisfied that the incidence of lead poisoning among the persons employed by any employer in or in connection with the painting of buildings with lead paint is excessive, he shall give notice thereof in writing to such

* See note * on previous page.

employer, and such employer shall forthwith make arrangements for the periodic medical examination of all persons so employed by him and for the suspension from employment in or in connection with painting with lead paint of such persons whose health is or appears likely to be injuriously affected thereby, in accordance with such conditions as the Chief Inspector of Factories may prescribe.

7.—(a) The employer shall give to each person employed by him in or in connection with the painting of buildings when he is engaged, and subsequently if still employed as aforesaid, on the first pay day in each calendar year, a copy of the prescribed leaflet (*a*) containing special health instructions as to the use of paint.

(b) A printed copy of these Regulations shall be posted (*b*) in the workshop and paint store, and on all jobs on which more than 12 persons are employed in painting operations, in any apartment in which the paints are mixed.

8. Where any person, whose ordinary employment does not include the painting of buildings, is occasionally employed in or in connection with the painting of buildings, the employer shall keep a record of the periods with dates during which such person is so employed by him, and such record shall be open at all reasonable times to the inspection of H.M. Inspector of Factories.

For the purposes of these Regulations, the employment of such person as aforesaid for a period of less than half of a normal working day shall be deemed to be half-a-day and of less than a whole normal working day but more than half-a-day shall be deemed to be a whole day.

PART II.

Duties of Persons Employed.

9. Overalls shall be worn during the whole of the working period by every person employed in or in connection with the painting of buildings and liable to come into contact with lead paint, and shall be washed at least once a week. They shall not be worn at meal times.

10. Every person employed in rubbing down or scraping any painted surface shall carry on his work in accordance with the requirements of Regulation 3 hereof.

11. Every person employed in or in connection with the painting of buildings shall so deposit his clothing taken off during working hours as to prevent it being soiled by lead paint, and for this purpose shall as far as practicable make use of the accommodation provided in pursuance of Regulation 5 hereof.

12. Every person employed in or in connection with the painting of buildings and liable to come into contact with lead paint shall

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(*a*) **Leaflet.**—This is Official Form No. 394.

(*b*) **Affixing of Regulations.**—By Order dated December 24th, 1926, the requirement of s. 86 of the Act of 1901 as to affixing of Regulations is not to apply except to such places as may be directed by these Regulations.

carefully clean and wash his hands before partaking of food or leaving the premises.

13. Every person employed in or in connection with the painting of buildings and liable to come into contact with lead paint shall present himself at the appointed time for medical examination when so required in accordance with Regulation 6.

W. Joynson-Hicks,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
6th September, 1927.

THE VEHICLE PAINTING REGULATIONS, 1926, DATED MARCH 12, 1926, MADE BY THE SECRETARY OF STATE UNDER SECTION 79 OF THE FACTORY AND WORKSHOP ACT, 1901 (1 EDW. 7, C. 22), IN RESPECT OF THE PAINTING OF VEHICLES.

1926. No. 299.

In pursuance of section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations in respect of the *painting* of *vehicles*, and direct that they shall apply to all factories and workshops or parts thereof in which any such painting is carried on.

Provided that these Regulations shall not apply to (a) a factory or workshop in which not more than two persons are employed in *painting;* or (b) the occasional *painting* of a *vehicle* used solely in the business of the factory or workshop.

These Regulations may be cited as the Vehicle Painting Regulations, 1926, and shall come into force on 1st May, 1926.

DUTIES.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of every person employed in *painting* to observe Part II. of these Regulations.

DEFINITIONS.*

In these Regulations—

Vehicle means (a) every description of wheeled carriage (including bodies and wheels made separately) used for the conveyance of persons or goods; or (b) any locomotive.

Painting means the application of *lead paint* to any *vehicle.*

Lead Paint means any paint, paste, spray, stopping, filling or other material used in *painting* which when treated in the manner prescribed in the Schedule hereto yields to an aqueous

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* Terms to which defined meanings are given are printed throughout in italics.

solution of hydrochloric acid, a quantity of soluble lead compound exceeding, when calculated as lead monoxide, five per cent. of the dry weight of the portion taken for analysis.

PART I.—DUTIES OF OCCUPIERS.

1. White lead, sulphate of lead, or products containing these materials, shall not be used or procured for use in *painting* except in the form of paste or paint ready for use.

Provided that such materials may be procured in the raw state for use (subject to the requirement of Regulation 5) in the preparation of painter's stopping material.

2. *Lead Paint* shall not be stored or kept otherwise than in receptacles legibly marked " Lead."

Provided that this requirement shall not apply to receptacles—

(i) containing *lead paint* in actual use in *painting*.

(ii) for mixing *lead paint* for immediate use.

3. *Lead Paint* shall not be used in any spraying operation, except in a special compartment provided with an efficient exhaust draught and so fitted as to render it unnecessary for the workman operating the spray to stand between the fan and the article sprayed.

4.—(a) A surface painted with *lead paint* shall not be rubbed down or scraped by a dry process.

(b) All débris from rubbing down or scraping of such a surface shall be removed either while it is wet or by a moist process.

For the purpose of this Regulation every surface shall be deemed to be a surface painted with *lead paint*, unless the occupier has satisfied himself that it is not so painted.

5. Raw white lead or sulphate of lead shall not be manipulated or used in the preparation of painter's stopping material except under an efficient exhaust draught so arranged as to remove the dust produced as nearly as may be at its point of origin.

Provided that this requirement shall not apply if the stopping material is prepared by a worker solely for his own use.

6. There shall be provided and maintained for the use of all persons employed in *painting*, and remaining on the premises for meals, suitable accommodation for taking meals at some place other than that in which the *painting* is carried on.

7. Suitable arrangements shall be made to prevent clothing put off during working hours being soiled by *lead paint*.

8. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in processes subject to these Regulations :—

(a) A lavatory under cover, with a sufficient supply of clean towels, soap and nail brushes, and with either—

(i) a trough with a smooth impervious surface fitted with a waste pipe, without plug, and of sufficient length to allow of at least two feet for every five persons employed at any one time, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or

(ii) at least one lavatory basin for every five such persons employed at any one time, fitted with a waste pipe and plug, having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on, and a supply of hot water always at hand when required for use by such persons.

9. Where the Chief Inspector of Factories gives notice to an occupier that the incidence of lead poisoning among the persons employed in the factory or workshop in *painting* is excessive, the occupier shall arrange that such persons shall undergo periodic medical examination in accordance with such conditions as the Chief Inspector may prescribe, by the Certifying Factory Surgeon for the district or by a duly qualified medical practitioner appointed by written certificate by the Chief Inspector of Factories.

10. The occupier shall allow any of His Majesty's Inspectors of Factories to take at any time sufficient samples for analysis of any material in use or mixed for use.

The occupier may at the time a test sample is taken, and on providing the necessary appliances, require the Inspector to divide the sample into two parts and to mark and seal and deliver to him one such part.

The result of an analysis made under these Regulations shall not be published or disclosed to any person except in so far as is necessary for the purpose of a prosecution for an offence under these Regulations.

PART II.—DUTIES OF PERSONS EMPLOYED.

11. Every person employed in *painting* shall present himself at the appointed time for medical examination when so required by Regulation 9.

12.—(a) Every person employed in *painting* shall deposit all clothing put off during working hours in accordance with the arrangements made under Regulation 7.

(b) Every person employed in *painting* shall wear an overall which he shall remove before partaking of food or leaving the premises.

13. Every person employed in processes subject to these Regulations shall before partaking of food or leaving the premises wash the face and hands.

14. No person shall introduce, keep, prepare or partake of any food or drink in that part of any workroom in which *painting* is carried on.

W. Joynson-Hicks,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
12th March, 1926.

Schedule.

METHOD OF TREATMENT OF LEAD PAINT FOR THE PURPOSE OF ASCERTAINING THE PERCENTAGE OF DRY COMPOUND OF LEAD PRESENT.

The material is to be treated with suitable solvents to remove the oil, varnish and other media, and the residue to be dried at 100° C. and thoroughly mixed. A weighed quantity of this extracted, dried and mixed material is to be continuously shaken for one hour, at the common temperature, with 1,000 times its weight of an aqueous solution of hydrochloric acid containing 0·25 per cent. by weight of hydrogen chloride. This solution is thereafter to be allowed to stand for one hour and then filtered. The lead salt contained in the clear filtrate is then to be precipitated as lead sulphide and weighed as lead sulphate.

FOR THE MANUFACTURE OF PAINTS AND COLOURS.

(*These Regulations were gazetted January* 25, 1907.)

1907. No. 17.

[*For restrictions upon the employment of women and young persons in these processes, see the* Women and Young Persons (Employment in Lead Processes) Act, 1920, *ante*, p. 286.]

Whereas the manufacture of paints and colours has been certified in pursuance of section 79 of the Factory and Workshop Act, 1901, to be dangerous:

I hereby in pursuance of the powers conferred on me by that Act make the following Regulations, and direct that they shall apply to all factories and workshops in which dry carbonate of lead or red lead is used in the manufacture of paints and colours, or chromate of lead is produced by boiling, provided as follows:—

(1) The Regulations shall not apply to factories and workshops in which paints and colours are manufactured not for sale but solely for use in the business of the occupier; or to factories or workshops in which only the manufacture of artists' colours is carried on; or to the manufacture of varnish paints.

(2) Regulation 2, and so much of Regulation 3 as prevents the employment of a woman in manufacturing *lead colour*, shall not apply to the packing in parcels or kegs not exceeding 14 lbs. in weight, unless and until so required by notice in writing from the Chief Inspector of Factories.

(3) Regulations 4, 5, 6, 11, and 12 shall not apply to factories or workshops in which the grinding of *lead colour* occupies less than three hours in any week, unless and until so required by notice in writing from the Chief Inspector of Factories.

Definitions.

(*The terms "lead colour" and "lead process" to which defined meanings are given are printed throughout in italics.*)

For the purpose of these Regulations—

"*Lead colour*" means dry carbonate of lead and red lead, and any colour into which either of these substances enters.

"*Lead process*" means any process involving the mixing, crushing, sifting, grinding in oil, or any other manipulation of *lead colour* giving rise to dust; or the manufacture and manipulation of chromate of lead produced by boiling in the colour house.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Employers.

1. No *lead colour* shall be placed in any hopper or shoot without an efficient exhaust draught and air guide so arranged as to draw the dust away from the worker as near as possible to the point of origin.

2. No *lead process* shall be carried on, save either—

(a) with an efficient exhaust draught and air guide so arranged as to carry away the dust or steam as near as possible to the point of origin; or

(b) In the case of processes giving rise to dust, in an apparatus so closed as to prevent the escape of dust.

Provided that this Regulation shall not apply to the immersion and manipulation of *lead colour* in water.

3. No woman, young person, or child shall be employed in manipulating *lead colour*.

4. Every person employed in a *lead process* or at the roller mills connected with the grinding in oil of *lead colour* (hereinafter referred to as the *roller mills*) shall once in each calendar month, on a date of which notice shall be given to every such person, be examined by the Certifying Surgeon of the district or other duly qualified medical practitioner (hereinafter referred to as the Appointed Surgeon) if appointed for the purpose by the Chief Inspector of Factories by a certificate under his hand and subject to such conditions as may be specified in that certificate.

The Certifying or Appointed Surgeon shall have power to suspend from employment in any *lead process* or at the *roller mills*.

(*The term "roller mills" to which a defined meaning is given is printed throughout in italics.*)

5. No person after suspension in accordance with Regulation 4 shall be employed in any *lead process* or at the *roller mills* without written sanction entered in the Health Register by the Certifying or Appointed Surgeon.

6. A Health Register (*a*) in a form approved by the Chief Inspector of Factories shall be kept and shall contain a list of all persons employed in any *lead process* or at the *roller mills*. The Certifying or Appointed Surgeon will enter therein the dates and results of his examinations of such persons with particulars of any directions given by him.

The Health Register (*a*) shall be produced at any time when required by any of His Majesty's Inspectors of Factories or by the Certifying or Appointed Surgeon.

7. Overalls shall be provided for all persons employed in *lead processes* or at the *roller mills ;* and shall be washed or renewed at least once every week.

8. The occupier shall provide and maintain for the use of all persons employed in *lead processes* or at the *roller mills*—

(a) A cloak-room or other suitable place in which such persons can deposit clothing put off during working hours and separate and suitable arrangements for the storage of overalls required by Regulation 7 ;

(b) a dining-room, unless all workers leave the factory during meal hours.

9. No person shall be allowed to introduce, keep, prepare, or partake of any food, drink (other than a medicine provided by the occupier and approved by the Certifying or Appointed Surgeon), or tobacco in any room in which a *lead process* is carried on. Suitable provision shall be made for the deposit of food brought by persons employed.

10. The occupier shall provide and maintain in a cleanly state and in good repair for the use of persons employed in *lead processes* or at the *roller mills* a lavatory containing either—

(a) at least one lavatory basin for every five such persons, fitted with a waste pipe, or placed in a trough having a waste pipe, and having a constant supply of cold water laid on and a sufficient supply of hot water constantly available ; or

(b) troughs of enamel or similar smooth impervious material, fitted with waste pipes without plugs, and having a constant supply of warm water laid on. The length of such troughs shall be in a proportion of not less than two feet for every five persons employed in *lead processes* or at the *roller mills.*

He shall also provide in the lavatory soap, nail brushes, and a sufficient supply of clean towels renewed daily.

PART II.

Duties of Persons Employed.

11. All persons employed in *lead processes* or at the *roller mills* shall present themselves at the appointed time for examination by the Certifying or Appointed Surgeon as provided in Regulation 4.

(*a*) **Health Register.**—The Official Form is No. 605.

12. No person after suspension under Regulation 4 shall work in a *lead process* or at the *roller mills* in any paint and colour factory or workshop to which these Regulations apply without written sanction entered in the Health Register by the Certifying or Appointed Surgeon.

13. All persons employed in *lead processes* or at the *roller mills* shall wear the overalls provided under Regulation 7 and shall deposit such overalls and any clothing put off during working hours in the places provided under Regulation 8.

The overalls shall not be removed by persons employed from the factory or workshop.

14. No person shall introduce, keep, prepare, or partake of any food, drink (other than a medicine provided by the occupier and approved by the Certifying or Appointed Surgeon), or tobacco in any room in which a *lead process* is carried on.

15. All persons employed in *lead processes* or at the *roller mills* shall carefully clean and wash their hands before leaving the premises or partaking of any food.

16. No person shall, without the permission of the occupier or manager, interfere in any way with the means and appliances provided for the removal of dust, steam or fumes and for the carrying out of these Regulations.

These Regulations shall come into force on the 1st February, 1907.

H. J. Gladstone,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
21st January, 1907.

FOR THE MANUFACTURE AND DECORATION OF POTTERY.

(*These Regulations were gazetted January* 7, 1913.)

1913. No. 2.

In pursuance of section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations, and direct that they shall apply to all factories and workshops in which the manufacture or decoration of *pottery* or any process incidental thereto is carried on ; including factories and workshops in which lithographic transfers, frits, or glazes are made for use in the manufacture or decoration of *pottery*.

Provided that, if at any time it is shown to the satisfaction of the Secretary of State in the case of any manufacture or process or any operation forming part thereof, that injury to health is adequately prevented by other appliances or under other conditions than those prescribed by these Regulations, he may by Order modify the whole or any part of the Regulations, so far as they apply to such manu-

facture or process. Any such Order may be revoked, modified, or extended by further Order.

And provided further, in regard to Regulation 10 (a), the Secretary of State may, by Order—

(i) grant exemptions from this Regulation in the case of any special branch of the industry if it can be shown that every means has been tried for the purpose of conforming to the prescribed limit;

(ii) substitute a limit higher than 70° Fahrenheit in the case of printing or other specified shops, if it can be shown to be necessary.

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

In these Regulations—

"*Pottery*" includes earthenware, china, tiles, and any other articles made from clay, with or without the addition of other material.

"*Coarse ware*" means *pottery* not shaped by compression of powdered material, and not fired more than once in the process of manufacture.

In the case of a fireclay works in which the ware is generally fired only once, the whole of the works may, with the approval in writing of the Chief Inspector of Factories, be regarded as a *coarse ware* factory, notwithstanding that some of the clay ware is hardened by fire before any slip or body coating is applied to the fireclay body; subject, however, to the following conditions:—

(i) no slip or body coating shall be applied before such hardening;

(ii) neither the ware so hardened nor any subsequently applied slip or body coating shall be sandpapered or treated by any other process which would generate dust;

(iii) the approval of the Chief Inspector of Factories shall be kept attached to the general register, and shall be subject to the further conditions, if any, specified therein, and shall be revocable by further notice in writing.

"*Leadless glaze*" means a glaze which does not contain more than one per cent. of its dry weight of a lead compound calculated as lead monoxide.

"*Low solubility glaze*" means—

(1) a glaze which does not yield to dilute hydrochloric acid more than five per cent. of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described below; or

(2) a glaze containing no lead or lead compound other than *galena*.

A weighed quantity of dried material is to be continuously shaken for one hour, at the common temperature, with 1000 times its weight of an aqueous solution of hydrochloric acid containing 0·25 per cent. of HCl. This solution is thereafter to be allowed to stand for one hour, and to be passed through a filter. The lead salt contained in an aliquot portion of the clear filtrate is then to be precipitated as lead sulphide, and weighed as lead sulphate.

"*Galena*" means the native sulphide of lead containing not more than five per cent. of a soluble lead compound calculated as lead monoxide when determined in the manner described in the definition of *low solubility glaze*. *Galena* shall not for the purpose of these Regulations be deemed to be an unfritted lead compound.

"*Leadless glaze factory*" means a factory the occupier of which has given an undertaking, to the satisfaction of the Chief Inspector of Factories, that none but *leadless glaze* shall be used therein, and in which none but *leadless glaze* is in fact used.

"*Low solubility glaze factory*" means a factory the occupier of which has given an undertaking, to the satisfaction of the Chief Inspector of Factories, that none but *low solubility glaze* shall be used therein, and in which none but *low solubility glaze* is in fact used.

"*Majolica painting*" includes painting in majolica or other glaze.

"*Surgeon*" means the Certifying Factory Surgeon of the district who shall have, as regards all persons examined by him in pursuance of these Regulations, power of *suspension* and of *permission to work*, by certificate which may either be *entered in the health register* by the *Surgeon* personally, or be sent by him to the occupier.

"*Entered in the health register*" means—

(a) Entered in the prescribed register kept at the factory in pursuance of Regulation 3; or

(b) Entered in the portable register prescribed for the use of casual workers.

"*Suspension*" means suspension, by signed certificate of the *Surgeon*, from employment in any process in which examination by the *Surgeon* is required by these Regulations.

"*Permission to work*" means permission, by signed certificate of the *Surgeon*, either—

(a) Terminating a *suspension*, or

(b) Permitting employment of a certain specified kind.

"*Potters' shops*" includes any place where tiles or other articles are made by pressing clay dust, as well as every place

where articles of *pottery* are shaped by a plastic or other process.

"*Wedging of clay*" means the treatment of clay which has not been pugged or rolled, by raising one piece of clay by hand and bringing it down upon another piece; but does not include the process, frequently known as "slapping of clay," in which two pieces of clay each small enough to be held in one hand are slapped together.

"*Workroom*" shall not, for the purposes of Regulation 10, include any stove or drying chamber which is not entered by workers except for the purpose of carrying ware in or out or turning it.

"*Bedding*" means the placing of flat ware in powdered flint for the biscuit firing when the sagger or box containing the ware is filled up with powdered flint.

"*Flinting*" means the placing of flat ware in powdered flint for the biscuit firing when the sagger or box containing the ware is not filled up with powdered flint.

"*Scouring*" includes fine brushing, as well as sandpapering, brushing, and every other scouring process, as applied to biscuit ware.

"*Stopping of biscuit ware*" means the filling up of cracks in ware which has been fired once and before glaze is applied to it.

"*Glost placing*" includes the operations of carrying saggers of ware into the glost oven and carrying them out again after the glost firing, as well as the operation of placing the ware in the saggers for glost firing; but not placing of ware on cranks or similar articles prior to their transfer to saggers or kilns by other persons.

"*Flow material*" means any material containing lead, which is placed in saggers with a view to its entire or partial volatilization during the glost firing of the ware.

"*Thimble picking*" means the picking over, sorting, or rearranging for further use, of thimbles, stilts, spurs, strips, saddles, or any similar articles which have been used for the support of articles of *pottery* during the process of glost firing.

"*Efficient exhaust draught*" used in connection with a process means an exhaust draught which effectually removes as near as possible to the point of origin, the dust generated in the process. No draught shall be deemed to be efficient which fails effectually to remove smoke generated at any point where dust originates in the process.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

Exemptions.

1. The following Regulations and parts of Regulations shall not apply to *leadless glaze factories* :—

(*The Regulations in question are marked* * ; *or in case of partial or conditional exemption* (*).)

Paragraphs (ii), (iii), (vi), (vii), of Regulation 1 (a) ;
Regulations 1 (f), 1 (g), 1 (h), 1 (k) ;
Paragraph (xii) of Regulation 7 (a) ;
Regulations 7 (h), 7 (k), 7 (l) ;
Paragraph (ii) of Regulation 8 (a) ;
Regulation 12 (b), so far as regards the processes marked (a) and (c) in the Schedule ;
Regulations 12 (d), 14, 15 (a), 15 (b), 16, 17 (a), 17 (b), 18 ;
Regulation 19, so far as regards factories in which *flow material* is not used ;
Regulation 20 ;
Regulation 24 (a), so far as regards threading up, and so far as regards *thimble picking* in factories in which *flow material* is not used ;
Regulations 35 (a), 35 (b) ;
Regulations 1, 2, 3, 4, 5, 6, 11, 13, 17, 24, 25 (except 25 (a), 25 (f), 25 (g)), 26, 29, 30, 31, 33, 35, so far as regards the processes marked (a), (b), (c), (d), (e), (f), (g), in Part I. of the Schedule.

2. The following Regulations and parts of Regulations shall not apply to *low solubility glaze factories* :—

(*The Regulations in question are marked* † ; *or in the case of partial or conditional exemption* (†).)

Paragraph (iii) of Regulation 1 (a) ;
Regulations 1 (f), 1 (g), 1 (h) ;
Paragraph (xii) of Regulation 7 (a) ;
Regulation 7 (k) ;
Regulation 12 (b), so far as regards the process marked (c) in Part I. of the Schedule ;
Regulations 12 (d), 15 (a), 15 (b), 16 ;
Regulation 19, so far as regards factories in which *flow material* is not used ;
Regulation 24 (a), so far as regards threading up, and so far as regards *thimble picking* in factories in which *flow material* is not used ;
Regulations 2, 3, 29, so far as regards the processes marked (b), (c), (d), (e), (f), (g), in Part I. of the Schedule.

If the occupier of a *low solubility glaze factory* satisfies the Chief Inspector of Factories that *leadless glaze* is used for a substantial part of the output, the Regulations and parts of Regulations named in Exemption 1 (except so far as regards the preparation or manufacture of frits or glazes) shall not apply to such factory unless and until so required by notice in writing from the Chief Inspector of Factories.

3. The following Regulations and parts of Regulations shall not apply, unless and until so required by notice in writing from the

Chief Inspector of Factories, to the manufacture of *coarse ware* in factories in which no *pottery* other than *coarse ware* is made :—

(*The Regulations in question are marked* ‡ ; *or in case of partial or conditional exemption* (‡).)

Paragraphs (i), (iv), (vii), (viii), of Regulation 1 (a) ;
Regulations 7 (a) (except paragraph (xii)), 7 (e), 7 (f), 7 (g) ;
Regulations 9, 10, 12 (except 12 (f) and 12 (g)), 13, 14 (c), 16, 18, 19, 20, 21, 22, 23, 24 (a) ;
All Regulations so far as regards the processes marked (h), (k), (l), (m), (n), (o), (p), (q), (r), (s), in the Schedule.

Nothing in Regulations 4, 5, 6, 8, 14, 17, 25, 30, 31, or 35, shal apply to *leadless glaze factories* or *low solubility glaze factories* in which no *pottery* other than *coarse ware* is made.

Note.—Abridged placards of the Regulations are obtainable as follows :—

Leadless glaze factories under exemptions 1 and 3 which are coarse ware factories, Form No. 960.
Leadless glaze factories under exemption 1 which are other than coarse ware factories, Form No. 963.
Low solubility glaze factories under exemptions 2 and 3 which are coarse ware factories, Form No. 961.
Low solubility glaze factories under exemption 2 which are other than coarse ware factories, Form No. 964.
Other potteries which are coarse ware factories, Form No. 962.
Factories in which the only (regulated) processes are—
Decorations, other than majolica painting, glaze blowing, making of litho transfers, Form No. 967.
Making of frits or glazes, Form No. 965.
Making of lithographic transfers, Form No. 966.

4. Nothing in these Regulations shall apply to the manufacture of—

sanitary or drain pipes ; or
bricks, glazed or unglazed ; or
unglazed or salt-glazed *coarse ware* in a factory in which no other *pottery* is made.

Nothing in these Regulations (except Regulation 28) shall apply to the manufacture of architectural terra-cotta, glazed or unglazed, made from plastic clay in a factory in which no lead is used.

5. Nothing in Regulations 4 and 30 shall be deemed to require overalls or head coverings to be provided for, or worn by, any man during the time he is engaged in drawing a glost oven.

Nothing in Regulations 12 or 13 shall be deemed to require the use of moisture in cleaning floors or work benches in lithographic transfer-making shops.

6. Men employed only as glost drawers shall not be deemed to be employed in a process included in Part I. of the Schedule if they do not work in any place in which a process named in Part I. of the Schedule is being carried on.

PART I.

DUTIES OF OCCUPIERS.

1. *Age and Sex.*

(a) No woman, young person, or child shall be employed in the following processes :—

‡ (i) *Stopping of biscuit ware* with a material which yields to dilute hydrochloric acid more than five per cent. of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described in the definition of *low solubility glaze ;*

* (ii) weighing out, shovelling, or mixing of unfritted lead compounds in the preparation or manufacture of frits, glazes, or colours ;

*† (iii) lawning of glaze, except where less than a quart of glaze is lawned at a time for the worker's own use ;

‡ (iv) preparation or weighing out of *flow material ;*

(*) (‡) (v) cleaning, as prescribed in Regulation 12, of floors of *potters' shops* or stoves or any place in which any process included in the Schedule is carried on ;

* (vi) cleaning, as prescribed in Regulation 17, of boards used in the dipping house, dippers' drying room, ware cleaning room, or glost placing shop ;

*‡ (vii) cleaning of mangles or any part thereof ;

‡ (viii) washing of saggers with a wash which yields to dilute hydrochloric acid more than five per cent. of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described in the definition of *low solubility glaze.*

(b) No young person or child, other than a male young person who wedges clay only for his own use, shall be employed in the *wedging of clay ;* and no woman shall be so employed without a certificate of *permission to work.*

(c) No young person or child shall be employed in the carrying of clay, or other systematic carrying or lifting work, without a certificate of *permission to work,* specifying the maximum weight which he or she may carry ; and no young person or child so employed shall be allowed to lift or carry any weight in excess of that named in the certificate. Provided that—

(i) No certificate shall permit the carrying of more than 30 lbs. by any one under 16 years of age ; and

(ii) No girl under 16 years of age and no boy under 15 years of age shall be allowed to carry clay, except that such a worker who is working for himself or herself, and is not an attendant of another worker, shall be allowed to carry such clay as is to be used by himself or herself in making articles of *pottery.*

(d) No female shall be employed for more than seven days as a wheel-turner for a thrower, without a certificate of *permission to work.*

(e) No girl under 16 years of age shall be employed as a lathe treader.

*† (f) No young person or child shall be employed as a dipper.

*† (g) No girl under 17 years of age and no boy under 16 years of age shall be employed as a dipper's assistant or ware cleaner.

*† (h) No woman, young person, or child shall be employed as a glost placer, except in the placing of china furniture or electrical fittings ; and no girl under 17 years of age and no boy under 16 years of age shall be employed as a glost placer in the placing of china furniture or electrical fittings. Except that male young persons over 16 years of age may be employed in the process of glost *placing* for the purpose of preparing saggers and assisting in the sagger-house during the drawing of ovens, provided that they shall not place any ware in the saggers.

* (k) In *low solubility glaze factories*—

(i) No person under 16 years of age shall be employed as a dipper ;

(ii) No person under 15 years of age shall be employed as a dipper's assistant, ware cleaner, or glost placer.

(*) (‡) (l) Except as provided in Regulation 1 (k) (ii) no person under 16 years of age shall be employed in any process included in Part I. of the Schedule ; and no person under 15 years of age shall be employed in any process included in Part II. of the Schedule.

(m) No female shall carry a sagger full of ware ; but

(i) the moving of such a sagger from one part of a bench to a contiguous part of the same bench on the same level ; or

(ii) the moving of such a sagger by any two females from a bench to the nearest convenient floor space in the same workroom if no saggers so moved are piled to a greater height than four feet,

shall not be deemed to be a contravention of this requirement.

2. *Periodical Examinations.*

(*) (†) (‡) (a) All persons employed in any process included in Part I. of the Schedule shall be examined once in each calendar month by the *Surgeon ;* and all persons employed in any process included in Part II. of the Schedule shall be examined once in every twelve months by the *Surgeon.*

(b) All persons for whom certificates of *permission to work* are required by Regulation 1 shall be examined by the *Surgeon* within seven days of the commencement of their employment in a process in which such a certificate is required.

(c) All young persons and children employed in the carrying of clay, or other systematic carrying or lifting work, shall be re-examined by the *Surgeon* twice in the first period of six months, and once in each period of six months thereafter, until they attain the age of 18.

(d) Any female examined for employment as a wheel-turner shall be presented for re-examination at a later date, if the *Surgeon* considers it necessary.

(*) (†) (‡) (e) The fees for all medical examinations made in pursuance of these Regulations shall be paid by the employer and shall not be charged to the worker, whether he be in regular or casual employment. Provided that casual workers examined at the *Surgeon's* surgery shall pay a fee of one shilling for each certificate entered in the portable register; this fee shall be refunded by the occupier who first employs the worker after such examination; and the occupier shall record in the portable register the fact that the fee has been refunded.

(*) (†) (‡) (f) A notice (*a*) shall be affixed in a prominent place in the factory, showing clearly the time appointed for the *Surgeon's* periodical visit; and an amending notice shall be affixed forthwith if it is found necessary to alter the date or hour; wherever possible, not less than three days' notice of a change of date shall be given.

(*) (†) (‡) (g) A private room shall be provided for all medical examinations. No one shall be present except such other medical man as the *Surgeon* may with the worker's consent admit; and in addition in the case of a female any one female relative may be present, or alternatively any one workwoman in the factory approved by the worker and the *Surgeon*.

(*) (†) (‡) (h) No person after *suspension* shall be allowed to work in any process in which examination by the *Surgeon* is required by these Regulations, without a certificate of *permission to work*.

3. *Health, &c., Register.*

(*) (†) (‡) (a) A register (*b*), in the form or forms prescribed, shall be kept, in which the *Surgeon* may enter the dates and results of his visits, the number of persons examined in pursuance of these Regulations, and particulars of any directions given by him. This register shall contain a correct list of all persons employed in the processes included in the Schedule, and of all persons for whom a certificate has been obtained in pursuance of Regulation 1; as well as all other particulars required to be entered in the register in pursuance of these Regulations.

(*) (†) (‡) (b) The register shall be open to the inspection of any worker so far as concerns the entries relating to that worker. All such entries as indicate the general health of the worker shall be so expressed as to be readily understood both by occupiers and persons employed.

(*) (†) (‡) (c) When a certificate of *suspension* or *permission to work* is sent by the *Surgeon* to the occupier, it shall be forthwith attached to the register, and shall be kept so attached until replaced by a personal entry by the *Surgeon* in the register.

4. *Overalls and Head-coverings.*

(*) (‡) (a) The occupier shall provide and maintain suitable overalls and head-coverings for all persons employed in the processes

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(*a*) The notice is Official Form No. 935.

(*b*) The register is Official Form No. 655, and a portable form of register for casual workers is Official Form No. 610.

included in the Schedule ; except that head-coverings need not be provided for persons employed in *majolica painting* or *glost placing*.

(*) (‡) (b) Head-coverings shall be adequate to protect the hair from dust, and shall be worn in such a manner as to be effective for this purpose.

(*) (c) The occupier shall provide and maintain suitable aprons of a waterproof or similar material which can be sponged daily, for all dippers, dippers' assistants and ware cleaners ; provided that, if the front of the overall supplied to any such worker in pursuance of these Regulations is made of a material which can be sponged daily, no separate apron need be provided for that worker.

(*) (‡) (d) No person shall be allowed to work in any process included in the Schedule without wearing the above-named overalls and head-coverings, as well as aprons when provided in pursuance of the preceding paragraph ; except that head-coverings need not be worn by persons employed in *majolica painting* or *glost placing*.

(*) (e) All aprons made of waterproof or similar material, and all overalls or parts of overalls made of such material, shall be thoroughly cleaned daily by the wearers by sponging or other wet process. All other overalls or parts of overalls and all head-coverings shall be washed or renewed at least once a week ; and the occupier shall provide for washing, renewal, and necessary repairs of all overalls and head-coverings to be done either at the factory or at a laundry ; and no worker shall be allowed to take home any overalls, head-coverings, or aprons provided in pursuance of these Regulations.

(*) (‡) (f) All overalls, head-coverings, and aprons provided in pursuance of these Regulations, when not in use or being washed or repaired, shall be kept in proper custody ; for this purpose there shall be provided a cupboard or cupboards or room or rooms suitably situated and sufficiently large to hold the overalls, head-coverings, and aprons ; a separate peg shall be provided for each worker who is required by these Regulations to wear overalls.

5. *Outdoor Clothing.*

(*) (‡) (a) A cupboard or cupboards or room or rooms shall be provided for workers to deposit clothing put off during working hours ; the accommodation provided for this purpose shall be sufficient to hold the outdoor clothing of all workers who are required by these Regulations to wear overalls, and a separate peg shall be provided for each such worker ; all such cupboards or rooms shall be entirely separated from any source of lead or other dust, and from any place provided for the keeping of overalls, head-coverings, or aprons, and shall be kept thoroughly clean by the occupier.

(*) (‡) (b) The occupier shall make adequate provision for drying such outdoor clothing, if wet, during the time it is put off in working hours ; this provision shall not be made in any place where there is any source of lead or other dust, or in any place provided for the keeping of overalls, head-coverings, or aprons, or in any mess-room provided in pursuance of these Regulations, unless such provision

consists of cupboards arranged against the wall and ventilated directly to the outside air, in which case the space occupied by such cupboards shall not be deemed to be part of the mess-room accommodation, and the provision shall be subject to the approval of the Inspector of Factories for the district.

6. *Food.*

(*) (‡) (a) No person shall be allowed to keep, or prepare, or partake of any food, drink, or tobacco, or to remain during meal-times in any place in which is carried on any process included in the Schedule, or the process of towing, or the process of tile-making by the compression of dust, or any other process which the Inspector of Factories for the district shall certify as sufficiently dusty to render the room in which it is carried on an unsuitable place, in his opinion, for persons to remain during meal-times.

(*) (‡) (b) Mess-room accommodation shall be provided for the workers employed in the processes included in the Schedule, and for such others as are excluded from their own workrooms during meal-times in pursuance of paragraph (a) of this Regulation.

(*) (‡) (c) This accommodation shall consist of a clean, well-ventilated, and well-lighted room or rooms in which no manufacturing process is carried on; it shall be at or near the factory, and shall be sufficiently large to accommodate all the workers employed in the processes included in the Schedule and all others who are excluded from their own workrooms during meal-times in pursuance of paragraph (a) of this Regulation, allowing floor space in accordance with the following scale:—

In mess-rooms for—

6 persons and under					..	..	10½	sq. ft.	per	person.
Over	6	persons	and up to	12	..	7½	,,	,,		
,,	12	,,	,,	20	..	6	,,	,,		
,,	20	,,	,,	28	..	5½	,,	,,		
,,	28	,,	,, any number			5	,,	,,		

(*) (‡) (d) Provided that if the Inspector of Factories for the district shall certify that in his opinion the special circumstances of any factory are such as to render the provision of mess-room accommodation for all such workers unnecessary, it shall be sufficient to provide accommodation, calculated on the above scale, for such a proportion of all such workers as is named on the certificate of the Inspector; but in no case shall this proportion be less than one-third, subject, in cases of difficulty, to appeal to H.M. Chief Inspector of Factories; and the Inspector for the district shall have the right, at any time, to cancel or amend any such certificate.

(*) (‡) (e) All mess-rooms provided in pursuance of this Regulation shall be furnished with proper tables and seats; provision shall be made for maintaining a proper temperature not below 55 degrees Fahrenheit; and all mess-rooms shall be thoroughly cleaned daily at the occupier's expense.

(*) (‡) (f) No person shall be allowed to take into a mess-room

any overall, head-covering, or apron, worn in a process included in the Schedule.

(*) (‡) (g) The washing conveniences prescribed by the Regulations shall not be maintained in any mess-room.

(*) (‡) (h) A suitable place for the deposit of food shall be provided for each worker using the mess-room. Such provision shall not be made in a room in which any manufacturing process is carried on, and shall be subject in each case to the approval of the Inspector of Factories for the district.

(*) (‡) (k) Adequate facilities shall be provided to enable workpeople to heat their food.

(*) (‡) (l) A supply of milk, or cocoa made with milk, shall be provided for all women and young persons working in processes included in Part I. of the Schedule, who commence work before 9 a.m. Not less than half a pint shall be provided for each such worker at the expense of the occupier.

7. *Suppression of Dust.*

(a) The following processes shall not be carried on without the use of an *efficient exhaust draught* :—

‡ (i) The fettling of flat ware, whether china or earthenware, by towing or sandpapering, provided that this shall not apply to the occasional finishing of pieces of china or earthenware without the aid of mechanical power ;

‡ (ii) The sand-sticking of sanitary ware ;

‡ (iii) Any other process of fettling on a wheel driven by mechanical power, except where :

(a) The fettler is fettling, as an occasional operation, only ware of his or her own making ; or

(b) The fettling is done wholly with a wet sponge or other moist material ; or

(c) The fettling is done by the worker who has made the articles, whilst the latter are still in a moist state.

‡ (iv) The sifting of clay dust for making tiles or other articles by pressure, except where :

(a) This is done in a machine so enclosed as effectually to prevent the escape of dust ; or

(b) The material to be sifted is so damp that no dust can be given off.

‡ (v) The pressing of tiles from clay dust, an exhaust opening being connected with each press ; this clause shall also apply to the pressing from clay dust of articles other than tiles, unless the material is so damp that no dust is given off.

‡ (vi) The fettling of tiles made from clay dust by pressure, except where the fettling is done wholly on or with damp material ; this clause shall also apply to the fettling of other articles made from clay dust, unless the material is so damp that no dust is given off.

‡ (vii) The processes of *bedding* and *flinting*.

‡ (viii) The brushing of earthenware biscuit, unless the process is carried on in a room provided with efficient general mechanical ventilation or other ventilation which is certified by the Inspector of Factories for the district as adequate, having regard to all the circumstances of the case.

‡ (ix) *Scouring* of biscuit ware which has been fired in powdered flint, except where this is done in machines so enclosed as effectually to prevent the escape of dust.

‡ (x) Batting of biscuit ware which has been fired in powdered flint.

‡ (xi) Glaze blowing.

* † (xii) Ware cleaning after the application of glaze by dipping or other process, except as set forth later in this Regulation.

‡ (xiii) The preparation or weighing out of *flow material* which yields to dilute hydrochloric acid more than five per cent. of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described in the definition of *low solubility glaze*.

‡ (xiv) The lawning of dry colours, except where not more than an ounce at a time is lawned for use in painting.

‡ (xv) Ground laying, including the wiping off of colour after its application to the surface of the ware.

‡ (xvi) Colour dusting, whether under-glaze or on-glaze, including the wiping off of colour after its application to the surface of the ware.

‡ (xvii) Colour blowing or ærographing, whether under-glaze or on-glaze, including the wiping-off of colour after its application to the surface of the ware.

‡ (xviii) The making of lithographic transfers, including the wiping off of colour after its application to the surface of the transfer sheets.

(b) In the process of mould-making, every bin or similar receptacle used for holding plaster of Paris shall be provided with an *efficient exhaust draught* so arranged as to prevent the escape of plaster of Paris dust into the air of the workplace ; except where a cover is provided for the bin or other receptacle, and the plaster of Paris is conveyed in a sack, the mouth of which is tied and only loosened after it has been placed in the bin or other receptacle.

(c) The dry grinding of materials for pottery bodies shall be done either with an *efficient exhaust draught* for the removal of dust, or in machines so enclosed as effectually to prevent the escape of dust ; except that it shall not be deemed necessary in pursuance of this Regulation to provide an exhaust draught to remove small amounts of dust given off at the hopper of an enclosed machine in the course of feeding the same, if an outlet into an exhaust duct or to the outside air is fitted to the receptacle into which the powdered material is delivered.

(d) In the process of sand-sticking of sanitary ware, suitable provision shall be made for collecting any material which falls on the floor.

‡ (e) In the process of making tiles from clay dust by pressure, supplies of material shall be conveyed to the work benches in such a manner as to disperse as little dust as possible into the air; clay dust shall not be carried into any press shop in sacks except where hoppers or similar receptacles are provided for receiving the clay dust, in which case a sack in sound repair shall be used and the mouth of the sack shall be tied and only loosened after it has been placed in the hopper or other receptacle, which shall be provided with a cover. This clause shall also apply to the making from clay dust of articles other than tiles, unless the material is so damp that no dust is given off.

‡ (f) After one year from the date on which these Regulations come into force, biscuit flat ware which has been bedded for firing shall not be removed from the saggers after firing, except at a bench fitted with an efficient exhaust appliance for the removal of dust.

‡ (g) Flat-knocking and fired-flint-sifting shall be carried on only in enclosed receptacles, which shall be connected with an *efficient exhaust draught* unless so contrived as to prevent effectually the escape of dust.

* (h) In the process of ware cleaning of earthenware after the application of glaze by dipping or other process, wherever it is practicable to use damp sponges or other damp materials they shall be provided in addition to the knife or other instrument, and shall be used.

* † (k) Nothing in these Regulations shall render it compulsory to provide an exhaust draught for ware cleaning if this process is carried on entirely with the use of wet materials; or if the ware cleaning be done within 15 minutes after the moment when the glaze was applied; but an *efficient exhaust draught* shall always be provided and used if any dry materials or implements, such as knives or scrapers, are used after the glaze is dry or more than 15 minutes after the moment when the glaze was applied.

* (l) In the process of ware cleaning, after the application of glaze by dipping or other process, sufficient arrangements shall be made for any glaze scraped off, which is not removed by the exhaust draught, to fall into water. All water troughs or other receptacles provided in pursuance of this clause shall be cleaned out and supplied with fresh water as often as necessary, and in no case less often than once a week; and no scrapings of glaze shall be allowed to collect in a dry condition on the sides of the water receptacle. Where grids or gratings are fitted over the water trough or other receptacle named in the foregoing paragraph, they shall be kept clean by repeated sponging or wiping with wet material during the time that the process of ware cleaning is being carried on. No boards or other articles shall be placed, even temporarily, on any such water trough in such a way as to interfere with the efficient use of the trough.

(m) In all processes the occupier shall, as far as practicable, adopt

efficient measures for the removal of dust and for the prevention of any injurious effects arising therefrom.

(n) Every process for which an exhaust draught is prescribed shall be carried on inside a hood or exhaust funnel; provided that, where the occupier can show that this is impracticable, it shall be sufficient if the work is done within the effective range of an exhaust opening.

8. *Respirators.*

(a) No person shall be allowed to work without wearing a suitable and efficient respirator, such as a damp sponge tied across the mouth and nostrils, in any of the following processes :—

(i) The emptying of sacks of plaster of Paris into a bin in a mould-making shop;

* (ii) The weighing out, shovelling, or mixing of unfritted lead compounds, in the preparation or manufacture of frits, glazes or colours containing lead, or any process carried on in a room wherein any such weighing out, shovelling, or mixing has taken place within the previous 30 minutes;

unless an *efficient exhaust draught* is provided to prevent the escape of dust into the air of the workplace.

(b) All respirators required by this Regulation shall be provided and maintained in a cleanly state by the occupier; and each respirator shall bear the distinguishing mark of the worker to whom it is supplied.

9. *Ventilation.*

‡ (a) Every place in which any worker or workers are employed shall be thoroughly ventilated.

‡ (b) All workrooms in which articles are left to dry shall be ventilated in such a way as to ensure a continuous movement of the air in the room in a direction away from the workers and towards the articles in question.

‡ (c) All drying stoves shall be ventilated direct to the outside air by shafts having upward inclinations and terminating vertically, or by louvres in the roof, or by other effective means.

‡ (d) All mangles shall be so ventilated as to provide for the maintenance of a flow of air into the hot chamber from the adjoining workroom.

In the case of vertical or "tower" mangles—

(i) The pipes for heating the mangle shall be fixed above the top of any opening at which workers put in or take off ware; and

(ii) There shall be a free outlet into the air above, so formed and placed as to ensure an outflow whatever the direction of the wind.

‡ (e) Fresh air shall, where practicable, be admitted to all workrooms by inlets placed along the sides of the room at a height of as nearly as possible 6 feet above the floor level, hopper opening being used for the purpose wherever possible.

‡ (f) Where it is not practicable to provide such fresh air inlets arrangements shall be made for the entry of an adequate amount of pure air by a flue with apertures at intervals along its length, or other means, which will secure an even distribution of the air through the room.

‡ (g) In no case shall fresh air inlets be so arranged that a draught can blow direct from them on to any worker.

‡ (h) Wherever the natural air currents are found to be insufficient without assistance to afford thorough ventilation, exhaust fans or other artificial means of creating a current of air shall be provided and maintained in use.

‡ (k) Where an exhaust draught is provided for the removal of dust generated in a manufacturing process, precautions shall be taken to prevent dust being drawn into the general atmosphere of the room from other sources of dust in places in the vicinity ; communication with such places shall be stopped wherever possible, and the fresh air inlets hereinbefore mentioned shall be so arranged as to ensure that no extraneous dust is drawn towards the workers by the exhaust draught.

10. *Temperature.*

‡ (a) Such a condition of the atmosphere shall be maintained in all *workrooms* that the reading of the wet bulb thermometer shall not exceed 70 degrees Fahrenheit, except at such times as the reading of the wet-bulb thermometer in the shade in the open air exceeds 65 degrees Fahrenheit.

‡ (b) A thermometer, suitably mounted for observing the wet-bulb reading, shall be provided in every *workroom* in which any articles are allowed to dry, or in connection with which artificial heat is used in aid of the manufacturing process, whether in the *workroom* itself or in drying stoves or mangles or other appliances adjoining the *workroom.*

‡ (c) Wherever steam or hot water pipes pass through a *workroom,* they shall be efficiently protected, and if not used for the purpose of heating that room, they shall be efficiently covered with non-conducting material.

‡ (d) The following Regulations shall apply to the drawing of ovens :—

(i) The temperature, whether taken at the bottom of the stage where the top drawer stands, or at any lower stage where men are working, shall not exceed 125 degrees Fahrenheit at any time when men are working in the oven.

(ii) Except that, in the case of any oven, in which—

(a) cooling dampers are in use, and in respect of which

(b) there has been no unnecessary delay in setting in the oven,

it shall be permissible, on the joint agreement of employer and employed to suspend the above rule not more than four times in any period of twelve months ; but such suspension

of the rule shall be conditional on immediate notice (*a*) being sent to the Inspector of Factories for the district, stating the name or number of the oven which is being drawn at a temperature exceeding 125 degrees Fahrenheit, taken as above. For the purpose of this exception, every oven to which it applies shall be given a distinctive name or number which shall be recorded in the register. Particulars of any notice sent to the Inspector of Factories for the district in pursuance of this exception shall also be recorded in the register.

(iii) When notice is given by the oven-men, whether verbally to the manager or occupier, or by handing in a written notice at the office before 5.30 p.m., to the effect that the oven-men wish to have the temperature tested before the oven is drawn next day, arrangements shall be made for a responsible representative of the occupier to be present for the purpose at the time when the drawing in question commences.

(iv) The temperature of ovens shall also be taken on a demand being made by the oven-men at any time when they are engaged in drawing.

11. *Lavatories.*

(*) (‡) (a) The occupier shall provide and continually maintain for the use of all persons employed in processes named in the Schedule, at least one lavatory basin for every five such persons. Each such basin shall be provided with a waste pipe and plug, or the basins shall be placed in a trough fitted with a waste pipe. There shall be a constant supply of hot and cold water laid on to each basin.

(*) (‡) (b) Or, in the place of basins, the occupier shall provide and maintain troughs of enamel or similar smooth impervious material, in good repair, of a total length of at least two feet for every five persons employed, fitted with waste pipes, and without plugs, with a sufficient supply of warm water constantly available from taps or jets above the trough at intervals of not more than two feet. Provided that if the Inspector of Factories for the district certifies that in his opinion it is not reasonably practicable for hot or warm water to be laid on to the lavatories in any factory or in any part of a factory, it shall be deemed to be sufficient if an adequate supply of hot water is provided as near as practicable to such lavatories. The Inspector of Factories for the district shall have the right at any time to cancel or amend any such certificate.

(*) (‡) (c) The lavatory shall be kept thoroughly cleaned at the cost of the occupier.

(*) (‡) (d) 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 for washing to each such person, provided that if the lavatory accommodation specially reserved for such persons exceeds that

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(*a*) The notice is Official Form No. 2216.

required by the preceding paragraphs, the time allowance may be proportionately reduced, and that if there be one basin or two feet of trough for each such person, no allowance of time shall be required.

(*) (‡) (e) The lavatories shall be under cover and shall be fitted up as near as practicable to the places in which the workers for whom they are provided are employed.

(*) (‡) (f) There shall be in front of each washing basin, or trough, a space for standing room which shall not be less in any direction than 21 inches.

(*) (‡) (g) Sufficient space shall be provided under cover in or adjoining the lavatory for such workers as use the lavatory while awaiting their turn to wash.

(*) (‡) (h) One roller towel, fastened in position, at least 15 square feet in area, shall be provided for every three workers, and shall be washed or renewed daily.

(*) (‡) (k) Or, one roller towel, fastened in position, at least 15 square feet in area, shall be provided for every nine workers, and shall be washed or renewed after every meal-time and at the close of the day's work.

(*) (‡) (l) Or, a towel at least 5 square feet in area shall be provided for each worker, and shall be washed or renewed daily; in this case a peg with the worker's name shall be provided for each towel.

(*) (‡) (m) One nail brush shall be provided for each basin or every two feet of trough, and shall be maintained in a cleanly and efficient condition. If fastened down, it shall be taken up once a week, and cleaned or renewed.

(*) (‡) (n) A sufficient supply of soap shall be always available at each basin, or every two feet of trough.

(*) (‡) (o) Separate lavatories for males and females shall be provided. An adjustable wooden partition across a lavatory shall be deemed to be sufficient separation, provided that it ensures complete privacy for females while washing.

12. *Floors.*

‡ (a) The floors of all slip-houses shall be kept thoroughly clean.

‡ (b) In all *potters' shops*, including such drying stoves as are entered by workpeople, and in all places where the following processes are carried on, viz. :—

* Making or mixing of frits, glazes, or colours containing lead,

*† Application of majolica, or other glaze, by blowing, painting, or any other process except dipping,

Preparation, or weighing out, of *flow material*,

Ground laying, including the wiping off of colour after this process,

Colour dusting
Colour blowing } whether on-glaze or under-glaze, including the wiping off of colour after either of these processes,

Colour grinding for colour blowers,
Lithographic transfer making,
the following Regulations shall apply :—

(i) There shall be provided and maintained :—

(a) Either impervious floors ;

(b) Or wooden floors with a thoroughly smooth and sound surface, constructed in such a substantial manner as to be free from permanent sag, and maintained in such repair that they can be properly cleaned by a moist method, and that no dust can fall through into rooms below.

(ii) The floors, when the rooms are in use, shall be thoroughly cleaned daily, by a moist method, by an adult male after work has ceased for the day, and before 3 a.m. next morning ; except that in rooms in which ground laying is done, the cleaning prescribed by this Regulation may be done before work commences in the morning, provided that in no case shall any work be carried on in the room within one hour after such cleaning as aforesaid has ceased.

(iii) Scraps of clay and other débris, including any which have collected under benches, shall not be allowed to accumulate unduly, and all such scraps and débris shall be carried out at least once a day. Scraps of clay in *potter's shops* shall be damped before being carried out.

In all drying stoves which are entered by workpeople, boxes shall be provided for the reception of broken or waste clay ware.

(iv) Suitable provision shall be made for the storage of all moulds when not in use. In existing installations, the tops of drying stoves shall not be used for this purpose unless it is shown to the satisfaction of the Inspector of Factories for the district that no other suitable place is available. In any new erections, suitable provision shall be made without utilising the tops of stoves for this purpose, unless the top of the stove is made into a separate chamber.

‡ (c) The floors of all biscuit placing and glost placing shops shall be impervious, even floors, of brick, flag or similar hard material, and shall be kept in good repair ; they shall be thoroughly sprinkled and swept by an adult male whenever the work of setting in an oven has ceased, and under any circumstances at least once a day.

*†‡ (d) The floors of all dipping houses, dippers' drying-rooms, and ware cleaning rooms shall be washable impervious floors, and shall be thoroughly cleaned daily by an adult male, after work has ceased for the day, with a sufficient supply of water and a mop or similar implement ; provided that, in the case of china dippers' drying rooms, this cleaning may be done before work commences in the morning, instead of after work has ceased for the day.

The floors of all dipping houses, dippers' drying rooms, and ware-cleaning rooms erected after the date on which these Regulations come into force, shall be properly sloped towards a drain.

‡ (e) In any new erection where steam pipes are used for heating

a drying stove, dippers' drying room, or any place where articles are left to dry, the pipes shall, if possible, be fixed in the form of a rack of horizontal pipes in a vertical plane. Where this is impossible, the pipes shall be fixed in such a position as to allow a thorough cleaning under and around them.

In existing installations, if it is impracticable to comply with the preceding paragraph, the steam pipes shall be enclosed in a box in such a manner as to permit of the thorough cleaning of all parts of the box on which persons may walk or stand, and adequate measures shall be taken to prevent dust escaping from within the box. Slides, drawers, trap-doors or other contrivances shall be provided wherever necessary to facilitate cleaning under pipes.

All stillages shall be so arranged as to allow the floor to be thoroughly cleaned underneath them.

(f) In all *workrooms* not specially mentioned in the foregoing paragraphs of this Regulation, the following Regulations shall apply :—

All floors shall be maintained in such repair that they can be properly cleaned by a moist method, and shall be so cleaned daily.

All ashes, dirt or other débris, including any which have accumulated under benches, shall be carried out daily.

(g) The above requirement as to the daily cleaning of floors by a moist method shall not apply to places where saggers, retorts or crucibles are made, or to those parts of floors on or immediately above which articles of *pottery* are necessarily left overnight, if adequate provision is made for the cleaning of the floors as soon as the articles are removed.

13. *Work Benches.*

The following Regulations shall apply to work benches in *potters' shops*, and in places where processes named in the Schedule are carried on :—

(*) ‡ (a) Work benches, if not covered with sheet metal or constructed with an impervious surface, shall be strongly and solidly constructed of closely jointed timber, and the surface of the work benches shall be well maintained.

(*) ‡ (b) All work benches in use shall be thoroughly cleaned daily by a moist method.

14. *Lead-house.*

* (a) Raw lead compounds shall not be handled except with at least 5 per cent. of added moisture.

* (b) They shall, further, be kept in their original packages until weighed out, and the tub or other receptacle containing them shall be so fitted either with a cover or a damp screen as to prevent the issue of any lead dust from its mouth.

*‡ (c) In every lead-house, except such as are used for less than

eight hours in any week, a special lavatory basin with a supply of hot and cold water, nail brush, soap and towel shall be provided and maintained ; and a solution of soluble sulphides shall be provided in which workers in the lead-house shall rinse their hands after washing so as to show if they are free from lead.

15. *Dipping House, &c.*

*† (a) In dipping houses, all parts of walls sufficiently near to any dipping tub to be splashed with glaze shall be tiled, or painted with washable paint, or otherwise treated in such a manner as to permit of thorough cleaning by a wet process.

*† (b) The above-named parts of walls, as well as the dipping tubs and any other objects which are splashed with glaze, shall be thoroughly cleaned daily by a wet process.

(c) All dipping houses and ware cleaning rooms shall be well lighted ; neither dipping nor ware cleaning shall be done in places which, in ordinary fine weather, are dependent on borrowed light or artificial light during the hours of daylight.

16. *Threading-up.*

*†‡ In the process of threading-up, rubber or other washers, used to keep articles apart when being dipped, shall be thoroughly washed in a colander after each dipping. Wires shall also be washed after each dipping.

17. *Boards.*

* (a) Every board on which dipped ware has been placed shall, on each occasion after it has been used for one set of articles and before being used for another, be thoroughly cleaned with clean water by an adult male.

* (b) "Nailed" or "pegged" boards shall be cleaned under a strong jet of water ; no new boards of this description shall be introduced except where necessary to hold china furniture or other special articles which cannot be carried on ribbed or plain boards.

(*) (‡) (c) Boards for use in processes included in Part I. of the Schedule shall be clearly marked by painting them red at the ends and for a distance of at least six inches from each end of the board on both sides, so as to distinguish them from other boards which do not come into contact with lead. Boards so marked shall not be used in any department unless they have been thoroughly cleaned, and shall not be used in the clay departments under any circumstances. Boards not so marked shall not be taken into any place where a process included in Part I. of the Schedule is carried on : but this shall not apply to placing shops in which both biscuit and glost ware are being placed, provided that the boards used for biscuit ware are kept separate and returned to their respective departments without any contact with the boards used for glost ware.

18. *Mangles.*

*‡ All mangle shelves shall be thoroughly cleaned by a wet process by an adult male on a fixed day in each week, after work has

ceased for the day. The day on which this cleaning is to take place shall be fixed by entry in the register kept in pursuance of Regulation 3.

19. *Thimble Picking.*

(*) (†) ‡ All material collected from floors or work benches shall be riddled in an enclosed receptacle before it is taken to a thimble picking room.

20. *Majolica Painting.*

The following Regulations shall apply to the process of *majolica painting:*—

*‡ (a) A sponge and bowl of clean water, to rinse the fingers, shall be provided on the work bench beside each person employed in *majolica painting.*

*‡ (b) In all *majolica painting* shops where there is no adjoining lavatory accommodation, there shall be provided in the room a lavatory sink with a tap, a constant supply of water, and towels.

*‡ (c) All splashes of glaze falling on the benches, or surrounding objects, shall be immediately removed with a wet sponge or other wet material.

*‡(d) No floor or work bench shall be deemed to have been thoroughly cleaned, in accordance with Regulation 12 or 13, unless all splashes of glaze have been completely removed.

*‡ (e) Mottling, or any similar method of applying glaze, shall only be carried on under the Regulations applying to *majolica painting.*

*‡ (f) All cleaning and scraping, including panel-cutting, after *majolica* dipping, *painting*, or blowing, shall be deemed to be ware cleaning, and shall only be done in compliance with the rules for the latter process.

21. *Cotton-wool in Ground Laying, Colour Dusting, and Lithographic Transfer Making.*

‡ All pieces of cotton-wool or similar materials which have been used in the process of ground laying, or colour dusting, or lithographic transfer making, shall be kept in a proper receptacle. All pieces of waste cotton-wool or similar materials which have been so used shall be immediately burnt.

22. *Aërographing.*

‡ (a) No short-sighted person shall be employed to do glaze or colour blowing, unless wearing suitable glasses. No person shall be employed as a glaze or colour blower, unless the *Surgeon* has *entered in the health register* a certificate stating that he has examined the worker's sight and is satisfied that he or she can be so employed without breach of this Regulation.

‡ (b) All hoods in which the blowing of glaze or colour is carried on shall be thoroughly cleaned daily by a wet process.

‡ (c) Glaze or colour blowing shall not be done with the mouth.

‡ (d) Decoration on unfired clay ware by means of coloured clay slips shall not be regarded as colour blowing for the purposes of any of the Regulations applying specially to the latter process.

23. *Lithographic Transfer Making.*

‡ Machines used in lithographic transfer making shall not be brushed down, but shall be cleaned either—

(a) with moist materials, such as oily rags, in such a manner as not to disperse any dust into the air ; or

(b) by means of an exhaust current of air, such as that afforded by a vacuum-cleaner.

24. *Separation of Processes.*

(*) (†) ‡ (a) *Thimble picking* or threading-up shall not be carried on except in a place sufficiently separated from any process included in the Schedule.

(*) (‡) (b) When a process included in the Schedule is being carried on in a room where other work is also done,

(i) Either the place where the scheduled process is carried on shall be screened off from the rest of the room by a partition not less than eight feet high.

(ii) Or all persons working in the room shall be deemed to be persons employed in the scheduled process.

25. *Hours of Employment.*

(a) No person employed in a process included in Part I. of the Schedule, except *glost placing* and lithographic transfer making, shall be employed for more than four hours without an interval of at least half an hour for a meal.

No person shall be employed in the process of *glost placing* or in the process of lithographic transfer making for more than 4½ hours, or in any other process for more than 5 hours, without an interval of at least half an hour for a meal.

(*) (‡) (b) No woman or young person who is employed in any process included in Part I. of the Schedule shall be employed in the factory in any capacity for more than 48 hours in any week.

(*) (c) No adult male who is employed as a dipper, dipper's assistant, or ware cleaner shall be employed in the factory in any capacity for more than 48 hours in any week, provided that where such an adult male worker has been employed in a process included in Part I. of the Schedule, for not more than 8 hours in any one day or 30 hours in all in a week, he may be employed during the same week on work not involving contact with lead up to a limit of 54 hours for that week.

(*) (d) No adult male who is employed as a glost placer shall be employed in the factory in any capacity for more than 54 hours in any week.

(*) (e) Except that it shall be permissible to employ adult male dippers, dippers' assistants, ware cleaners, and glost placers overtime in addition to the prescribed weekly periods of 48 and 54 hours; provided that such overtime shall not, in any factory to which these Regulations apply, exceed 4 hours in any week, or 36 hours in any period of twelve months. The occupier shall enter in the prescribed register particulars (*a*) of all such overtime, and shall also send notice (*a*), with the prescribed particulars, to the Inspector of Factories for the district, before eight o'clock in the evening of any day when a man is employed overtime in pursuance of this exception. An occupier who avails himself of this exception shall, if called upon, produce to the Inspector of Factories for the district evidence of press of orders or other circumstance rendering the overtime necessary.

Adult male dippers, ware cleaners and glost placers may be employed, in addition to the above-named hours, as sitters-up with an oven after the termination of the period of employment on one day in the week and before the commencement of the period of employment on the next day; provided that no such worker shall be employed in any capacity within 12 hours of the cessation of the period of sitting-up.

(f) In *potters' shops*, and in any place where towing or any other dusty process is carried on, including any process for which a certificate by an Inspector of Factories has been given in pursuance of the first paragraph of Regulation 6, no woman or young person shall be employed for more than 9½ hours in any day or for more than 6½ hours on Saturday.

(g) All the above weekly and daily periods shall be the maximum permissible periods of actual work, exclusive of meal-times.

26. *Affixing of Regulations.*

(*) (‡) In addition to the printed copies of these Regulations required to be kept posted up in pursuance of Section 86 of the Factory and Workshop Act, 1901, there shall be kept constantly affixed in every *potters' shop* and in every place (*b*) in which any process included in the Schedule is carried on, a notice printed in bold type so that it can be easily read, setting forth those portions of the Regulations which apply to that particular work-place.

(*a*) The register and notice is Official Form No. 657.

(*b*) The sectional placards to comply with this requirement are as follows :—

Potters' shops in coarse ware factories, Form No. 2241.
Potters' shops in other factories, Form No. 2242.
Scheduled processes in :
  Coarse ware factories, Form No. 2243.
  Other factories :
    Making or mixing of (lead) frits, glazes, or colours : Sch. a, Form No. 2244.
    Application of glaze : Sch. b to k, Form No. 2245.
    Decoration : Sch. l, m, n, o, q, Form No. 2246.
    Litho transfer making : Sch. p, Form No. 2247.
    China scouring or emptying : Sch. r, s, Form No. 2248.

27. *Observance of Regulations.*

(a) A person or persons shall be appointed who shall see to the observance, throughout the factory, of the Regulations, and whose duty it shall be to carry out systematic inspection of the working of all the Regulations in the departments for which they are individually responsible. The names of the persons so appointed shall be recorded in the register.

(b) Each person so appointed shall be a competent person fully conversant with the meaning and application of the Regulations in so far as they concern the departments for which he is responsible. He shall keep in the factory a book (*a*) in which he shall record any breach of the Regulations, or any failure of the apparatus (fans, &c.) needed for carrying out the provisions, that he may have observed, or that may have been brought to his notice within the preceding 24 hours, together with a statement of the steps then taken to remedy such defects or to prevent the recurrence of such breach. Each entry in such book shall be dated and initialled by the person appointed, who at the end of each week shall make a further entry stating that the inspection required by paragraph (a) has been carried out, and that all the defects observed or brought to his notice have been recorded in the book. Such book shall be kept in the factory for at least six months after the latest entry therein.

(c) Accurate extracts, clearly and legibly expressed, shall be made of these entries once a week, and signed by the occupier or some one whom he may appoint, and displayed during the following week in a conspicuous place in the departments to which they refer, and copies of all such extracts shall for the same time be displayed in a conspicuous place in the mess-rooms.

28. *Samples for Analysis.*

(a) The occupier shall allow any of His Majesty's Inspectors of Factories to take at any time sufficient samples for analysis of any material in use or mixed for use.

(b) 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.

(c) But no analytical result shall be disclosed or published in any way except such as shall be necessary to establish a breach of these Regulations.

PART II.

DUTIES OF PERSONS EMPLOYED.

29. *Periodical Examinations.*

(*) (†) (‡) (a) All persons employed in the processes included in the Schedule shall present themselves at the appointed times for examination by the *Surgeon* as provided in Regulation 2.

(*a*) Book for record of inspection is Official Form No. 2217.

(*) (†) (‡) (b) No person after *suspension* shall work in any process in which examination by the *Surgeon* is required by these Regulations without a certificate of *permission to work*.

30. *Overalls, &c.*

(*) (‡) (a) All persons employed in any process included in the Schedule shall, when at work, wear overalls, head-coverings, and aprons, as required by Regulation 4. The said overalls, head-coverings and aprons shall not be worn outside the factory or workshop, and shall not be removed therefrom except for the purpose of being washed or repaired. No overalls, head-coverings or aprons, provided in pursuance of Regulation 4, shall under any circumstances be taken to a worker's home.

(*) (‡) (b) The head-coverings provided in accordance with Regulation 4, shall be worn in such a manner as effectually to protect the hair from dust, and the hair must be so arranged as to permit of this.

(*) (‡) (c) The overalls, head-coverings, and aprons, 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 these Regulations.

(d) Respirators shall be worn as required by Regulation 8.

31. *Food.*

(*) (‡) (a) No person shall introduce, keep, prepare, or partake of any food, drink, or tobacco, or remain during meal-times in any place in which is carried on any process included in the Schedule, or the process of towing, or the process of tile-making by the compression of dust, or any other process which the Inspector of Factories for the district shall certify as sufficiently dusty to render the room in which it is carried on an unsuitable place, in his opinion, for persons to remain during meal-times.

(*) (‡) (b) Every worker for whom milk or cocoa is provided in accordance with Regulation 6 shall drink the same, unless a medical certificate is produced showing cause for exemption from this requirement.

32. *Ventilation.—Dust.*

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 ventilation, and for the removal of dust.

33. *Washing.*

(*) (‡) (a) No person employed in any process included in the Schedule shall leave the works or partake of meals without previously and carefully cleaning and washing his or her hands.

(*) (‡) (b) No person employed shall remove or damage the washing basins or conveniences provided under these Regulations.

34. *Cleaning of Work Places.*

The persons appointed by the occupiers shall clean the several floors, walls, work benches, appliances and other objects regularly as prescribed in these Regulations.

35. *Boards.*

* (a) 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 cleaned, as directed in Regulation 17.

* (b) No board on which dipped ware has been placed shall be used for a second set of dipped articles until it has been thoroughly cleaned, in accordance with Regulation 17.

Where a convenient grid or other suitable contrivance is provided for depositing such boards after use and before being cleaned, the worker who has removed the ware from any such board shall place the board thereon.

(*) (c) Boards which are marked for use in lead processes shall not be used in any department unless they have been thoroughly cleaned, and shall not be used in the clay departments under any circumstances.

36. *Avoidance of Dust, &c.*

Every worker shall so conduct his or her work as to comply strictly with these Regulations, and to avoid, as far as practicable, making or scattering dust, or refuse, or causing accumulation of such.

R. McKenna,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
2nd January, 1913.

Schedule.

PART I.

LEAD PROCESSES.

* (a) Making or mixing of frits, glazes, or colours containing lead.

* (b) Dipping or other process carried on in the dipping house.

* (c) Application of majolica, or other glaze, by blowing, painting, or any other process except dipping.

* (d) Drying after the application of glaze by dipping, blowing, painting, or other process.

* (e) Ware cleaning after the application of glaze by dipping, blowing, painting, or other process.

* (f) Placing of ware on cranks or similar articles prior to their transfer to saggers or kilns for the glost firing

* (g) *Glost placing.*

‡ (h) Washing of saggers with a wash which yields to dilute hydrochloric acid more than five per cent. of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described in the definition of *low solubility glaze.*

‡ (k) Preparation, or weighing-out, of *flow material.*

‡ (l) Ground laying, including the wiping off of colour after this process.

‡ (m) Colour dusting
‡ (n) Colour blowing } whether on-glaze or under-glaze, including the wiping off of colour after either of these processes.

‡ (o) Colour grinding for colour blowers.

‡ (p) Lithographic transfer making.

‡ (q) 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 ; provided that the *stopping of biscuit ware* with a material containing lead shall not be deemed to be a process included in this schedule.

PART II.

OTHER PROCESSES.

‡ (r) *Scouring* of biscuit ware which has been fired in powdered flint.

‡ (s) Emptying of biscuit ware which has been fired in powdered flint, from the baskets or other receptacles in which it has been conveyed to the biscuit warehouse or scouring shop.

FOR THE CRUSHING, GRINDING AND SIEVING OF REFRACTORY MATERIALS, AND OTHER PROCESSES INVOLVING THE MANIPULATION OF SUCH MATERIALS.

[At the time of going to press a Code of Regulations is in draft for the purpose of replacing this code.]

(*These Regulations were gazetted April* 29, 1919.)

1919. No. 514.

Whereas the processes of crushing, grinding, and sieving of refractory materials containing not less than eighty per cent. of silica (SiO_2), and any processes involving the manipulation of such materials in the manufacture of bricks or other articles containing not less than eighty per cent. of silica (SiO_2), have been certified in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous ;

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations and direct that they shall apply to all factories and workshops, or parts thereof, in which any of the said processes is carried on :

Provided that if the Chief Inspector of Factories is satisfied in respect of any factory or workshop that, owing to the special conditions of the work or otherwise, any of the requirements of these Regulations can be suspended or relaxed without danger to

the health of the persons employed therein, he may by certificate in writing authorise such suspension or relaxation for such period and on such conditions as he may think fit. Any such certificate may be revoked at any time.

(*Terms to which defined meanings are given are printed throughout the Regulations in italics.*)

For the purpose of these Regulations—

"*Refractory Material*" means refractory material containing not less than eighty per cent. of silica (SiO_2).

"*Silica brick*," means any brick composed of *refractory material* and containing not less than eighty per cent. of silica (SiO_2).

1. No *refractory material* shall be broken in pieces by manual labour unless the process is carried out in the open air.

2. No *refractory material* shall be crushed or ground in a stone-crushing machine or a grinding machine unless such machine—

(*a*) is provided with an exhaust draught and efficient dust-collecting appliances, so arranged as to prevent the escape of dust into the air of any place in which work is carried on; or

(*b*) is provided, and kept provided, with an efficient water or steam spray or other arrangement to prevent the escape of dust into the air; or

(*c*) is so entirely enclosed as to prevent the escape of dust into the air.

3. All elevators, screens and sieves used for manipulating *refractory material* shall be so entirely enclosed as to prevent the escape of dust into the air, or be provided with an exhaust draught so arranged as to prevent such escape of dust.

4. The floors of all places where *silica bricks* are dried shall, after each lot of bricks has been removed, be carefully freed from all débris by a moist method. Provided always that this Regulation shall not apply to the floors of tunnel-driers.

5. No drying stoves in which *silica bricks* are baked by fires before being placed in the kilns shall be used after January 1st, 1923, unless the Chief Inspector of Factories shall certify in writing that, in his opinion, the use of such stove involves no danger to the health of the persons employed therein.

Provided always that this Regulation shall not apply to tunnel-driers.

6. Before any plate used for drying *silica bricks* is scraped or otherwise cleaned, the plate shall be effectually damped so as to prevent the escape of dust into the air.

7. The dust or powder of *refractory material* shall not be used for dusting the moulds in brick making.

8. There shall be provided suitable respirators for the use of all persons employed in—

(i) Breaking *refractory material* into pieces by manual labour,

unless wet brattice cloth is effectively used to prevent escape of dust in this process.

(ii) Placing or removing *silica bricks* in or from drying-flats and drying stoves, other than tunnel-driers, and

(iii) Setting or drawing *silica bricks* in kilns.

The respirators when required for use shall be washed or renewed at least once every day.

9. When placing or drawing *silica bricks* in kilns no person shall throw the bricks to another.

10. No person shall work or cause or allow to be worked any stone-crushing machine unless such machine complies with requirements of Regulation 2.

11. Every person for whose use a respirator is provided in pursuance of Regulation 8 shall wear the respirator while employed in any process to which Regulation 8 applies.

Edward Shortt,
One of His Majesty's Principal Secretaries of State.

Whitehall,
26th April, 1919.

FOR THE CONSTRUCTION AND REPAIR OF SHIPS IN SHIPBUILDING YARDS.

[At the time of going to press a Code of Regulations is in draft for the purpose of replacing this code.]

(*These Regulations were gazetted April* 10, 1914.)

1914. No. 461.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations and direct that they shall apply to the construction and repair of ships in shipbuilding yards.

Provided that these Regulations shall not apply to the construction or repair of a ship not exceeding 150 feet in length measured from the fore part of the stem to the after part of the stern-post on the range of the upper deck beams, except in awning or shelter deck vessels, in which cases the length is to be measured on the range of the deck beams next below the awning or shelter deck.

These Regulations shall come into force on the 1st May, 1914.

Duties.

It shall be the duty of the occupier to comply with Part I. of these Regulations.

It shall be the duty of all persons employed to comply with Part II. of these Regulations.

PART I.

Duties of Occupiers.

1. A sufficient supply of sound and substantial material shall be available in a convenient place or places for the construction of all stages.

2. All uprights, thwarts and other supports used for the erection of stages, and as far as reasonably practicable the stages themselves, shall be erected by competent persons specially but not necessarily exclusively employed for that purpose by the occupier: Provided that this part of the Regulation shall not apply to such adjustment or shifting of the staging from time to time by any workman as may be necessary to meet the varying requirements of his work.

All stages shall be securely constructed of sound and substantial material, and shall be of sufficient width, as is reasonable in all the circumstances of the case, to secure the safety of the persons working thereon.

3. When any plank or planks forming a stage extend less than one foot beyond the inside edge of the support upon which they rest they shall be securely fastened to prevent slipping.

4. The main gangway giving access to the upper parts of the ship shall be securely protected by upper and lower hand-rails on each side; and there shall be safe means of access to all places in which any person is required to be employed.

5. All ladders used shall be of sound material and of sufficient length to give safe access to the part they are intended to reach. They shall be maintained in good condition and be adequately secured to prevent slipping.

6. All ventilator holes, manholes and dangerous parts of other openings in decks shall be provided with temporary covers in good repair, or other sufficient protection, which shall be maintained in position except when necessarily removed in the course of work.

7. All parts of a ship on which work is being carried on, and the approaches to such parts, shall be efficiently lighted in such manner as is reasonable in all the circumstances of the case to secure the safety of the persons employed. If portable lamps, including hand lamps, carried by the workmen, are used for any part of such lighting they shall be maintained in good condition. Oil lamps shall be provided with properly fitting screw lids or stoppers.

8. When a stage has to be dismantled and in all cases where materials or articles have to be lowered from a height, adequate precautions shall be taken to secure the safety of persons employed or passing below.

9. Suitable means of removing injured persons from the place of accident shall be provided, and suitable arrangements shall be made for first-aid treatment.

10. A competent person or persons shall be appointed to exercise supervision with regard to the requirements of these Regulations, and to enforce the observance of them.

PART II.

Duties of Persons Employed.

11. Every person employed who becomes aware of any defect in the plant or gear which he is using or may be required to use shall forthwith report the same to the occupier or his manager or foreman or any person appointed in pursuance of Regulation 10.

12. No person employed shall leave any loose articles or materials lying about in any place from which they may fall on persons working or passing.

13. No person employed shall throw down tools, planks, or loose material from the stages, decks or other parts of the vessel, without observing the precautions required in pursuance of Regulation 8.

R. McKenna,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
4th April, 1914.

FOR THE TINNING OF METAL HOLLOW-WARE, IRON DRUMS, AND HARNESS FURNITURE.

(*These Regulations were gazetted July* 2, 1909.)

1909. No. 720.

Whereas the coating of metal articles with a mixture of tin and lead, or lead alone, has been certified in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous; I hereby in pursuance of the powers conferred on me by that Act make the following Regulations and direct that they shall apply to all factories and workshops where *tinning* is carried on in the manufacture of metal hollow-ware, iron drums, and harness furniture.

Provided that these Regulations shall not apply to—

(a) Any process in silver plating.

(b) Any process in which a soldering iron is used.

(c) Any other process if and so far as it is exempted by written certificate of the Chief Inspector of Factories, on the ground that he is satisfied that any of these Regulations are not required for the protection of the persons employed, by reason of the intermittency or infrequency of the *tinning* or other special circumstances.

Any such certificate of exemption shall be subject to the conditions therein prescribed and may be revoked at any time.

These Regulations shall come into force on October 1st, 1909, except that Regulation 1 shall come into force on April 1st, 1910,

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

In these Regulations—

"*Tinning*" means the dipping and wiping of any metal in the process of coating it with a mixture of tin and lead or lead alone where hydrochloric acid or any salt of that acid is used.

"*Mounting*," "*Denting*," and "*Scouring*" mean the mounting, denting, and scouring of hollow-ware articles tinned on the outer surface.

"*Surgeon*" means the Certifying Factory Surgeon of the District or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

"*Suspension*" means suspension from employment in *tinning* by written certificate in the Health Register, signed by the *Surgeon*.

"*Efficient Draught*" means localised ventilation effected by heat or mechanical means for the removal of fumes or dust so as to prevent them as far as practicable from escaping into the air of any room in which work is carried on.

No draught shall be deemed efficient which fails so to remove smoke generated at the point where such fumes or dust originate.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Employers.

1. No *tinning* shall be carried on except under an *efficient draught*.

The article to be tinned shall not be removed from such draught from the time when dipping is commenced until wiping is completed.

This Regulation shall not apply to the wiping of sheet metal 18 inches or more in length, where the person employed is wiping such sheet metal for his own use in some other process of his work.

2. No person under 16 years of age shall be employed in *tinning*.

3. The skimmings from the dipping bath shall not be removed from under the *efficient draught* until they have been placed in a covered receptacle. When removed they shall not be deposited in any room in which work is carried on.

4. The dust and refuse collected from the floor shall not be deposited in any room in which work is carried on.

5. A Health Register (*a*) containing the names of all persons employed in *tinning* shall be kept in a form approved by the Chief Inspector of Factories.

6. Every person employed in *tinning* shall be examined by the *Surgeon* once in every three months (or at such shorter or longer intervals as may be prescribed in writing by the Chief Inspector of Factories) on a day of which due notice shall be given to all concerned.

The *Surgeon* shall have the power of *suspension* as regards all persons employed in *tinning*, and no such person after *suspension* shall be employed in *tinning* without written sanction from the *Surgeon* entered in the Health Register.

7. There shall be provided for the use of all women employed in *tinning*—

(a) a cloak-room, or other suitable place, separate from any room in which work is carried on, for clothing put off during working hours ;

(b) aprons or other equivalent protection.

8. There shall be provided for the use of all persons employed in *tinning*, *mounting*, *denting*, or *scouring*, a room separate from any room in which such work is carried on, where such persons may have meals, unless the works are closed during meal hours.

9. There shall be provided and maintained in a cleanly state and good repair for the use of all persons employed in *tinning*, *mounting*, *denting*, or *scouring*, a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

(a) A trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least two feet for every five persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or,

(b) At least one lavatory basin for every five such persons, fitted with a waste pipe and plug, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on, and a supply of hot water always at hand when required for use by persons employed.

PART II.

Duties of Persons Employed.

10. Every person employed in *tinning* shall present himself at the appointed time for examination by the *Surgeon* as provided in Regulation 6.

11. No person employed in *tinning* shall—

(a) After *suspension*, work at *tinning* without written sanction from the *Surgeon* entered in the Health Register ; or,

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(*a*) **Health Register.**—The Official Form is No. 605.

(b) Interfere in any way, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of dust or fumes and for the carrying out of these Regulations.

12. Every person employed in *tinning*, *mounting*, *denting*, or *scouring* shall wash the hands before partaking of food or leaving the premises.

13. No person employed in *tinning*, *mounting*, *denting*, or *scouring* shall keep or prepare or partake of any food or alcoholic drink in any room in which such work is carried on.

H. J. Gladstone,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
30th June, 1909.

FOR THE USE OF WOODWORKING MACHINERY.

(*These Regulations were gazetted November* 7, 1922.)

1922. No. 1196.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations and direct that they shall apply to all factories or parts thereof and to any place to which the provisions of the said Section are applied by the said Act in which any woodworking machinery is used.

Provided that if the Chief Inspector of Factories is satisfied in respect of any factory or other place to which these Regulations apply that, owing to the special conditions of the work or otherwise, any of the requirements of the Regulations can be suspended or relaxed without danger to the persons employed therein, he may by certificate in writing authorise such suspension or relaxation for such period and on such conditions as he may think fit. Any such certificate may be revoked at any time.

These Regulations may be cited as the Woodworking Machinery Regulations, 1922, and shall come into force on 1st January, 1923.

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

In these Regulations—

"*Woodworking machine*" means a *circular saw*, *plain band saw*, *planing machine*, vertical spindle moulding machine or chain mortising machine operating on wood.

"*Circular saw*" means a circular saw working in a bench (including a rack bench) for the purpose of ripping, deep-

cutting or cross-cutting, but does not include a swing saw or other saw which is moved towards the wood.

"*Plain band saw*" means a band saw, other than a log saw or band re-sawing machine, the cutting portion of which runs in a vertical direction.

"*Planing machine*" includes a machine for overhand planing or for thicknessing or for both operations.

"*Within reach*" means within 6½ feet from the floor or from any other point to which any person employed or working in a factory normally has access while the machinery is in motion.

Note.—**Within reach.**—This definition was revoked by an Amending Regulation dated March 3rd, 1927, S. R. & O., 1927, No. 207.

"*Underground room*" means a room any part of which is so situate that half or more than half the whole height thereof measured from the floor to the ceiling is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room.

"*Gauge*" means the Imperial Standard Wire Gauge.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

1. Every *woodworking machine* shall be provided with an efficient stopping and starting appliance, and the control of this appliance shall be in such a position as to be readily and conveniently operated by the person in charge of the machine.

2. *Every shaft, wheel, pulley, strap, band or other device* within reach *by which any part of a* woodworking machine *receives its motion shall be securely fenced.*

Note.—This regulation was revoked by Amending Regulations dated March 3rd, 1927, S. R. & O., 1927, No. 207.

3. Sufficient clear and unobstructed space shall be maintained at every *woodworking machine* while in motion to enable the work to be carried on without unnecessary risk.

4. The floor surrounding every *woodworking machine* shall be maintained in good and level condition, and as far as practicable free from chips or other loose material, and shall not be allowed to become slippery.

5. Where the natural light at a *woodworking machine* is inadequate and can be improved by the provision of additional or better windows not involving serious structural alteration, or by

whitening the walls or tops of the factory, or by any other reasonable means, the occupier shall take steps as aforesaid to improve the natural light at the said machine.

6. The means of artificial lighting for every *woodworking machine* shall be adequate, and shall be so placed or shaded as to prevent direct rays of light from impinging on the eyes of the operator while he is operating such machine.

7. After the 1st March, 1924, no *woodworking machine* shall be worked in any *underground room* which is certified by the Chief Inspector of Factories to be unsuitable for the purpose as regards construction, light, ventilation or in any other respect.

8. The temperature of any part of a room in which a *woodworking machine* is being worked shall not at any time fall below 50 degrees, except where and in so far as the construction of the room and the necessities of the business carried on make it impracticable to maintain this temperature.

9. (*a*) Every person while being trained to work a *woodworking machine* shall be fully and carefully instructed as to the dangers arising in connection with such machine and the precautions to be observed.

(*b*) No person shall be employed at a *woodworking machine* unless he has been sufficiently trained to work that class of machine or unless he works under the adequate supervision of a person who has a thorough knowledge of the working of the machine.

10. Every *circular saw* shall be fenced as follows :—

(*a*) The part of the saw below the bench table shall be protected by two plates of metal or other suitable material, one on each side of the saw ; such plates shall not be more than six inches apart, and shall extend from the axis of the saw outwards to a distance of not less than two inches beyond the teeth of the saw. Metal plates, if not beaded, shall be of a thickness at least equal to 14 *gauge*, or, if beaded, be of a thickness at least equal to 20 *gauge*.

(*b*) Behind and in a direct line with the saw there shall be a riving knife, which shall have a smooth surface, shall be strong, rigid, and easily adjustable, and shall also conform to the following conditions :—

(i) The edge of the knife nearer the saw shall form an arc of a circle having a radius not exceeding the radius of the largest saw used on the bench.

(ii) The knife shall be maintained as close as practicable to the saw, having regard to the nature of the work being done at the time, and at the level of the bench table the distance between the front edge of the knife and teeth of the saw shall not exceed half an inch.

(iii) For a saw of a diameter of less than 24 inches, the knife shall extend upwards from the bench

table to within one inch of the top of the saw, and for a saw of a diameter of 24 inches or over shall extend upwards from the bench table to a height of at least nine inches.

(*c*) The top of the saw shall be covered by a strong and easily adjustable guard, with a flange at the side of the saw farthest from the fence. The guard shall be kept so adjusted that the said flange shall extend below the roots of the teeth of the saw. The guard shall extend from the top of the riving knife to a point as low as practicable at the cutting edge of the saw.

11. A suitable push-stick shall be kept available for use at the bench of every *circular saw* which is fed by hand, to enable the work to be carried on without unnecessary risk.

12. Every *plain band saw* shall be guarded as follows :—

(*a*) Both sides of the bottom pulley shall be completely encased by sheet metal or other suitable material.

(*b*) The front of the top pulley shall be covered with sheet metal or other suitable material.

(*c*) All portions of the blade shall be enclosed or otherwise securely guarded, except the portion of the blade between the bench table and the top guide.

13. After 1st March, 1924, no *planing machine*, which is not mechanically fed, shall be used for overhand planing unless it is fitted with a cylindrical cutter block.

14. No *planing machine*, which is not mechanically fed, shall be used for planing overhand any piece of wood less than twelve inches in length unless a safe holder is used for such piece of wood. Provided that this regulation shall not apply to the operation of planing the edges of flat pieces of wood, nor to a *planing machine* which is fitted with a cylindrical cutter block.

15. Every *planing machine* used for overhand planing shall be provided with a " bridge " guard capable of covering the full length and breadth of the cutting slot in the bench, and so constructed as to be easily adjusted both in a vertical and horizontal direction.

16. The feed roller of every *planing machine* used for thicknessing, except the combined machine for overhand planing and thicknessing, shall be provided with an efficient guard.

17. The cutter of every vertical spindle moulding machine shall when practicable be provided with the most efficient guard having regard to the nature of the work which is being performed.

18. For such work as cannot be performed with an efficient guard for the cutter, the wood being moulded at a vertical spindle moulding machine, shall, if practicable, be held in a jig or holder of such construction as to reduce as far as possible the risk of accident to the worker.

19. A suitable " spike " or push-stick shall be kept available for use at the bench of every vertical spindle moulding machine.

20. The chain of every chain mortising machine shall be provided with a guard which shall enclose the cutters as far as practicable.

21. The guards and other appliances required by these Regulations shall be maintained in an efficient state and shall be constantly kept in position while the machinery is in motion, except when, owing to the nature of the work being done, the use of the guards or appliances is rendered impracticable. The guards shall be so adjusted as to enable the work to be carried on without unnecessary risk.

22. Regulations 10, 12, 15 and 16 shall not apply to any *woodworking machine* in respect of which it can be shown that other safeguards are provided and maintained which render the machine equally safe as it would be if guarded in the manner prescribed by these Regulations.

PART II.

Duties of Persons Employed.

23. Every person employed on a *woodworking machine* shall—

(i) use and maintain in proper adjustment the guards provided in accordance with these Regulations ;

(ii) use the "spikes" or push-sticks and holders provided in compliance with Regulations 11, 14, 18 and 19;

except when, owing to the nature of the work being done, the use of the guards or appliances is rendered impracticable.

W. C. Bridgeman,
One of His Majesty's Principal Secretaries of State.

Whitehall,
2nd November, 1922.

FOR THE USE OF EAST INDIAN WOOL.

(*These Regulations were gazetted December* 25, 1908.)

1908. No. 1287.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations, and direct that they shall apply to all factories in which East Indian Wool is used.

These Regulations shall come into force on the 1st January, 1909.

1. It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.

Duties of Occupiers.

2. No East Indian wool or hair shall be treated in any dust-extracting machine unless such machine is covered over and the cover connected with an exhaust fan so arranged as to discharge the dust into a furnace or into an intercepting chamber.

3. The occupier shall provide and maintain suitable overalls and respirators to be worn by the persons engaged in collecting and removing the dust.

PART II.

Duties of Persons Employed.

4. No person employed shall treat East Indian wool in any dust-extracting machine otherwise than as permitted in Regulation 2.

5. Every person engaged in collecting or removing dust shall wear the overall and respirator provided in accordance with Regulation 3.

6. If any fan, or any other appliance for the carrying out of these Regulations, is out of order, any workman becoming aware of the defect shall immediately report the fact to the foreman.

H. J. Gladstone,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
18th December, 1908.

FOR THE PROCESSES OF SORTING, WILLEYING, WASHING, COMBING, AND CARDING WOOL, GOAT HAIR, AND CAMEL HAIR, AND PROCESSES INCIDENTAL THERETO.

(*These Regulations were gazetted December* 19, 1905.)

1905. No. 1293.

Whereas the processes of sorting, willeying, washing, and combing and carding wool, goat-hair, and camel-hair and processes incidental thereto have been certified, in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous :

I hereby in pursuance of the powers conferred on me by that Act make the following Regulations, and direct that they shall apply to all factories and workshops in which the said processes are carried on, and in which the materials named in the Schedules are used.

It shall be the duty of the occupier to comply with Regulations 1 to 16.

It shall be the duty of all persons employed to comply with Regulations 17 to 23.

These Regulations shall come into force on the 1st of January, 1906, except that Regulations 2 and 8 shall not come into force until the 1st of April, 1906.

Definition.

For the purpose of Regulations 2, 3, and 18, opening of wool or hair means the opening of the fleece, including the untying or cutting of the knots, or, if the material is not in the fleece, the opening out for looking over or classing purposes.

Duties of Occupiers.

1. No bale of wool or hair of the kinds named in the Schedules shall be opened for the purpose of being sorted or manufactured, except by men skilled in judging the condition of the material.

No bale of wool or hair of the kinds named in Schedule A shall be opened except after thorough steeping in water.

2. No wool or hair of the kinds named in Schedule B shall be opened* except (*a*) after steeping in water, or (*b*) over an efficient opening screen, with mechanical exhaust draught, in a room set apart for the purpose, in which no other work than opening is carried on.

For the purpose of this Regulation, no opening screen shall be deemed to be efficient unless it complies with the following conditions :—

(a) The area of the screen shall, in the case of existing screens, be not less than 11 square feet, and in the case of screens hereafter erected be not less than 12 square feet, nor shall its length or breadth be less than $3\frac{1}{4}$ feet.

(b) At no point of the screen within 18 inches from the centre shall the velocity of the exhaust draught be less than 100 linear feet per minute.

3. All damaged wool or hair or fallen fleeces or skin, wool or hair, if of the kinds named in the Schedules, shall, when opened,* be damped with a disinfectant and washed without being willowed.

4. No wool or hair of the kinds named in Schedules B or C shall be sorted except over an efficient sorting board, with mechanical exhaust draught, and in a room set apart for the purpose, in which no work is carried on other than sorting and the packing of the wool or hair sorted therein.

No wool or hair of the kinds numbered (1) and (2) in Schedule A shall be sorted except in the damp state and after being washed.

No damaged wool or hair of the kinds named in the Schedules shall be sorted except after being washed.

For the purpose of this Regulation, so sorting board shall be deemed to be efficient unless it complies with the following conditions :—

The sorting board shall comprise a screen of open wirework, and beneath it at all parts a clear space not less than 3 inches in depth. Below the centre of the screen there shall be a funnel, measuring not less than 10 inches across the top, leading to an extraction shaft, and the arrangements shall be such that all dust falling through the screen and not

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* *See* definition of "opening," *supra*.

carried away by the exhaust can be swept directly into the funnel. The draught shall be maintained in constant efficiency whilst 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.

5. No wool or hair of the kinds named in the Schedules shall be willowed except in an efficient willowing machine, in a room set apart for the purpose, in which no work other than willowing is carried on.

For the purpose of this Regulation, no willowing machine shall be deemed to be efficient unless it is provided with mechanical exhaust draught so arranged as to draw the dust away from the workmen and prevent it from entering the air of the room.

6. No bale of wool or hair shall be stored in a sorting room ; nor any wool or hair except in a space effectually screened off from the sorting room.

No wool or hair shall be stored in a willowing room.

7. In each sorting room, and exclusive of any portion screened off, there shall be allowed an air space of at least 1,000 cubic feet for each person employed therein.

8. In each room in which sorting, willowing, or combing is carried on, suitable inlets from the open air, or other suitable source, shall be provided and arranged in such a way that no person employed shall be exposed to a direct draught from any air inlet or to any draught at a temperature of less than 50° F.

The temperature of the room shall not, during working hours, fall below 50° F.

9. All bags in which wool or hair of the kinds named in the Schedules has been imported shall be picked clean, and not brushed.

10. All pieces of skin, scab, and clippings or shearlings shall be removed daily from the sorting room, and shall be disinfected or destroyed.

11. The dust carried by the exhaust draught from opening screens, sorting boards, willowing or other dust extracting machines and shafts shall be discharged into properly constructed receptacles, and not into the open air.

Each extracting shaft and the space beneath the sorting boards and opening screen shall be cleaned out at last once in every week.

The dust collected as above, together with the sweepings from the opening, sorting, and willowing rooms, shall be removed at least twice a week and burned.

The occupier shall provide and maintain suitable overalls and respirators to be worn by the persons engaged in collecting and removing the dust.

Such overalls shall not be taken out of the works or warehouse, either for washing, repairs, or any other purpose, unless they have been steeped over-night in boiling water or a disinfectant.

12. The floor of every room in which opening, sorting, or willowing is carried on shall be thoroughly sprinkled daily with a disinfectant

solution after work has ceased for the day, and shall be swept immediately after sprinkling.

13. The walls and ceilings of every room in which opening, sorting, or willowing is carried on shall be limewashed at least once a year, and cleansed at least once within every six months, to date from the time when they were last cleansed.

14. The following requirements shall apply to every room in which unwashed wool or hair of the kinds named in the Schedules after being opened for sorting, manufacturing, or washing purposes is handled or stored :—

(a) Sufficient and suitable washing accommodation shall be provided outside the rooms and maintained for the use of all persons employed in such rooms. The washing conveniences shall comprise soap, nail brushes, towels, and at least one 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.

(b) Suitable places shall be provided outside the rooms in which persons employed in such rooms can deposit food and clothing put off during working hours.

(c) No person shall be allowed to prepare or partake of food in any such room. Suitable and sufficient meal room accommodation shall be provided for workers employed in such rooms.

(d) No person having any open cut or sore shall be employed in any such room.

The requirements in paragraph (c) shall apply also to every room in which any wool or hair of the kinds named in the Schedules is carded or stored.

15. Requisites for treating scratches and slight wounds shall be kept at hand.

16. The occupier shall allow any of H.M. Inspectors of Factories to take at any time, for the purpose of examination, sufficient samples of any wool or hair used on the premises.

Duties of Persons Employed.

17. No bale of wool or hair of the kinds named in the Schedules shall be opened otherwise than as permitted by paragraph 1 of Regulation 1, and no bale of wool or hair of the kinds named in Schedule A shall be opened except after thorough steeping in water.

If on opening a bale any damaged wool or hair of the kinds named in the Schedules is discovered the person opening the bale shall immediately report the discovery to the foreman.

18. No wool or hair of the kinds named in Schedule B shall be opened* otherwise than as permitted by Regulation 2.

19. No wool or hair of the kinds named in the Schedules shall be sorted otherwise than as permitted by Regulation 4.

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* *See* definition of "opening," *ante*, p. 614.

20. No wool or hair of the kinds named in the Schedules shall be willowed except as permitted by Regulation 5.

21. Every person employed in a room in which unwashed wool or hair of the kinds named in the Schedules is stored or handled shall observe the following requirements:—

(a) He shall wash his hands before partaking of food or leaving the premises.

(b) He shall not deposit in any such room any article of clothing put off during working hours.

He shall wear suitable overalls while at work, and shall remove them before partaking of food or leaving the premises.

(c) If he has any open cut or sore, he shall report the fact at once to the foreman, and shall not work in such a room.

No person employed in any such room or in any room in which wool or hair of the kinds named in the Schedules is either carded or stored shall prepare or partake of any food therein, or bring any food therein.

22. Persons engaged in collecting or removing dust shall wear the overalls as required by Regulation 11.

Such overalls shall not be taken out of the works or warehouse, either for washing, repairs, or any other purpose, unless they have been steeped over-night in boiling water or a disinfectant.

23. If any fan, or any other appliance for the carrying out of these Regulations, is out of order, any workman becoming aware of the defect shall immediately report the fact to the foreman.

H. J. Gladstone,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
12th December, 1905.

Schedule A.

(Wool or hair required to be steeped in the bale before being opened.)

1. Van Mohair.
2. Persian Locks.
3. Persian or so-called Persian (including Karadi and Bagdad) if not subjected to the process of sorting or willowing.

Schedule B.

(Wool or hair required to be opened either after steeping or over an efficient opening screen.)

Alpaca.
Pelitan.
East Indian Cashmere.
Russian Camel Hair.
Pekin Camel Hair.
Persian or so-called Persian (including Karadi and Bagdad) if subjected to the process of sorting or willowing.

Schedule C.

(Wool or hair not needing to be opened over an opening screen but required to be sorted over a board provided with downward draught.)

All Mohair other than Van Mohair.

NOTE.

The danger against which these Regulations are directed is that of anthrax—a fatal disease affecting certain animals, which may be conveyed from them to man by the handling of wools or hairs from animals which have died of the disease. The germs of the disease (anthrax spores) are found in the dust attaching to the wool, or in the excrement, and in the substance of the pieces of skin, and may remain active for years. In this country and Australia anthrax is rare, consequently there is little danger in handling wools from the sheep of these two countries; but in China, Persia, Turkey, Russia, the East Indies, and in many other parts of the world, the disease is common, and infected fleeces or locks (which may not differ from others in appearance) are often shipped to Great Britain. Hence, in handling foreign dry wools and hair, the above Regulations should be carefully observed. Greasy wools are comparatively free from dust, and therefore little risk is incurred in handling them. The disease is communicated to man sometimes by breathing or swallowing the dust from these wools or hair, and sometimes 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 more readily on the uncovered parts of the body, the hand, arm, face, and most frequently of all, on the neck, owing either to infected wool rubbing against the bare skin, or to dust from such wool 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. Use of the nailbrush, and frequent washing and bathing of the whole body, especially of the arms, neck and head, will lessen the chance of contracting anthrax.

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 of 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 be *at once* consulted if there is any suspicion of infection.

A cautionary placard is available, Official Form No. 410.

[*For further precautions against anthrax, see the* Anthrax Prevention Act, 1919, *and the Rules made thereunder.*]

THE WOOLLEN AND WORSTED TEXTILES (LIFTING OF HEAVY WEIGHTS) REGULATIONS, 1926, DATED NOVEMBER 18, 1926, MADE BY THE SECRETARY OF STATE UNDER SECTION 79 OF THE FACTORY AND WORKSHOP ACT, 1901 (1 EDW. 7, C. 22).

1926. No. 1463.

In pursuance of Section 79 of the Factory and Workshop Act, 1901, I hereby make the following Regulations and direct that they

shall apply to all factories and workshops or parts thereof in which any manufacture, dyeing or finishing of woollen or worsted textiles or any process or operation ancillary or incidental thereto is carried on.

These Regulations may be cited as the Woollen and Worsted Textiles (Lifting of Heavy Weights) Regulations, 1926, and shall come into force on 1st January, 1927, from which date the Regulations dated 27th July, 1925, shall be revoked.

Duties.

It shall be the duty of every person who by himself, his agents or workmen carries on any of the processes or operations to which these Regulations apply, and of all agents, workmen and *persons employed* by him in the processes or operations, to comply with these Regulations.

*Definition.**

In these Regulations "*person employed*" means a person employed in the manufacture, dyeing or finishing of woollen or worsted textiles, or any process or operation ancillary or incidental thereto, including the loading or unloading of any cart, barrow or bogie.

Regulations.

1. No *person employed* shall by himself lift by hand any material, yarn, cloth, tool or appliance exceeding the maximum limits in weight set out in the Schedule to these Regulations.

2. No *person employed* shall engage, in conjunction with others, in lifting by hand any material, yarn, cloth, tool or appliance, if the weight thereof exceeds the lowest weight fixed by the Schedule for any of the persons engaged multiplied by the number of the persons engaged.

3. A piece of cloth in the long cuttle or a sheet of loose material shall not be deemed to be a reasonably compact or rigid body for the purpose of these Regulations.

W. Joynson-Hicks,
One of His Majesty's Principal Secretaries of State.

Home Office,
Whitehall,
18th November, 1926.

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* The term to which a defined meaning is given is printed throughout in italics.

Schedule.

Person employed.	Maximum weight where material, yarn, cloth, tool or appliance is a reasonably compact or rigid body.	Maximum weight where material, yarn, cloth, tool or appliance is not a reasonably compact or rigid body.
	lbs.	lbs.
(*a*) Man	150	120
(*b*) Woman of 18 years of age and over ..	65	50
(*c*) Male young person over 16 and under 18 years of age ..	65	50
(*d*) Female young person under 18 years of age	50	40
(*e*) Male young person under 16 years of age	50	40

FOR THE HEADING OF YARN DYED BY MEANS OF A LEAD COMPOUND.

(*These Regulations were gazetted August* 13, 1907.)

1907. No. 616.

Whereas the process of *heading* of yarn dyed by means of a lead compound has been certified in pursuance of Section 79 of the Factory and Workshop Act, 1901, to be dangerous:

I hereby, in pursuance of the powers conferred on me by that Act, make the following Regulations, and direct that they shall apply to all factories in which the said process is carried on.

Provided that if the Chief Inspector of Factories is satisfied, with regard to any such factory, that the *heading* of yarn dyed by means of a lead compound will not occupy more than three hours in any week, he may, by certificate, suspend Regulations 2, 3, 4, 7 (a), and 8 (a), or any of them. Every such certificate shall be in writing, signed by the Chief Inspector of Factories, and shall be revocable at any time by further certificate.

Definitions.

(*Terms to which defined meanings are given are printed throughout in italics.*)

"*Heading*" means the manipulation of yarn dyed by means of a lead compound over a bar or post, and includes picking, making-up, and noddling.

"*Employed*" means employed in *heading* of yarn dyed by means of a lead compound.

"*Surgeon*" means the Certifying Factory Surgeon of the district

or a duly qualified medical practitioner appointed by certificate under the hand of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

"*Suspension*" means suspension by written certificate in the Health Register (*a*), signed by the *Surgeon*, from employment in *heading* of yarn dyed by means of a lead compound.

Duties.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons *employed* to observe Part II. of these Regulations.

PART I.

Duties of Employers.

1. No yarn dyed by means of a lead compound shall be *headed* unless there be an efficient exhaust draught so arranged as to draw the dust away from the worker, as near as possible to the point of origin. The speed of the draught at the exhaust opening shall be determined at least once in every three months and recorded in the General Register.

2. No person under 16 years of age shall be employed.

3. A Health Register (*a*), containing the names of all persons *employed*, shall be kept in a form approved by the Chief Inspector of Factories.

4. Every person *employed* shall be examined by the *Surgeon* once in every three months (or at shorter intervals if and as required in writing by the Chief Inspector of Factories) on a date of which due notice shall be given to all concerned.

The *Surgeon* shall have power of *suspension* as regards all persons *employed*, and no person after *suspension* shall be *employed* without written sanction from the *Surgeon* entered in the Health Register (*a*).

5. There shall be provided and maintained for the use of all persons *employed*—

(a) a suitable cloakroom for clothing put off during working hours;

(b) a suitable meal-room separate from any room in which *heading* of yarn dyed by means of a lead compound is carried on, unless the works are closed during meal hours;

and, if so required by notice in writing from the Chief Inspector of Factories,

(c) suitable overalls and head-coverings which shall be collected at the end of every day's work, and be washed and renewed at least once every week;

(d) a suitable place, separate from the cloakroom and meal-room, for the storage of the overalls and head-coverings.

(*a*) **Health Register.**—The Official Form is No. 605.

6. There shall be provided and maintained in a cleanly state and in good repair, for the use of all persons *employed*, a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

(a) a trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least two feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than two feet ; or

(b) at least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons *employed*.

PART II.

Duties of Persons Employed.

7. Every person *employed* shall—

(a) present himself at the appointed time for examination by the *Surgeon* as provided in Regulation 4 ;

(b) wear the overall and head-covering (provided in pursuance of Regulation 5 (c) while at work, and shall remove them before partaking of food or leaving the premises, and shall deposit in the cloakroom, provided in pursuance of Regulation 5 (a), clothing put off during working hours ;

(c) wash the hands before partaking of food or leaving the premises.

8. No person shall—

(a) work in *heading* of yarn dyed by means of a lead compound after *suspension*, without written sanction from the *Surgeon* entered in the Health Register ;

(b) introduce, keep, prepare, or partake of any food or drink, or tobacco, in any room in which *heading* of yarn dyed by means of a lead compound is carried on ;

(c) interfere in any way, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of the dust, and for the carrying out of these Regulations.

H. J. Gladstone,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
6th August, 1907.

B. WELFARE ORDERS.

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[The Welfare Orders, which are made under the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, s. 7, *ante*, p. 281, should be carefully distinguished from the Regulations for Dangerous Trades, *ante*, pp. 439–622, made under the Factory and Workshop Act, 1901.]

At the time of going to press a draft order has been issued requiring Welfare in Sugar Factories.

I. Rules for Inquiries as to Draft Orders.

RULES DATED JULY 16, 1917, AS TO THE TIME AND MANNER OF MAKING OBJECTIONS TO ORDERS PROPOSED UNDER SECTION 7 (1) OF THE POLICE, FACTORIES, &C. (MISCELLANEOUS PROVISIONS) ACT, 1916, AND AS TO THE SELECTION OF, AND THE PROCEDURE BEFORE, A REFEREE, AND THE COST OF THE PROCEEDINGS BEFORE A REFEREE (INCLUDING HIS REMUNERATION).

(*These Rules were gazetted July* 20, 1917.)

1917. No. 742.

In pursuance of Section 7 (6) of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following rules :—

1. Every objection must be sent to the Secretary of State at the Home Office within 21 days after notice has been given of the proposal to make the Order, or such longer time as may be allowed by the Secretary of State. The objection must be in writing and must state—

(*a*) the requirements in the draft Order objected to ;
(*b*) the specific grounds of objection ; and
(*c*) the modifications asked for.

Where an objection is made jointly on behalf of a number of occupiers, the names of the occupiers and their addresses must be stated, or, if the objection is made by an association of occupiers on behalf of its members, the number of the members affected by the Order.

2. The referee shall be selected by the Secretary of State from a panel of persons appointed by him to act as referees for the purposes of the said section.

3. The proceedings before the referee shall be opened at such time and place as may be fixed by the referee, and not less than three weeks' notice of the time and place so fixed shall be sent by post by him or on his behalf to every occupier or body of occupiers whose objections have been referred to him : Provided that the non-receipt of any such notice shall not invalidate the proceedings or render necessary an adjournment of the proceedings.

4. The Chief Inspector of Factories and any of the objectors and any other person who, in the opinion of the referee, is affected by the draft Order, may appear and be heard in person, or, with the leave of the referee, by counsel, solicitor, or agent.

5. The referee may adjourn the proceedings from time to time as he sees fit, and may hold adjourned sittings at any place which he thinks necessary for the convenience of objectors.

6. The referee may give such directions as he thinks necessary as to the order in which the objections shall be considered, and as to the order in which the objectors appearing before him shall be heard.

7. If any objections made by more than one objector appearing before the referee seem to the referee to be the same in substance, he may select any person whom he considers representative of the largest number of the objectors to state such objections, and to call evidence (if required): Provided that any other person making the same objections may be heard subsequently by consent of the referee.

8. The referee may stop any statement which appears to him to be irrelevant to the draft Order or objection under consideration, or to involve unnecessary repetition of arguments already fully stated.

9. Subject to the provisions of these rules, the proceedings shall be conducted in such manner as the referee may in his discretion direct.

10. The remuneration of the referee shall be a sum of five guineas for each day on which he is engaged in hearing the objections, together with any expenses for travelling and subsistence necessarily incurred: Provided that in any case of exceptional difficulty a special fee may be fixed by the Secretary of State with the approval of the Treasury.

11. The cost of the proceedings before the referee, including the remuneration of the referee, shall be payable in such manner as the referee may direct.

Geo. Cave,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
16th July, 1917.

II. Provision of Rest Rooms.

ORDER, DATED APRIL 16, 1920, EXTENDING THE APPLICATION OF SECTION 7 OF THE POLICE, FACTORIES, &C. (MISCELLANEOUS PROVISIONS) ACT, 1916, TO THE PROVISION OF REST ROOMS.

(*This Order was gazetted April* 23, 1920.)

1920. No. 624.

In pursuance of sub-section 9 of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby extend the matters to which the said section applies to the provision of rest rooms.

E. Shortt,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
16th April, 1920.

III. Welfare Orders.

ORDER, DATED OCTOBER 12, 1917, IN REGARD TO AMBULANCE AND FIRST AID ARRANGEMENTS AT BLAST FURNACES, COPPER MILLS, FOUNDRIES, AND METAL WORKS.

(*This Order was gazetted October* 19, 1917.)

1917. No. 1067.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order, and direct that it shall apply to all factories in the following classes :—

Blast Furnaces.
Copper Mills.
Iron Mills.
Foundries.
Metal Works.

First Aid.

1. In every factory to which this Order applies and in which the total number of persons employed is 25 or more, the occupier shall provide, in readily accessible positions, "First Aid" boxes or cupboards (*a*) in the proportion of at least one to every 150 persons.

The number of "First Aid" boxes or cupboards (*a*) required under this provision shall be calculated on the largest number of persons employed at any one time, and any odd number of persons less than 150 shall be reckoned as 150.

Provided

(1) that an ambulance room maintained in conformity with paragraphs 6, 7 and 8 of this Order may be counted as one of the "First Aid" boxes or cupboards required by this Order ;

(2) that the requirement of "First Aid" boxes or cupboards shall not apply to a blast furnace if an Ambulance room is provided and maintained as aforesaid.

2. Each "First Aid" box or cupboard (*a*) shall contain at least :—

(i) A copy of the First Aid Leaflet issued by the Factory Department of the Home Office.

(ii) Three dozen small size sterilised dressings for injured fingers.

(iii) One dozen medium size sterilised dressings for injured hands or feet.

(iv) One dozen large size sterilised dressings for other injured parts.

(v) One bottle of eye-drops, and

(vi) Sterilised cotton wool.

Each "First Aid" box or cupboard shall be distinctively marked, and if newly provided after the date of this Order shall be marked plainly with a white cross on a red ground.

(*a*) **First Aid Boxes or Cupboards.**—For additional requirements as to these, see s. 29 of the Workmen's Compensation Act, 1923, *ante*, p. 274.

3. Nothing except appliances or requisites for First Aid shall be kept in a "First Aid" box or cupboard (*a*).

4. Each "First Aid" box or cupboard (*a*) shall be kept stocked and in good order, and shall be placed under the charge of a responsible person who shall always be readily available during working hours.

A notice or notices shall be affixed in every workroom stating the name of the person in charge of the "First Aid" box or cupboard provided in respect of that room.

Ambulance Room.

5. In every factory to which this Order applies and in which the total number of persons employed is 500 or more, the occupier shall provide and maintain in good order an Ambulance room.

6. The Ambulance room shall be a separate room used only for the purpose of treatment and rest. It shall have a floor space of not less than 100 square feet and smooth, hard and impervious walls and floor, and shall be provided with ample means of natural and artificial lighting. It shall contain at least—

(i) A glazed sink with hot and cold water always available.
(ii) A table with a smooth top.
(iii) Means for sterilising instruments.
(iv) A supply of suitable dressings, bandages and splints.
(v) A couch.
(vi) A stretcher.

7. Where persons of both sexes are employed, arrangements shall be made at the Ambulance room for their separate treatment.

8. The Ambulance room shall be placed under the charge of a qualified nurse, or other person, trained in First Aid, who shall always be readily available during working hours, and shall keep a record of all cases of accident and sickness treated at the room.

Ambulance Carriage.

9. At every factory to which this Order applies and in which the total number of persons employed is 500 or more, the occupier shall, for the purpose of the removal of serious cases of accident or sickness, provide on the premises and maintain in good condition a suitably constructed ambulance carriage, unless he has made arrangements for obtaining such a carriage when required from a hospital or other place in telephonic communication with the factory.

10. This Order shall come into force on the 1st December, 1917.

Geo. Cave,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
October 12th, 1917.

(*a*) **First Aid Boxes or Cupboards.**—For additional requirements as to these, see s. 29 of the Workmen's Compensation Act, 1923, *ante*, p. 274.

ORDER, DATED NOVEMBER 8, 1918, IN REGARD TO AMBULANCE AND FIRST AID ARRANGEMENTS AT SAW MILLS AND FACTORIES IN WHICH ARTICLES OF WOOD ARE MANUFACTURED.

(*This Order was gazetted November* 19, 1918.)

1918. No. 1489.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order, and direct that it shall apply to all factories or parts of factories which are saw mills or in which articles of wood are manufactured.

First Aid.

Note.—*In view of the provisions as to First Aid contained in s.* 29 (1) *Workmen's Compensation Act,* 1923, *see p.* 274, *the requirements contained in paragraphs* 1 *to* 4 *of this Order were revoked by Order dated August* 24, 1925.

Ambulance Room.

5. In every factory to which this Order applies, and in which the total number of persons employed is 500 or more, the occupier shall provide and maintain in good order an Ambulance room.

In reckoning the number of persons employed for the purpose of this paragraph any department of the factory in which no machinery is used may be excluded.

6. The Ambulance room shall be a separate room used only for the purposes of treatment and rest. It shall have a floor space of not less than 100 square feet, and smooth, hard and impervious walls and floor, and shall be provided with ample means of natural and artificial lighting. It shall contain at least—

(i) A glazed sink with hot and cold water always available.
(ii) A table with a smooth top.
(iii) Means for sterilising instruments.
(iv) A supply of suitable dressings, bandages and splints.
(v) A couch.
(vi) A stretcher.

7. Where persons of both sexes are employed, arrangements shall be made at the Ambulance room for their separate treatment.

8. The Ambulance room shall be placed under the charge of a qualified nurse, or other person, trained in First Aid, who shall always be readily available during working hours, and shall keep a record of all cases of accident and sickness treated at the room.

Ambulance Carriage.

9. At every factory to which this Order applies and in which the total number of persons employed is 500 or more, the occupier shall, for the purpose of the removal of serious cases of accident or sickness, provide on the premises and maintain in good condition a suitably constructed ambulance carriage, unless he has made

arrangements for obtaining such a carriage when required from a hospital or other place in telephonic communication with the factory.

In reckoning the number of persons employed for the purpose of this paragraph any department of the factory in which no machinery is used may be excluded.

10. This Order shall come into force on 1st January, 1919.

Geo. Cave,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
8th November, 1918.

THE BAKEHOUSES WELFARE ORDER, 1927, DATED FEBRUARY 26, 1927, MADE BY THE SECRETARY OF STATE UNDER SECTION 7 (1) OF THE POLICE, FACTORIES, &C. (MISCELLANEOUS PROVISIONS) ACT, 1916 (6 & 7 GEO. 5, C. 31), FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN BAKEHOUSES.

1927. No. 191.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories and workshops or parts thereof in which is carried on the baking of bread or flour confectionery, hereinafter referred to as bakehouses.

1. The occupier shall provide and maintain for the use of all persons employed in the bakehouse (excepting any persons who do not, in the course of their employment, handle any dough or any of the ingredients of bread or flour confectionery) suitable washing facilities conveniently accessible.

Such accommodation shall comprise at least one lavatory basin or trough not less than 7 inches deep and 20 inches long, with a smooth impervious surface, fitted with a waste pipe, for every ten persons employed at any one time, a constant supply of warm water laid on, or where such supply is not reasonably practicable, a sufficient supply of warm water always at hand when required for use by the persons employed, and, in addition, a sufficient supply of soap and clean towels. Any odd number of persons less than ten shall be reckoned as ten.

Provided that in bakehouses where, before the commencement of this Order, fixed basins are already installed of a size sufficient to enable the hands and forearms to be readily washed, such basins shall be deemed to satisfy the requirements of this paragraph.

2. The occupier shall provide and maintain for the use of all persons employed in the bakehouse suitable accommodation for clothing put off during working hours, with adequate arrangements for drying the clothing if wet.

3. The occupier shall see that the official Cautionary Notice (*a*) as to the prevention and cure of dermatitis among workers handling flour and sugar is kept prominently displayed in the bakehouse.

4. The occupier shall make such arrangements for first aid treatment of injuries occurring in the bakehouse as will comply with the requirements laid down for factories in Section 29 (1) of the Workmen's Compensation Act, 1923.

5. The occupier shall provide and maintain at suitable points, conveniently accessible to all persons employed in the bakehouse, an adequate supply of wholesome drinking water from a public main or from some other source approved in writing by the local authority of the district in which the bakehouse is situated.

Each drinking water supply shall be clearly marked "Drinking Water," and a supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least daily; and all practicable steps shall be taken to preserve the water and vessels from contamination.

6. This Order may be cited as the Bakehouses Welfare Order, 1927, and shall come into force on the 1st May, 1927.

W. Joynson-Hicks,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
26th February, 1927.

THE BISCUIT FACTORIES WELFARE ORDER, 1927, DATED SEPTEMBER 21, 1927, MADE BY THE SECRETARY OF STATE UNDER SECTION 7 (1) OF THE POLICE, FACTORIES, &C. (MISCELLANEOUS PROVISIONS) ACT, 1916 (6 & 7 GEO. 5, C. 31), FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN THE ICING, CREAMING AND FILLING OF BISCUITS AND WAFERS.

1927. No. 872.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order, and direct that it shall apply to all factories and workshops or parts thereof in which are carried on the processes of icing, creaming and filling biscuits and wafers and mixing the ingredients therefor, hereinafter referred to as the processes.

1. The occupier shall provide and maintain for the use of all persons employed in the processes suitable washing facilities, conveniently accessible. Such accommodation shall comprise at least one lavatory basin or trough not less than 7 inches deep and 20 inches long, with a smooth impervious surface, fitted with a waste pipe, for every ten persons employed at any one time, a constant supply of warm water laid on, or where such supply is not reasonably practic-

(*a*) **Cautionary Notice.**—This is Official Form No. 355.

able, a sufficient supply of warm water always at hand when required for use by the persons employed, and, in addition, a sufficient supply of soap and clean towels. Any odd number of persons less than ten shall be reckoned as ten.

Provided that in factories or workshops where, before the commencement of this Order, fixed basins are already installed of a size sufficient to enable the hands and forearms to be readily washed, such basins shall be deemed to satisfy the requirements of this paragraph.

2. The occupier shall arrange for a systematic inspection, for the purpose of detecting early signs of dermatitis, of the hands and forearms of all persons employed in the processes. This inspection shall be carried out by a responsible person and shall take place once a week.

If any person whose work brings him into contact with sugar or a mixture of sugar and other ingredients, shows a tendency to develop, or is known to be susceptible to, dermatitis, he shall, if practicable, be transferred to other work not exposing him to such contact.

3. The occupier shall see that the Official Cautionary Notice (*a*) as to the prevention and cure of dermatitis is affixed in such a position as to be easily read by the persons concerned.

4. The occupier shall provide and maintain for the use of all persons employed in the processes suitable accommodation for clothing put off during working hours, with adequate arrangements for drying the clothing if wet.

5. The occupier shall make such arrangements for first aid treatment of injuries occurring in the processes as will comply with the requirements laid down for factories in Section 29 (1) of the Workmen's Compensation Act, 1923.

6. The occupier shall provide and maintain at suitable points, conveniently accessible to all persons employed in the processes an adequate supply of wholesale drinking water from a public main or from some other source approved in writing by the local authority of the district in which the factory or workshop is situated.

Each drinking water supply shall be clearly marked "Drinking Water," and a supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least daily; and all practicable steps shall be taken to preserve the water and vessels from contamination.

7. This Order may be cited as the Biscuit Factories Welfare Order, 1927, and shall come into force on the 1st December, 1927.

W. Joynson-Hicks,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
21st September, 1927.

(*a*) **Cautionary Notice.**—This is Official Form No. 355.

THE CEMENT WORKS WELFARE ORDER, 1930, DATED FEBRUARY 12, 1930, MADE BY THE SECRETARY OF STATE UNDER SECTION 7 (1) OF THE POLICE, FACTORIES, &C. (MISCELLANEOUS PROVISIONS) ACT, 1916 (6 & 7 GEO. 5, C. 31).

1930. No. 94.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories and workshops in which the manufacture of Portland Cement or cement of a similar character is carried on.

1. The occupier shall provide and maintain in good condition—
   (*a*) Water-tight thigh boots for persons employed in processes involving standing in slurry, mud or water;
   (*b*) Suitable goggles for persons who are exposed to coal or cement dust to a considerable extent;
   (*c*) Suitable waterproof coats for persons who may be required to work regularly in the open during rainy weather;
   (*d*) Suitable overalls and head coverings for female workers employed in cleaning or repairing sacks.

2. The occupier shall provide and maintain for the use of all persons employed in cleaning or repairing sacks, suitable accommodation for clothing put off during working hours.

The accommodation so provided shall be made secure and shall be kept clean.

3. The occupier shall provide facilities for sitting for all the female workers whose work is done standing, so as to enable them to take advantage of any opportunities for resting which may occur in the course of their employment.

4. The occupier shall provide and maintain for the use of all workers, except those employed in continuous processes, a suitable and adequate messroom which shall be furnished with (a) sufficient tables and chairs or benches and (b) adequate means of warming food and boiling water. The messroom shall be sufficiently warmed for use during meal intervals.

The messroom shall be placed under the charge of a responsible person, and shall be kept clean.

5. The occupier shall provide and maintain in the works for the use of all persons employed suitable washing facilities conveniently accessible and comprising a sufficient supply of basins and clean water.

The facilities so provided shall be placed under the charge of a responsible person, and shall be kept clean.

6. This Order may be cited as the Cement Works Welfare Order, 1930, and shall come into force on the 1st April, 1930.

J. R. Clynes,
One of His Majesty's Principal Secretaries of State.

Whitehall,
12th February, 1930.

ORDER, DATED OCTOBER 9, 1917, IN REGARD TO THE SUPPLY OF DRINKING WATER AT CERTAIN FACTORIES AND WORKSHOPS.

(*This Order was gazetted October* 19, 1917.)

1917. No. 1068.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order, and direct that it shall apply to all factories and workshops in which 25 or more persons are employed.

1. In every factory or workshop to which this Order applies the occupier shall provide and maintain at suitable points, conveniently accessible at all times to all persons employed—

(*a*) an adequate supply of wholesome drinking water from a public main or from some other source of supply approved in writing by the local authority of the district in which the factory or workshop is situated, which shall be either laid on or contained in a suitable vessel;

(*b*) (except where the water is delivered in an upward jet from which the workers can conveniently drink) at least one suitable cup or drinking vessel at each point of supply, with facilities for rinsing it in drinking water.

Each drinking water supply shall be clearly marked "Drinking Water."

2. All practicable steps shall be taken to preserve the water and vessels from contamination.

3. This Order shall come into force on the 1st December, 1917.

Geo. Cave,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
9th October, 1917.

ORDER, DATED MARCH 22, 1918, FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN FACTORIES OR PARTS OF FACTORIES IN WHICH BICHROMATE OF POTASSIUM OR SODIUM IS USED IN DYEING OTHER THAN JOB-DYEING.

(*This Order was gazetted March* 26, 1918.)

1918. No. 369.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories or parts of factories in which bichromate of potassium or sodium is used in dyeing other than job-dyeing.

1. The occupier shall provide and maintain in good condition, for the use of all persons coming into contact with chrome solutions, suitable protective clothing, and also for persons handling the

crystals or immersing their hands in chrome solutions, or handling textile material saturated with chrome solution, loose fitting rubber gloves of suitable length.

2. The occupier shall provide in readily accessible positions a sufficient number of "First Aid" boxes or cupboards (*a*).

Each box or cupboard shall be distinctively marked, and if newly provided after the date of this Order shall be marked plainly with a white cross on a red ground, and shall contain, besides any other medical appliances or requisites, a supply of:—

(i) Collodion and Brushes.
(ii) Impermeable Waterproof Plaster.
(iii) Ointment, Lint, Bandages and Scissors.
(iv) A 2 per cent. Alcoholic Solution of Iodine.

Nothing except appliances or requisites for First Aid shall be kept in a "First Aid" box or cupboard.

Each "First Aid" box or cupboard shall be kept stocked and in good order, and shall be placed under the charge of a responsible person, who shall always be readily available.

A notice or notices shall be affixed in every workroom stating the name of the person in charge of the box or cupboard provided in respect of that room.

3. The occupier shall see that the Official Cautionary Notice (*b*) as to the effects of chrome on the skin is kept posted up in the Works, and shall arrange for an inspection of the fingers of all persons coming into contact with chrome solutions to be made at the works twice a week by the person in charge of the "First Aid" box or cupboard, or by some person to be selected by the workers themselves and notified to the occupier.

If any person whose work brings him into contact with chrome solution or crystals shows a tendency to develop, or is known to be susceptible to, chrome eczema, he shall, if practicable, be transferred to other work not exposing him to such contact.

4. The occupier shall provide and maintain for the use of all the persons employed suitable accommodation for clothing put off during working hours, with adequate arrangements for drying the clothing if wet.

The accommodation so provided shall be placed under the charge of a responsible person, and shall be kept clean.

5. The occupier shall provide and maintain for the use of all the persons employed and remaining on the premises during the meal intervals a suitable messroom, which shall be furnished with (a) sufficient tables and chairs or benches with back rests, (b) adequate means of warming food and boiling water, (c) suitable facilities for washing, comprising a sufficient supply of clean towels, soap and warm water. The messroom shall be sufficiently warmed for use during meal intervals.

(*a*) **First Aid Boxes or Cupboards.**—For additional requirements as to these, see s. 29 of the Workmen's Compensation Act, 1923, *ante*, p. 274.

(*b*) **Official Cautionary Notice.**—See p. 635, *infra*.

The messroom shall be separate from the cloakroom, and shall be placed under the charge of a responsible person, and shall be kept clean.

6. This Order shall come into force on the 1st May, 1918, but Clause 4 and, subject to the condition that adequate means of warming food and boiling water are provided to the satisfaction of the District Inspector of Factories, Clause 5 shall not take effect during the period of the war.

Geo. Cave,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
22nd March, 1918.

The Official Cautionary Notice is in the following terms:—

CAUTION.

(Official Cautionary Notice.)

EFFECTS OF CHROME ON THE SKIN.

Chrome Holes.—Chrome "holes" or ulcers form when the skin has been broken (generally over the knuckle, at the root of the nail, on the instep and ankle) and chrome solution sinks in.

There must be a break in the skin first, and hence the need for immediate protection of the slightest cut or raw surface.

When properly protected, work can be continued, but if it is continued without proper protection an ulcer is sure to form, which will burrow until it is so deep that healing will only take place after several weeks' absence from work. A finger may be lost as a consequence of neglect to take the first step.

Chrome "holes" cannot be prevented without some trouble. Observance of the following points should make them rare:—

(1) Inspection of the fingers and hands.
(2) Stop work immediately the skin is broken in order to—
(3) Wash the injured part well under running water, and
(4) Cover it with a small dressing under *waterproof* plaster to be changed every evening after work.

[Leslies Ltd., 104A, High Street, Walthamstow, London, E. 17; Cuxson Gerrard & Co., Ltd., Oldbury; and Edward Taylor, Ltd., Salford, Manchester, supply a suitable waterproof plaster. Ordinary plaster is useless.]

The above steps are necessary even if rubber gloves are provided. Medical aid must be sought if they are not successful.

Chrome Eczema.—Sometimes in persons with sensitive skins, instead of a chrome "hole" developing, the skin of the hands and forearms breaks out with eczema, which will only get better on giving up work. In a few cases the skin is so susceptible that the eczema recurs on resuming work, and other employment altogether may be necessary.

To prevent Chrome Eczema :—

Use the ointment provided if the skin is sensitive.

The ointment may be either :—

(1) Soft paraffin (B.P.) 3 parts, lanoline 1 part.

Melt on the water bath or stove; when melted and thoroughly mixed, add 5 drops of 90 per cent. pure carbolic acid to every 4 ounces of the mixture. Pour into a glass or jar, and allow to solidify, when it is ready for use.

Rub the ointment in well, and then take a clean cloth and wipe dry.

or (2) Mineral lard 3 lbs., paraffin wax 6 ozs., carbolic acid 1½ ozs.

ORDER, DATED AUGUST 15, 1919, FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN FACTORIES OR PARTS OF FACTORIES IN WHICH THE PRESERVING OF FRUIT IS CARRIED ON.

(*This Order was gazetted August* 29, 1919.)

1919. No. 1136.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories or parts of factories in which the preserving of fruit is carried on.

1. The occupier shall provide and maintain in good condition suitable protective clothing for the use of all persons employed in the processes of preparing and boiling fruit, filling, finishing and covering filled vessels, spinning on tops, and in any wet process.

2. The occupier shall provide and maintain for the use of all persons employed in the factory suitable accommodation for clothing put off during working hours, with adequate arrangements for drying the clothing if wet.

The accommodation so provided shall be placed under the charge of a responsible person and shall be kept clean.

3. The occupier shall provide and maintain for the use of all persons employed and remaining on the premises during the meal intervals a suitable messroom, which shall be furnished with (a) sufficient tables and chairs or benches with back rests, (b) unless a canteen serving hot meals is provided on the premises, adequate means for warming food and boiling water, and (c) suitable facilities for washing, comprising a sufficient supply of clean towels, soap and warm water. The messroom shall be sufficiently warmed for use during meal intervals.

The messroom shall be separate from the cloakroom, and shall be placed under the charge of a responsible person, and shall be kept clean.

4. There shall be provided and maintained, for the use of all persons employed in the processes of picking, preparing and boiling fruit, filling, and finishing and covering filled vessels, suitable

facilities for washing, comprising a sufficient supply of clean towels, soap and warm water, adjacent to the place where the work is done.

5. In every factory to which this Order applies, and in which the total number of persons employed is 25 or more, the occupier shall provide, in readily accessible positions, "First Aid" boxes or cupboards (*a*) in the proportion of at least one to every 150 persons.

The number of "First Aid" boxes or cupboards required under this provision shall be calculated on the largest number of persons employed at any one time, and any odd number of persons less than 150 shall be reckoned as 150.

Each "First Aid" box or cupboard (*a*) shall contain at least:

(i) A supply of sterilised dressings, small, medium and large size, for fingers, hands, feet and other injured parts.
(ii) A supply of small and large burn dressings.
(iii) A supply of sterilised cotton wool.
(iv) A bottle of sal volatile.
(v) A copy of the First Aid Leaflet issued by the Factory Department of the Home Office.

Each "First Aid" box or cupboard shall be distinctively marked, and if newly provided after the date of this Order shall be marked plainly with a white cross on a red ground.

Nothing except appliances or requisites for First Aid shall be kept in a "First Aid" box or cupboard.

Each "First Aid" box or cupboard shall be kept stocked and in good order, and shall be placed under the charge of a responsible person, who shall always be readily available during working hours.

A notice or notices shall be affixed in every workroom stating the name of the person in charge of the "First Aid" box or cupboard provided in respect of that room.

6. The occupier shall see that the Official Cautionary Notice (*b*) as to the effects of lemon and orange peeling on the skin is kept posted up in any part of the works in which any such process is carried on.

7. (i) All female workers whose work is done standing shall be provided with such facilities for sitting as will enable them to take advantage of any opportunities for resting which may occur in the course of their employment.

(ii) All persons engaged in fruit peeling, sorting, picking, and finishing and covering filled vessels shall be provided with seats so that they may do their work sitting. Such seats shall be properly adjusted to the work.

8. This Order shall come into force on the September, 1st 1919.

E. Shortt,
One of His Majesty's Principal Secretaries of State.

Whitehall,
15th August, 1919.

(*a*) **First Aid Boxes or Cupboards.**—For additional requirements as to these, see s. 29 of the Workmen's Compensation Act, 1923, *ante*, p. 274.

(*b*) **Official Cautionary Notice.**—See p. 638, *infra*. This is Official Form No. 396.

The Official Cautionary Notice is as follows :—

CAUTION.

(Official Cautionary Notice.)

EFFECTS OF LEMON AND ORANGE PEELING ON THE SKIN.

Acid Holes.—Acid "holes" or ulcers form when the skin has been broken (generally over the joints of the fingers and at the sides of the nail) and the juice sinks in. Hence the need for immediate protection of the slightest cut or raw surface.

If work is continued without proper protection an ulcer is likely to form which will burrow so deeply that it will take a long time to heal.

These acid "holes" or ulcers cannot be prevented without trouble, and the following directions should be carefully followed :—

(1) Workers should examine their fingers and hands daily.
(2) If the skin is broken, the injured part should be well bathed immediately with bi-carbonate of soda (1 oz. to the pint of water).
(3) The wound should be covered with a suitable dressing to be changed every evening after work.

Eczema.—In the case of persons with sensitive skins, especially when first commencing to peel lemons or oranges, eczema sometimes appears on the hands and forearms. As soon as the skin begins to be inflamed in this way, the hands should be bathed in the bi-carbonate solution.

ORDER, DATED MARCH 3, 1921, FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN FACTORIES OR PARTS OF FACTORIES IN WHICH THE BEVELLING OF GLASS AND PROCESSES INCIDENTAL THERETO ARE CARRIED ON.

(*This Order was gazetted March* 8, 1921.)

1921. No. 288.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories or parts of factories in which the Bevelling of Glass and processes incidental thereto are carried on.

1. *Except where suitable splash guards are provided for all wheels*, the occupier shall provide and maintain in good condition, for the use of all persons employed in the process of bevelling glass, suitable protective clothing.

2. The occupier shall provide and maintain, for the use of all persons employed in the process of bevelling glass or in any process incidental thereto, suitable accommodation with adequate drying arrangements for clothing put off during working hours and also

for the aprons or other protective clothing worn by the workers in such processes.

The accommodation so provided, unless it consists of a proper drying closet, shall be separate from any workroom, and shall be kept clean.

3. The occupier shall provide and maintain in good and clean condition, for the use of all persons employed in the above-mentioned processes, suitable washing facilities conveniently accessible.

Such accommodation shall comprise at least one lavatory basin, sink or trough with a smooth impervious surface, fitted with a waste pipe, for every seven persons so employed, a constant supply of cold water and a sufficient supply of hot water always at hand, and in addition a sufficient supply of soap, nail brushes and clean towels.

4. This Order shall come into force on 1st May, 1921.

E. Shortt,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
3rd March, 1921.

ORDER, DATED MAY 15, 1918, FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN FACTORIES OR PARTS OF FACTORIES IN WHICH THE MANUFACTURE OF (i) GLASS BOTTLES OR (ii) PRESSED GLASS ARTICLES IS CARRIED ON.

(*This Order was gazetted May* 21, 1918.)

1918. No. 558.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories or parts of factories in which the manufacture of (i) glass bottles or (ii) pressed glass articles is carried on.

1. The occupier shall provide and maintain for the use of all persons employed a suitable cloakroom, with sufficient accommodation for the clothing put off during working hours, and adequate arrangements for drying the clothing if wet.

The accommodation so provided shall be placed under the charge of a responsible person, and shall be kept clean.

2. The occupier shall provide and maintain for the use of all persons employed and remaining on the premises during the meal intervals a suitable messroom which shall be furnished with (a) sufficient tables and chairs or benches with back rests, (b) adequate means of warming food and boiling water, and (c) suitable facilities for washing, comprising a sufficient supply of clean towels, soap and warm water. The messroom shall be sufficiently warmed for use during meal intervals.

The messroom shall be separate from the cloakroom, and shall be placed under the charge of a responsible person, and shall be kept clean.

3. The occupier shall provide and maintain at suitable points, conveniently accessible at all times to all persons employed :—

(*a*) an adequate supply of wholesome drinking water from a public main or from some other source of supply approved in writing by the local authority of the district in which the factory is situated, which shall be either laid on, or contained in a suitable vessel ;

(*b*) (except where the water is delivered in an upward jet from which the workers can conveniently drink) at least one suitable cup or drinking vessel at each point of supply, with facilities for rinsing it in drinking water.

Each drinking water supply shall be clearly marked "Drinking Water."

All practicable steps shall be taken to preserve the water and vessels from contamination.

4. This Order shall come into force on the 1st July, 1918, but Clause 1 and, subject to the condition that temporary washing facilities are provided, Clause 2 shall not take effect during the period of the war.

Geo. Cave,
One of His Majesty's Principal Secretaries of State.

Whitehall,
15th May, 1918.

ORDER, DATED JULY 28, 1920, FOR SECURING THE WELFARE OF WORKERS EMPLOYED IN GUT-SCRAPING, GUT-WASHING AND PROCESSES INCIDENTAL THERETO ; AND THE PREPARATION AND DRESSING OF TRIPE.

(*This Order was gazetted August* 6, 1920.)

1920. No. 1437.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories or workshops or parts thereof in which any of the following processes are carried on :—

GUT-SCRAPING AND GUT-WASHING, AND PROCESSES INCIDENTAL THERETO.

THE PREPARING AND DRESSING OF TRIPE.

Provided that this Order shall not apply to any factory or workshop in which such processes are only occasionally carried on.

1. The occupier shall provide and maintain in good condition and in a cleanly state suitable overalls for the use of all persons

employed; and also, for the use of all persons employed in wet processes, waterproof aprons and waterproof boots or clogs.

2. The occupier shall provide and maintain for the use of all persons employed (1) suitable accommodation for clothing put off during working hours, with adequate arrangements for drying the clothing if wet, and (2) suitable and *separate* accommodation for overalls and other protective clothing.

The accommodation so provided shall be placed under the charge of a responsible person, and shall be kept clean.

3. The occupier shall provide and maintain for the use of all persons employed and remaining on the premises during the meal intervals a suitable messroom, which shall be furnished with (a) sufficient tables and chairs or benches with back rests, and, (b) unless a canteen serving hot meals is provided, adequate means of warming food and boiling water. The messroom shall be sufficiently warmed for use during meal intervals.

The messroom shall be entirely separate from the accommodation provided in pursuance of Clause 2, and shall be placed under the charge of a responsible person and shall be kept clean.

4. The occupier shall provide and maintain for the use of all persons employed suitable facilities for washing, comprising a sufficient supply of clean towels, soap and warm water, adjacent to the place where the work is done.

The facilities so provided shall be placed under the charge of a responsible person and shall be kept clean.

5. The occupier shall provide in readily accessible positions a sufficient number of "First Aid" boxes or cupboards (*a*).

Each "First Aid" box or cupboard shall be distinctively marked, and if newly provided after the date of this Order shall be marked plainly with a white cross on a red ground, and shall contain, besides any other medical appliances or requisites, a supply of—

(i) Suitable sterilised dressings for fingers, hands, or other injured parts.
(ii) Plaster—waterproofed on the outside.
(iii) A 2 per cent. alcoholic solution of iodine.

Nothing except appliances or requisites for First Aid shall be kept in a "First Aid" box or cupboard.

Each "First Aid" box or cupboard (*a*) shall be kept stocked and in good order, and shall be placed under the charge of a responsible person, who shall always be readily available.

A notice or notices shall be affixed in every workroom stating the name of the person in charge of the "First Aid" box or cupboard provided in respect of that room.

The First Aid treatment recommended under this Order is as follows:—

(1) Wash the wound under a tap of running water.

(*a*) **First Aid Box or Cupboard.**—For additional requirements as to these, see s. 29 of the Workmen's Compensation Act, 1923, *ante*, p. 274.

(2) Apply the iodine solution.
(3) Apply a sterilised dressing.
(4) Cover the dressing completely with the waterproof plaster.

6. Facilities for sitting shall be provided so as to enable all female workers employed to take advantage of any opportunities for resting which may occur in the course of their employment.

7. This Order shall come into force on the 1st September, 1920.

E. Shortt,
One of His Majesty's Principal Secretaries of State.

Whitehall,
28th July, 1920.

ORDER, DATED SEPTEMBER 9, 1920, FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN FACTORIES AND WORKSHOPS SITUATED IN THE COUNTIES OF NORFOLK AND SUFFOLK, IN WHICH THE PROCESSES OF GUTTING, SALTING AND PACKING OF HERRING ARE CARRIED ON.

(*This Order was gazetted September* 14, 1920.)

1920. No. 1662.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories and workshops situated in the Counties of Norfolk and Suffolk, in which the processes of Gutting, Salting and Packing of Herring are carried on.

1. The occupier shall provide and maintain for the use of all persons employed a suitable and adequate mess and rest room, which shall be furnished with (a) sufficient tables and chairs or benches with back rests, (b) unless a canteen serving hot meals is provided, adequate means of warming food and boiling water. The room shall be kept open for the use of workers during working hours, and shall be kept sufficiently warmed.

Provided that except in the case of plots situated on the South Denes of Great Yarmouth and the Denes of Lowestoft, this paragraph shall not apply to any occupier who does not employ any worker residing outside a radius of 400 yards walking distance of the factory or workshop.

2. The occupier shall provide and maintain for the use of all the persons employed suitable cloakroom accommodation and arrangements for the hanging of the workers' clothing.

3. The occupier shall provide and maintain for the use of all persons employed suitable facilities for washing comprising a sufficient supply of clean towels, soap and warm water, easily accessible at all times during working hours.

The accommodation in paragraphs 2 and 3 shall be separate from the messroom.

4. The accommodation required under the foregoing paragraphs shall be on the site of the factory or workshop or adjacent thereto ; provided that where two or more occupiers combine to provide the accommodation, it shall be sufficient if such accommodation is within 250 yards of each of the factories or workshops for which it is provided.

5. The occupier or occupiers shall be responsible that the accommodation required under paragraphs 1, 2, 3 and 4 hereof shall be kept under proper and efficient superintendence, and shall be kept clean.

6. The occupier shall provide and maintain a " First Aid " box or cupboard (*a*), which shall contain, besides any other medical appliances or requisites a supply of :

(i) sterilised dressings suitable for fingers, hands, feet or other injured parts ;
(ii) collodion and brushes ;
(iii) impermeable waterproof plaster ;
(iv) ointment, lint, bandages and scissors ;
(v) a 2 per cent. alcoholic solution of iodine.

Nothing except appliances or requisites for First Aid shall be kept in the " First Aid " box or cupboard.

The " First Aid " box or cupboard (*a*) shall be kept stocked and in good order, and shall be marked with a white cross on a red ground, and shall be placed in charge of a person trained in First Aid who shall always be readily available during working hours.

A notice or notices shall be affixed in a prominent place in each factory or workshop stating the position of the " First Aid " box or cupboard and the name of the person in charge.

The " First Aid " box or cupboard (*a*) shall be kept and maintained by the occupier in a suitable and convenient room readily accessible to the workers, and with hot and cold water always available.

7. Where a " First Aid " dressing station complying with paragraph 8 of this Order is provided and maintained by an occupier or jointly by two or more occupiers, such occupier or occupiers shall be exempt from the requirements of paragraph 6 in respect of those persons employed within a distance of 250 yards of the " First Aid " dressing station.

8. Any such " First Aid " dressing station shall be a separate room used only for the purpose of treatment and rest. It shall have a floor space of not less than 100 square feet and smooth, hard and impervious walls and floor, and shall be provided with ample means of natural and artificial lighting, and shall be kept sufficiently warmed. It shall contain at least :

(i) a glazed sink with hot and cold water always available
(ii) a table with a smooth top ;

(*a*) **First Aid Box or Cupboard.**—For additional requirements as to these, see s. 29 of the Workmen's Compensation Act, 1923, *ante*, p. 274.

(iii) means for sterilising instruments;
(iv) a supply of dressings, bandages and splints;
(v) a couch.

Where persons of both sexes are employed a screen shall be provided.

The "First Aid" dressing station shall be placed under the charge of a qualified nurse, or other person trained in First Aid, who shall always be readily available during working hours, and shall keep a record of all cases of accident and sickness treated at the room.

E. Shortt,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
9th September, 1920.

THE HERRING CURING WELFARE ORDER, 1927, DATED SEPTEMBER 2, 1927, MADE BY THE SECRETARY OF STATE UNDER SECTION 7 (1) OF THE POLICE, FACTORIES, &C. (MISCELLANEOUS PROVISIONS) ACT, 1916 (6 & 7 GEO. 5, C. 31), FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN FACTORIES AND WORKSHOPS IN ENGLAND AND WALES (EXCLUDING THE COUNTIES OF NORFOLK AND SUFFOLK), IN WHICH THE PROCESSES OF GUTTING, SALTING AND PACKING OF HERRING ARE CARRIED ON.

1927. No. 813.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories and workshops in England and Wales (excluding the Counties of Norfolk and Suffolk), in which the processes of Gutting, Salting and Packing of Herring are carried on.

Provided that where the Chief Inspector of Factories is satisfied in respect of any such factory or workshop that by reason of the infrequency of the process or for other sufficient reason all or any of the requirements of this Order are not necessary for the welfare of persons employed therein, he may by certificate in writing (which he may in his discretion revoke) exempt any such factory or workshop from all or any of the provisions of the Order, for such period and on such conditions as he may think fit.

1. The occupier shall at or in the immediate vicinity of the factory or workshop provide and maintain in good repair for the use of all persons employed, facilities to enable them to rinse their clothing and hands in fresh water after work. Such facilities shall be kept in a cleanly condition, and adequate drainage provided for the disposal of waste water.

2. The occupier shall provide and maintain at suitable points an adequate supply of wholesome drinking water which shall be conveniently accessible at all times to all persons employed.

3. The occupier shall provide, either by himself or jointly with the occupiers of other factories and workshops to which this Order applies, for the use of the persons employed in the factory or workshop, a First Aid dressing station, which shall be situated at or within a distance not exceeding 250 yards from the factory or workshop, and shall comply with the requirements of paragraph 4 of this Order.

Provided that the occupier shall be deemed to have complied with the foregoing requirement if he shows to the satisfaction of the Inspector that he has entered into an agreement by which he has acquired the use of such a dressing station as aforesaid for the treatment of persons employed at the factory or workshop.

4. Any such First Aid dressing station shall be a room suitable for the purpose of treatment and rest. It shall be provided with ample means of natural and artificial lighting, and shall be kept sufficiently warmed. It shall contain at least—

(i) a glazed sink or suitable enamelled receptacles with hot and cold water always available ;
(ii) a table with a smooth top ;
(iii) means for sterilising instruments ;
(iv) one or more First Aid boxes or cupboards, which shall contain, besides any other medical appliances or requisites, an adequate supply of—
  (*a*) sterilised dressings suitable for fingers, hands, feet, or other injured parts ;
  (*b*) impermeable waterproof plaster ;
  (*c*) ointment, lint, bandages and scissors ;
  (*d*) a two per cent. alcoholic solution of iodine.
(v) a couch.

Where persons of both sexes are employed a screen shall be provided.

The First Aid dressing station shall be placed under the charge of a qualified nurse, or other person trained in First Aid, who shall always be readily available during working hours, and shall keep a record of all cases of accident and sickness treated at the room.

Nothing except appliances or requisites for First Aid shall be kept in the First Aid box or cupboard.

The First Aid box or cupboard shall be kept stocked and in good order, and shall be marked with a white cross on a red ground.

5. This Order may be cited as the Herring Curing Welfare Order, 1927, and shall come into force on the 1st October, 1927.

W. Joynson-Hicks,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
2nd September, 1927.

THE HERRING CURING (SCOTLAND) WELFARE ORDER, 1926, DATED MAY 12, 1926, MADE BY THE SECRETARY OF STATE UNDER SECTION 7 (1) OF THE POLICE, FACTORIES, &C. (MISCELLANEOUS PROVISIONS) ACT, 1916 (6 & 7 GEO. 5, C. 31), FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN FACTORIES AND WORKSHOPS IN SCOTLAND, IN WHICH THE PROCESSES OF GUTTING, SALTING AND PACKING OF HERRING ARE CARRIED ON.

1926. No. $\frac{535}{S. 24}$.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories and workshops in Scotland, in which the processes of Gutting, Salting and Packing of Herring are carried on.

Provided that where the Chief Inspector of Factories is satisfied in respect of any such factory or workshop that by reason of the infrequency of the process or for other sufficient reason all or any of the requirements of this Order are not necessary for the welfare of persons employed therein, he may by certificate in writing (which he may in his discretion revoke) exempt any such factory or workshop from all or any of the provisions of the Order, for such period and on such conditions as he may think fit.

1. The occupier shall at or in the immediate vicinity of the factory or workshop provide and maintain in good repair for the use of all persons employed, facilities to enable them to rinse their clothing and hands after work. Such facilities shall be kept in a cleanly condition and adequate drainage provided for the disposal of waste water.

2. The occupier shall provide and maintain at the factory or workshop a First Aid box or cupboard, which shall contain, besides any other medical appliances or requisites, a supply of—

(i) sterilised dressings suitable for fingers, hands, feet, or other injured parts ;
(ii) impermeable waterproof plaster ;
(iii) ointment, lint, bandages and scissors ;
(iv) a two per cent. alcoholic solution of iodine.

Nothing except appliances or requisites for First Aid shall be kept in the First Aid box or cupboard.

The First Aid box or cupboard shall be kept stocked and in good order, and shall be marked with a white cross on a red ground, and shall be placed in charge of a person trained in First Aid who shall always be readily available during working hours.

A notice or notices shall be affixed in a prominent place in each factory or workshop stating the position of the First Aid box or cupboard and the name of the person in charge.

The First Aid box or cupboard shall be kept and maintained by the occupier in a suitable and convenient place readily accessible to the workers, and with hot and cold water always available.

3. The occupier shall provide, either by himself or jointly with the occupiers of other factories and workshops to which this Order applies, for the use of the persons employed in the factory or workshop a First Aid dressing station, which shall be situated within a distance not exceeding 440 yards of the factory or workshop, and shall comply with the requirements of paragraph 4 of this Order.

Provided that the occupier shall be deemed to have complied with the foregoing requirement if he shows to the satisfaction of the Inspector that he has entered into an agreement by which he has acquired the use of such a dressing station as aforesaid for the treatment of persons employed at the factory or workshop.

4. Any such First Aid dressing station shall be a room suitable for the purpose of treatment and rest. It shall be provided with ample means of natural and artificial lighting, and shall be kept sufficiently warmed. It shall contain at least—

(i) a glazed sink with hot and cold water always available;
(ii) a table with a smooth top;
(iii) means for sterilising instruments;
(iv) an adequate supply of dressings, bandages and splints;
(v) a couch.

Where persons of both sexes are employed a screen shall be provided.

The First Aid dressing station shall be placed under the charge of a qualified nurse, or other person trained in First Aid, who shall always be readily available during working hours, and shall keep a record of all cases of accident and sickness treated at the room.

5. This Order may be cited as the Herring Curing (Scotland) Welfare Order, 1926, and shall come into force on the 1st June, 1926.

W. Joynson-Hicks,
One of His Majesty's Principal
Secretaries of State.

Home Office, Whitehall,
12th May, 1926.

THE HOLLOW-WARE AND GALVANISING WELFARE ORDER, 1921, DATED DECEMBER 31, 1921.

(*This Order was gazetted January* 3, 1922.)

1921. No. 2032.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories and workshops, or parts thereof, in which (i) the manufacture of Hollow-ware, or (ii) the Process of Galvanising, other than the galvanising of wire, is carried on:—

1. The occupier shall provide and maintain in good condition

suitable protective clothing for all persons employed in wet processes, including for persons coming into contact with acid or acid solutions, finger stalls or (where necessary) gloves of rubber or other suitable material, aprons of acid-proof material, and clogs.

2. This Order may be cited as the Hollow-ware and Galvanising Welfare Order, 1921, and shall come into force on the 1st February, 1922.

E. Shortt,
One of His Majesty's Principal Secretaries of State.

Whitehall,
31st December, 1921.

ORDER, DATED APRIL 23, 1920, FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN LAUNDRIES

(*This Order was gazetted April* 27, 1920.)

1920. No. 654.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories and workshops or parts of factories and workshops which are laundries. Provided that paragraphs 3 and 5 of the Order shall not apply to laundries in which no mechanical power is used and in which not more than five persons are employed.

1. The occupier shall provide and maintain in good and clean condition, for the use of all persons employed in processes involving exposure to wet, suitable protective clothing, including waterproof boots or clogs, and also, for persons engaged in sorting soiled linen, suitable overalls or aprons with bibs, and armlets from wrist to elbow.

2. The occupier shall provide and maintain for the use of all the persons employed suitable accommodation for clothing put off during working hours, with adequate arrangements for drying the clothing if wet.

The accommodation so provided shall be placed under the charge of a responsible person, and shall be kept clean.

3. The occupier shall provide and maintain for the use of all the persons employed and remaining on the premises during the meal intervals a suitable messroom, which shall be furnished with (a) sufficient tables and chairs or benches with back rests, and (b) unless a canteen serving hot meals is provided, adequate means of warming food and boiling water. The messroom shall be sufficiently warmed for use during meal intervals.

The messroom shall be separate from the cloakroom, and shall be placed under the charge of a responsible person, and shall be kept clean. Provided that, in the case of an existing laundry where

there are structural difficulties in the way of such separation, the Chief Inspector of Factories may by written certificate (which may be revoked at any time) allow some other arrangement if satisfied that it provides suitable accommodation for the workers.

4. The occupier shall provide and maintain for the use of all the persons employed suitable facilities for washing, comprising a sufficient supply of clean towels, soap and warm water, adjacent to where the work is done.

5. The occupier shall provide in readily accessible positions a sufficient number of "First Aid" boxes or cupboards (*a*).

Each box or cupboard shall be distinctively marked, and if newly provided after the date of this Order shall be marked plainly with a white cross on a red ground, and shall contain, besides any other medical appliances or requisites :—

(i) Suitable First Aid dressings for fingers, hands, feet or other injured parts.
(ii) Sterilised cotton wool.
(iii) Burn dressings (large and small).
(iv) Plaster—waterproofed on the outside.
(v) Ointment, a bottle of iodine solution and a bottle of sal volatile.
(vi) A copy of the First Aid Leaflet issued by the Factory Department of the Home Office.

Nothing except appliances or requisites for First Aid shall be kept in a "First Aid" box or cupboard.

Each "First Aid" box or cupboard (*a*) shall be kept stocked and in good order and shall be placed under the charge of a responsible person, who shall always be readily available.

A notice or notices shall be affixed in every workroom stating the name of the person in charge of the "First Aid" box or cupboard provided in respect of that room.

The provisions of this paragraph shall not apply to laundries attached to hospitals, asylums, or other public institutions in which arrangements are provided for medical treatment of accidents and illness.

6. The occupier shall provide for all female workers whose work is done standing, facilities for sitting so as to enable them to take advantage of any opportunities for resting which may occur in the course of their employment.

7. The occupier shall provide and maintain at suitable points, conveniently accessible at all times to all persons employed :—

(*a*) An adequate supply of wholesome drinking water from a public main or from some other source of supply approved in writing by the local authority of the district in which the laundry is situated, which shall be either laid on, or contained in a suitable vessel ;

(*a*) **First Aid Box or Cupboard.**—For additional requirements as to these, see s. 29 of the Workmen's Compensation Act, 1923, *ante*, p. 274.

(*b*) (except where the water is delivered in an upward jet from which the workers can conveniently drink) at least one suitable cup or drinking vessel at each point of supply, with facilities for rinsing it in drinking water.

Each drinking water supply shall be clearly marked "Drinking Water."

All practicable steps shall be taken to preserve the water and vessels from contamination.

8. This Order shall come into force on the 1st June, 1920.

E. Shortt,
One of His Majesty's Principal Secretaries of State.

Whitehall,
23rd April, 1920.

THE OIL CAKE WELFARE ORDER, 1929, DATED JULY 5, 1929, MADE BY THE SECRETARY OF STATE UNDER SECTION 7 (1) OF THE POLICE, FACTORIES, &C. (MISCELLANEOUS PROVISIONS) ACT, 1916 (6 & 7 GEO. 5, C. 31), FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN THE MANUFACTURE OF OIL CAKE, EXTRACTED MEAL OR COMPOUND CAKE.

1929. No. 534.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories or parts of factories in which the manufacture of oil cake, extracted meal or compound cake is carried on, including the incidental operations of refining and grease manufacture.

Provided that nothing in this Order shall apply to the loading or unloading wharves at such factories.

1. The occupier shall provide and maintain in good condition, for the use of all persons employed, suitable protective clothing according to the nature of the work.

2. The occupier shall provide facilities for sitting for all the female workers whose work is done standing, so as to enable them to take advantage of any opportunities for resting which may occur in the course of their employment.

3. The occupier shall provide and maintain for the use of all the persons employed suitable accommodation for clothing put off during working hours, with adequate arrangements for drying the clothing if wet.

The accommodation so provided shall be placed under the charge of a responsible person, and shall be kept clean.

4. The occupier shall provide and maintain for the use of all the persons employed, and remaining on the premises during the meal

intervals, a suitable and adequate messroom, which shall be furnished with (a) sufficient tables and chairs or benches with back rests, (b) unless a canteen serving hot meals is provided, adequate means of warming food and boiling water, (c) suitable facilities for washing, comprising a sufficient supply of clean towels, soap and warm water. The messroom shall be sufficiently warmed for use during meal intervals.

The messroom shall be separate from the cloakroom, and shall be placed under the charge of a responsible person, and shall be kept clean.

5. The occupier shall provide and maintain in the works for the use of all persons employed suitable washing facilities conveniently accessible and comprising a sufficient supply of clean towels, soap and warm water.

The facilities so provided shall be placed under the charge of a responsible person, and shall be kept clean.

6. The occupier shall, if an application is made to him in writing, signed by not less than one-half of the persons of either sex employed in the works, asking for the provision of bath accommodation, provide at the factory shower baths in the proportion of one bath for every 50 persons of that sex employed at one time, any odd number of persons less than 50 being reckoned as 50. Provided that if on objection being taken by the occupier the Chief Inspector of Factories is satisfied that in the particular circumstances the provision of bath accommodation as specified above is not necessary and reasonable, he may, by certificate in writing (which he may at his discretion revoke) exempt such occupier from the foregoing requirement to such extent and on such conditions as he may think fit.

Notice of the application having been made shall be sent forthwith to the District Inspector of Factories by or on behalf of the persons making it.

The baths shall be suitably constructed and supplied with water at a temperature as near as may be of 100 degrees Fahrenheit and a sufficient supply of clean towels and soap.

The accommodation shall be placed under the charge of a responsible person, and shall be kept clean.

7. In every factory to which this Order applies, and in which the total number of persons employed is 500 or more, the occupier shall provide and maintain in good order an ambulance room.

The ambulance room shall be a separate room used only for the purpose of treatment and rest. It shall have a floor space of not less than 100 square feet and smooth, hard and impervious walls and floor, and shall be provided with ample means of natural and artificial lighting. It shall contain at least—

(i) A glazed sink with hot and cold water always available.
(ii) A table with a smooth top.
(iii) Means for sterilizing instruments.
(iv) A supply of suitable dressings, bandages and splints.
(v) A couch.
(vi) A stretcher.

Where persons of both sexes are employed, arrangements shall be made at the ambulance room for their separate treatment.

The ambulance room shall be placed under the charge of a qualified nurse, or other person trained in First Aid, who shall always be readily available during working hours, and shall keep a record of all cases of accidents and sickness treated at the room.

8. This Order may be cited as the Oil Cake Welfare Order, 1929, and shall come into force on the 1st August, 1929, from which date the Order for the welfare of workers in oil cake mills, dated July 21, 1919, shall be revoked.

J. R. Clynes,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
5th July, 1929.

THE SACKS (CLEANING AND REPAIRING) WELFARE ORDER, 1927, DATED SEPTEMBER 7, 1927, MADE BY THE SECRETARY OF STATE UNDER SECTION 7 (1) OF THE POLICE, FACTORIES, &c. (MISCELLANEOUS PROVISIONS) ACT, 1916 (6 & 7 GEO. 5, C. 31), FOR SECURING THE WELFARE OF WORKERS EMPLOYED IN THE CLEANING AND REPAIRING OF SACKS.

1927. No. 860.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories and workshops, or parts thereof, in which the cleaning or repairing of sacks is carried on.

Provided that this Order shall not apply (i) to any factory or workshop where such processes are carried on only occasionally and are ancillary to another business, or (ii) to any factory or workshop in which the manufacture of cement is carried on.

1. The occupier shall provide and maintain in good condition, for the use of all persons employed, suitable protective clothing according to the nature of the work.

2. The occupier shall provide facilities for sitting for all the female workers whose work is done standing, so as to enable them to take advantage of any opportunities for resting which may occur in the course of their employment.

3. The occupier shall provide and maintain for the use of all the persons employed suitable accommodation for clothing put off during working hours.

The accommodation so provided shall be placed under the charge of a responsible person, and shall be kept clean.

4. The occupier shall provide and maintain for the use of all the persons employed, and remaining on the premises during the meal intervals, a suitable and adequate messroom, which shall be fur-

nished with (a) sufficient tables and chairs or benches with back rests, (b) unless a canteen serving hot meals is provided, adequate means of warming food and boiling water. The messroom shall be sufficiently warmed for use during meal intervals.

The messroom shall be separate from the accommodation provided in pursuance of Clause 3 of this Order, and shall be placed under the charge of a responsible person, and shall be kept clean.

Provided that the Chief Inspector of Factories may by written certificate (which he may revoke at any time) allow some other arrangement in lieu of a messroom, if satisfied that it provides suitable accommodation for the workers.

5. The occupier shall provide and maintain in the works for the use of all persons employed suitable washing facilities conveniently accessible and comprising a sufficient supply of clean towels, soap and warm water.

The facilities so provided shall be placed under the charge of a responsible person, and shall be kept clean.

6. This Order may be cited as the Sacks (Cleaning and Repairing) Welfare Order, 1927, and shall come into force on the 1st November, 1927.

W. Joynson-Hicks,
One of His Majesty's Principal Secretaries of State.

Whitehall,
7th September, 1927.

ORDER, DATED JULY 3, 1918, FOR SECURING THE WELFARE OF FEMALE WORKERS EMPLOYED IN FACTORIES, OR PARTS OF FACTORIES IN WHICH THE PROCESS IN TURNING OR MACHINING SHELLS OR SHELL BODIES IS CARRIED ON.

(*This Order was gazetted July* 5, 1918.)

1918. No. 824.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order and direct that it shall apply to all factories or parts of factories in which any process in turning or machining shells or shell bodies is carried on :—

1. Facilities for sitting shall be provided for all the female workers employed in any such process so as to enable them to take advantage of any opportunities for resting which may occur in the course of their employment.

2. This Order shall come into force on the 1st August, 1918.

Geo. Cave,
One of His Majesty's Principal Secretaries of State.

Whitehall,
3rd July, 1918.

ORDER, DATED MARCH 22, 1918, FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN FACTORIES OR PARTS OF FACTORIES IN WHICH BICHROMATE OF POTASSIUM OR SODIUM IS USED IN TANNING BY THE "TWO-BATH" PROCESS.

Note.—*By the Tanning Welfare Order*, 1930 (*S. R. & O.*, 1930, *No.* 312), *see p.* 655, *this Order has been revoked as from July* 1, 1930, *in so far as it affects factories and workshops to which the Order of* 1930 *applies.*

(*This Order was gazetted March* 26, 1918.)

1918. No. 368.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories or parts of factories in which bichromate of potassium or sodium is used in tanning by the "two-bath" process.

1. The occupier shall provide and maintain in good condition, for the use of all persons coming into contact with chrome solutions, rubber or leather aprons and bib, and rubber boots, or leather leggings which will protect open tops and laceholes of clogs or boots, and for those who are *continually* immersing their hands in the solutions, loose-fitting rubber gloves of suitable length.

2. The occupier shall provide in readily accessible positions a sufficient number of "First Aid" boxes or cupboards (*a*).

Each box or cupboard shall be distinctively marked, and if newly provided after the date of this Order shall be marked plainly with a white cross on a red ground, and shall contain, besides any other medical appliances or requisites, a supply of :—

(i) Collodion and Brushes.
(ii) Impermeable Waterproof Plaster.
(iii) Ointment, Lint, Bandages and Scissors.
(iv) A 2 per cent. Alcoholic Solution of Iodine.

Nothing except appliances or requisites for First Aid shall be kept in a "First Aid" box or cupboard.

Each "First Aid" box or cupboard shall be kept stocked and in good order, and shall be placed under the charge of a responsible person, who shall always be readily available.

A notice or notices shall be affixed in every workroom stating the name of the person in charge of the box or cupboard provided in respect of that room.

3. The occupier shall see that the Official Cautionary Notice (*b*) as to the effects of chrome on the skin is kept posted up in the works, and shall arrange for an inspection of the fingers of all persons coming into contact with chrome solutions to be made twice a week by the person in charge of the "First Aid" box or cupboard (*a*).

(*a*) **First Aid Boxes or Cupboards.**—For additional requirements as to these, see s. 29 of the Workmen's Compensation Act, 1923, *ante*, p. 274.

(*b*) **Official Cautionary Notice.**—See p. 635, *infra*. It is Official Form No. 398.

4. The occupier shall provide and maintain for the use of all the persons employed suitable accommodation for clothing put off during working hours, with adequate arrangements for drying the clothing if wet.

The accommodation so provided shall be placed under the charge of a responsible person, and shall be kept clean.

5. The occupier shall provide and maintain for the use of all the persons employed and remaining on the premises during the meal intervals a suitable messroom, which shall be furnished with (a) sufficient tables and chairs or benches with back rests, (b) adequate means of warming food and boiling water, (c) suitable facilities for washing, comprising a sufficient supply of clean towels, soap and warm water. The messroom shall be sufficiently warmed for use during meal intervals.

The messroom shall be separate from the cloakroom, and shall be placed under the charge of a responsible person, and shall be kept clean.

6. This Order shall come into force on the 1st May, 1918, but Clause 4 and, subject to the condition that adequate means of warming food and boiling water are provided to the satisfaction of the District Inspector of Factories, Clause 5 shall not take effect during the period of the war.

Geo. Cave,
One of His Majesty's Principal
Secretaries of State.

Whitehall,
22nd March, 1918.

THE TANNING WELFARE ORDER, 1930, DATED MAY 2, 1930, MADE BY THE SECRETARY OF STATE UNDER SECTION 7 (1) OF THE POLICE, FACTORIES, &C. (MISCELLANEOUS PROVISIONS) ACT, 1916 (6 & 7 GEO. 5, C. 31), FOR SECURING THE WELFARE OF PERSONS EMPLOYED IN LIMING AND TANNING OF RAW HIDES AND SKINS (INCLUDING THE RE-TANNING OF TANNED OR PARTLY TANNED HIDES AND SKINS) AND PROCESSES INCIDENTAL THERETO.

1930. No. 312.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories and workshops, or parts thereof, in which are carried on the processes of liming and tanning of raw hides and skins (including the re-tanning of tanned or partly tanned hides and skins) and processes incidental thereto.

1. The occupier shall provide and maintain in good condition, for the use of all the persons employed in the processes specified in the first column of the Schedule attached to this Order, protective clothing of suitable design and material as set opposite the respective processes in the second column of the said Schedule.

The aprons and leg coverings shall be such as to afford effective protection from the wet or damp of the process in which the worker is engaged. Leg coverings shall include vamps, spats or other efficient means to prevent water entering the uppers of the worker's footwear. The gloves shall be of rubber or of leather, except where rubber is specified in the Schedule.

2. The occupier shall make such arrangements for First Aid treatment of injuries occurring in the processes as will comply with the requirements laid down for factories in Section 29 (1) of the Workmen's Compensation Act, 1923, and in addition shall see that each First Aid box or cupboard is provided with a sufficient supply of impermeable waterproof plaster.

3. The occupier shall provide and maintain, for the use of all the persons employed, (a) suitable accommodation for clothing put off during working hours, (b) suitable and separate accommodation for the protective clothing, and (c) adequate arrangements in both cases for drying the clothing if wet.

The accommodation so provided shall be placed under the charge of a responsible person, and shall be kept clean.

4. The occupier shall provide and maintain, for the use of all the persons employed and remaining on the premises during the meal intervals a suitable messroom, which shall be furnished with (a) sufficient tables and chairs, or benches with back-rests, and (b) adequate means of warming food and boiling water. The messroom shall be sufficiently warmed for use during meal intervals.

The messroom shall be separate from the accommodation provided in pursuance of clause 3 and shall be placed under the charge of a responsible person, and shall be kept clean.

Provided that the Chief Inspector of Factories may by written certificate (which he may revoke at any time) allow some other arrangement in lieu of a messroom, if satisfied that it provides suitable accommodation for the workers.

5. The occupier shall provide and maintain, for the use of all the persons employed, suitable facilities for washing, including a sufficient supply of clean towels, soap and warm water.

The facilities so provided shall be placed under the charge of a responsible person and shall be kept clean.

6. The occupier shall see that the cautionary notice (*a*) as to anthrax, in the prescribed form, is kept posted up in the works.

7. Where solutions containing chromates or salts of chromium with free acid are used, the occupier shall see that the official cautionary notice (*b*) as to the effects of chrome on the skin is kept posted up in the works, and shall arrange for an inspection of the fingers of all persons coming into contact with such solutions to be made twice a week by the person in charge of the First Aid box or cupboard.

(*a*) **Anthrax Placard.**—This is Form No. 410.

(*b*) **Cautionary Notice.**—This is Form No. 398.

8. This Order may be cited as the Tanning Welfare Order, 1930, and shall come into force on 1st July, 1930.

9. The Order made by the Secretary of State on the 22nd March, 1918, under Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, for factories or parts of factories in which bichromate of potassium or sodium is used in tanning by the "two bath" process is hereby revoked as from the 1st July, 1930, in so far as it affects factories or parts of factories to which this Order applies.

J. R. Clynes,
One of His Majesty's Principal Secretaries of State.

Whitehall,
2nd May, 1930.

Schedule.

1. Handling dry or dry salted hides.	Gloves.
2. Soaking or washing hides or skins.	Aprons, leg coverings and gloves; provided that— (*a*) Aprons and gloves shall not be required for the moving of hides at pits with long hooks by more than one man, and (*b*) Gloves shall not be required (i) for persons fleshing by hand, or (ii) where there is no risk of contact with lime, sodium sulphide or other caustic liquor.
3. Breaking down	
4. Liming processes	
5. Painting or handling of painted hides or skins or processes in connection therewith (including paint mixing).	
6. Unhairing or de-woolling ..	
7. Fleshing, frizing or scudding..	
8. Rounding, siding or other processes for dividing wet hides or skins, including trimming or piecing.	
9. Stamping	
10. De-liming processes	
11. All processes at drums, paddles or vats.	
12. Machine splitting (green) ..	Aprons and leg coverings.
13. Processes at tanning pits ..	Leg coverings.
14. Machine splitting (wet), wet butt splitting (dividing), siding.	Aprons and leg coverings.
15. Machine scouring	
16. Machine processes for ridding the leather of excess of wet (whether by press, hydro-extractor, striking out, setting out, samming or other machine).	
17. Hand processes for ridding the leather of excess of wet.	

18. Damp splitting	Aprons.
19. Damp shaving	
20. "Wetting in" or "damping back."	
21. Oiling and washing.	
22. Dyeing processes carried on at drum, paddle, vat, tray or otherwise.	Aprons and leg coverings.
23. All processes involving contact with chromates or salts of chromium with free acid, including the preparation of solutions containing them.	Rubber gloves.

ORDER, DATED OCTOBER 5, 1917, FOR SECURING THE WELFARE OF THE WORKERS EMPLOYED IN FACTORIES IN WHICH THE MANUFACTURE OF TIN OR TERNE PLATES IS CARRIED ON.

(*This Order was gazetted October* 12, 1917.)

1917. No. 1035.

In pursuance of Section 7 of the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916, I hereby make the following Order for all factories in which the manufacture of tin or terne plates is carried on:—

1. The occupier shall provide and maintain in good condition for the use of all persons engaged in pickling or handling wet plates sufficient and suitable aprons of waterproof material and clogs.

2. The occupier shall provide and maintain for the use of all women or girls employed in the factory suitable accommodation for clothing put off during working hours, with adequate arrangements for drying the clothing if wet.

The accommodation so provided shall be placed under the charge of a responsible person, and shall be kept clean.

3. The occupier shall provide and maintain for the use of all persons employed in the factory and remaining on the premises during the meal intervals a suitable messroom, which shall be furnished with (a) sufficient tables and chairs or benches with back rests, (b) adequate means of warming food and boiling water, (c) suitable facilities for washing, comprising a sufficient supply of clean towels, soap and warm water. The messroom shall be sufficiently warmed for use during meal intervals.

The messroom shall be separate from the cloakroom and shall be placed under the charge of a responsible person, and shall be kept clean.

4. This Order shall come into force on the 1st December, 1917.

Geo. Cave,
One of His Majesty's Principal Secretaries of State.

Home Office, Whitehall,
5th October, 1917.

C. MODEL BYELAWS FOR MEANS OF ESCAPE FROM FIRE.

PROVIDING FOR MEANS OF ESCAPE FROM FIRE IN FACTORIES AND WORKSHOPS UNDER S. 15 OF THE FACTORY AND WORKSHOP ACT, 1901.

PREPARED BY THE MINISTRY OF HEALTH ON THE 3RD MAY, 1922, AFTER CONSULTATION WITH THE HOME SECRETARY.

SUGGESTED FOR ADOPTION BY DISTRICT COUNCILS.

MEMORANDUM.

Section 15 of the Factory and Workshop Act, 1901 (1 Edw. 7, c. 22), empowers every district council to make byelaws providing for means of escape from fire in the case of any factory or workshop, and applies sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, to any byelaws so made, thus making the byelaws subject to confirmation by the Minister of Health.

The following model byelaws have been prepared after consultation with the Secretary of State.

In view of the provisions made in Section 14 of the Act of 1901 for factories and workshops in which more than forty persons are employed the model byelaws have been confined to factories and workshops in which not more than forty persons are employed.

The means of escape from fire provided in compliance with the byelaws are required by Section 14 (6) of the Act of 1901 to be maintained in good condition and free from obstruction.

Ministry of Health,
3rd May, 1922.

NOTE.—Any Local Authority proposing to make byelaws on this subject should obtain from the Ministry of Health a form on which to submit a draft of the byelaws for the Minister's preliminary approval.

BYELAWS

made by the (*) with respect to the provision of means of escape in case of fire in certain factories and workshops in the (†)

1. Throughout these byelaws the following words and expressions shall have the meanings hereinafter respectively assigned to them, that is to say—

"Council" means the (*) :

"Appointed day" means the date of the confirmation of these byelaws ;

(*) "Mayor, aldermen, and burgesses of the borough of ," acting by the council" ; or "urban [*or* rural] district council of " *as the case may be.*

(†) *Insert name of borough or urban or rural district, as the case may be.*

"Fire-resisting material" means—

(1) Brickwork constructed of good bricks well burnt, hard and sound, properly bonded and solidly put together;

(2) Stone, cement concrete and other hard and incombustible material suitable for building purposes by reason of its solidity and durability;

(3) Iron, steel and copper;

(4) Oak and teak and other hard timber, and timber specially treated so as to render it non-inflammable.

2. These byelaws shall not apply to any factory or workshop in which more than forty persons are employed.

3.—(1) Every building of more than one storey which or any part of which is used as a factory or workshop shall be provided with adequate stairs or steps, permanently fixed, which shall be constructed so as to be adequately lighted by natural or artificial means, and so as to afford as direct and unimpeded access as practicable from every part of the factory or workshop to the ground floor of the building, and where practicable to an open space on the outside of the building or a public thoroughfare.

All such stairs or steps shall be directly connected with landings, corridors, lobbies or passages giving access to every part of the factory or workshop, and shall be provided with such suitable and sufficient handrail or handrails as may be necessary.

Provided always that for a period of twelve months after the appointed day the foregoing requirements of this byelaw shall not be deemed to apply in the case of a building used as a factory or workshop prior to the appointed day.

(2) In the case of any building constructed for use as a factory or workshop after the appointed day, and in the case of any building constructed for use otherwise than as a factory or workshop in which alterations affecting the form and structure of the premises are made after the appointed day for the purpose of converting the building for use as a factory or workshop, all stairs or steps required to be provided in pursuance of this byelaw shall, together with the supports thereto, be of fire-resisting materials.

(3) The foregoing requirements shall not apply in the case of a building of which the ground floor only is used as a factory or workshop.

4. Where in any building to which the foregoing byelaw applies more than ten persons are employed or readily inflammable materials or explosives are stored or used, any floor used for factory or workshop purposes the mean height of which is more than thirty feet from the ground shall, in addition to the stairs or steps required by these byelaws, be provided with means of escape in case of fire, by

(i) Adequate external stairs or steps constructed of fire-resisting material; *or*

(ii) An efficient and suitable fire-escape; *or*

(iii) Ready and safe means of access to the roof of the building, and where practicable to the roof of any adjoining building.

5.—(1) Every factory or workshop shall in every room in which persons are habitually employed be provided with at least one window or other means of exit from the building—

(*a*) situated at an adequate and suitable distance from the doorway of such room, and where practicable at not less distance than half the length of such room;

(*b*) constructed so as to open easily (but not in an inward direction) and to a sufficient extent; and

(*c*) in a suitable position for the easy passage of any person employed in the factory or workshop,

and where in any such room there is any window or means of exit from the building not so constructed, the window or windows or means of exit that are so constructed shall be distinctively marked for the information of the persons employed:

Provided that the above requirements shall not apply to any room on the ground floor of a building if from such room there is direct and unimpeded access to an open space on the outside of the building or a public thoroughfare, and if in such room no readily inflammable materials or explosives are at any time stored or used.

(2) Every window or door or other means giving access to any external stairs or steps provided in pursuance of these byelaws or to any fire-escape or means of access to the roof, so provided, shall be distinctively marked for the information of the persons employed.

6. Every person who, after the appointed day, erects a new building for use as a factory or workshop, shall in and about the erection of the building, and in and about any works connected with the adaptation or fitting of the building for use as a factory or workshop, comply with every requirement of these byelaws which applies to a building of the like description.

7. The owner of a building which, on or after the appointed day, is used as a factory or workshop shall execute all such works and do all such things as are necessary to bring the factory or workshop into a condition satisfying all such requirements of these byelaws as apply to a factory or workshop of the like description.

Provided that nothing in or done under these byelaws shall deprive the owner of the benefit of any covenant or condition in a lease or in any other contract of tenancy to which the occupier of any such building is a party, or otherwise prevent the owner from enforcing any right to recover from the occupier or any other person any expenses consequent upon compliance with the byelaws.

8. Every person who shall offend against any of the foregoing byelaws shall be liable for every such offence to a penalty of *five pounds*, and in the case of a continuing offence to a further penalty of *forty shillings* for each day after written notice of the offence from the Council.

Provided, nevertheless, that the Court of Summary Jurisdiction before whom any proceedings may be taken in respect of any such offence may, if the Court think fit, adjudge the payment of any sum less than the full amount of the penalty imposed by this byelaw.

Repeal of Byelaws (a).

9. From and after the date of the confirmation of these byelaws, the byelaws relating to the provision of means of escape from fire in the case of certain factories and workshops which were made by the on the day of in the year one thousand hundred and and which were confirmed by [the Local Government Board] [the Minister of Health] on the day of in the year one thousand hundred and shall be repealed.

PART IV.

MISCELLANEOUS ACTS AFFECTING PERSONS EMPLOYED IN FACTORIES AND WORKSHOPS.

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THE CENSUS OF PRODUCTION ACT, 1906.

(6 Edw. 7, c. 49.)

(This Act authorises the Board of Trade from time to time to take a census of production. For this purpose forms may be issued to the persons named in the Schedule, who are compelled to fill them in under a penalty of ten pounds for neglect or refusal, or for giving false information. Each individual return is to be regarded as confidential, and any person disclosing its contents is liable to fine or imprisonment. Powers are also given to the Board of Trade and the Home Secretary to collect voluntary information in addition to that made compulsory by the Act.

Only such parts of the Act as specially affect the Factory Acts or the occupiers of factories and workshops are printed here.)

5. *Inter-departmental arrangements.*]—(1) The Secretary of State may, as respects any factory, workshop, mine, or quarry, issue and collect any of the forms under this Act by arrangement with the Board of Trade, and in such case shall have the same powers and duties for the purpose as are by this Act conferred on the Board of Trade: Provided that the Board of Trade shall not transfer its powers to make rules under section eight.

(2) The Secretary of State may, if he thinks fit, by arrangement with the Board of Trade, cause any statistical returns, which under any other enactment he is authorised to obtain with respect to factories, workshops, mines, or quarries, to be collected at the same time, and, if convenient, on the same forms as returns under this Act.

10. *Intervals for making returns under* 1 *Edw.* 7, *c.* 22, *s.* 130.]—If the Secretary of State so directs, the intervals at which returns are to be made under section one hundred and thirty of the Factory and Workshop Act, 1901, may, notwithstanding anything in that section, be the same as the intervals at which a census is directed under this Act to be taken.

SCHEDULE.

LIST OF PERSONS REQUIRED TO MAKE RETURNS.

(A) The occupier of every factory or workshop within the meaning of the Factory and Workshop Act, 1901.

(B) The owner, agent, or manager of every mine and quarry.

(C) Every builder, that is to say, a person who, by way of trade or business, undertakes the construction or alteration of a building or any part thereof.

(D) Every person who by way of trade or business executes works of construction, alteration, or repair of railroads, tramroads, harbours, docks, canals, sewers, roads, embankments, reservoirs or wells, or of laying or altering gas or water pipes, or telegraphic, telephonic, or electric lines or works, or any other prescribed works.

(E) Every person who by way of trade or business gives out work to be done elsewhere than on his own premises.

(F) Every person carrying on any other trade or business which may be prescribed.

THE ELEMENTARY EDUCATION (SCHOOL ATTENDANCE) ACT, 1893.

(56 & 57 Vict. c. 51.)

1. The age at which a child may, in pursuance of any byelaw made under the Elementary Education Acts, 1870 to 1891, obtain total or partial exemption from the obligation to attend school, on obtaining a certificate as to the standard of examination which he has reached shall be raised to *eleven* (*a*), and every such byelaw, so far as it provides for such exemption, shall be construed and have effect as if a reference to *eleven* (*a*) years of age were substituted therein for a reference to a lower age, and in section seventy-four of the Elementary Education Act, 1870, *eleven* (*a*) shall be substituted for ten.

(*a*) Now twelve. See s. 1 of the Act of 1899, *post*.

2. If any person takes a child into his employment in such manner as to prevent the child from attending school in accordance with the byelaws for the time being in force in the district in which the child resides, he shall be deemed to take the child into his employment in contravention of the Elementary Education Act, 1876 (*a*), and shall be liable to a penalty (*b*) accordingly.

(*a*) Now the Education Act, 1921.
(*b*) For penalty, see s. 96 of the Act of 1921, *post*, p. 670.

5. This Act may be cited as the Elementary Education (School Attendance) Act, 1893, and shall be read with the Elementary Education Acts, 1870 to 1891.

THE ELEMENTARY EDUCATION (SCHOOL ATTENDANCE) ACT (1893) AMENDMENT ACT, 1899.

(62 & 63 Vict. c. 13.)

1. . . . the Elementary Education (School Attendance) Act, 1893, shall have effect as if "twelve" were substituted therein for "eleven." . . .

Provided also that the local authority for any district may, by byelaw for any parish within their district, fix thirteen years as the minimum age for exemption from school attendance in the case of children to be employed in agriculture, and that in such parish such children over eleven and under thirteen years of age who have passed the standard fixed for partial exemption from school attendance by the byelaws of the local authority shall not be required to attend school more than two hundred and fifty times in any year.

Such byelaw shall have effect as a byelaw made under section seventy-four of the Elementary Education Act, 1870, and all Acts amending the same.

The local authority shall be the local authority fixed by section seven of the Elementary Education Act, 1876.

Provided also that a child shall be entitled to obtain partial exemption from school attendance on attaining the age of twelve years if such child has made three hundred attendances in not more than two schools during each year for five preceding years whether consecutive or not.

2. This Act may be cited as the Elementary Education (School Attendance) Act (1893) Amendment Act, 1899, and shall be read with the Elementary Education Acts, 1870 to 1897.

THE EDUCATION ACT, 1921.

(11 & 12 Geo. 5, c. 51.)

Local Education Authority.

3. *Local education authorities.*]—(1) For the purposes of elementary education—

(a) the council of every county borough as respects their county borough;

(b) the council of a borough with a population of over ten thousand according to the census of nineteen hundred and one as respects their borough;

(c) the council of an urban district with a population of over twenty thousand according to that census as respects their district; and

(d) the council of every county as respects their county (excluding the area of any such borough or urban district);

shall be the local education authority.

(2) For the purposes of higher education—

(a) the council of a county as respects their county; and

(b) the council of a county borough as respects their borough;

shall be the local education authority, but the councils of non-county boroughs and urban districts, though not local education authorities for higher education, shall have the powers as respects higher education given under this Act.

(3) If any question arises whether any purpose for which a council wish to exercise any powers under this Act is a purpose of the provisions of this Act relating to elementary education or of those relating to higher education, that question shall be referred to and determined by the Board of Education, and their decision shall be conclusive on the matter.

(4) Where before the commencement of this Act the council of a non-county borough or urban district have, in pursuance of section twenty of the Education Act, 1902, relinquished any of their powers or duties, nothing in this section shall affect the effect of such relinquishment.

* * * * *

PART VIII.

EMPLOYMENT OF CHILDREN AND YOUNG PERSONS.

90. *Power to make byelaws for regulating the employment of children.*]—(1) A local education authority for elementary education may make byelaws—

(i) prescribing for all children under the age of fourteen, or for boys and girls under that age separately, and with respect to all occupations or to any specified occupation,—

(a) the age below which employment is illegal; and

(b) the hours between which employment is illegal; and

(c) the number of daily and weekly hours beyond which employment is illegal:

(ii) prohibiting absolutely or permitting, subject to conditions, the employment of children under the age of fourteen in any specified occupation.

(2) Byelaws made under this section shall not apply to children lawfully employed in any factory, workshop, mine, or quarry on the day when section fourteen of the Education Act, 1918, came into operation whilst so employed.

* * * * *

92. *General restrictions on the employment of children.*]—(1) A child under the age of twelve shall not be employed, and a child between the ages of twelve and fourteen shall not be employed on any Sunday for more than two hours, or on any day on which he is required to attend school before the close of school hours on that day, nor on any day before six o'clock in the morning or after eight o'clock in the evening:

Provided that a local education authority for elementary education may make a byelaw permitting, with respect to such occupations as may be specified, and subject to such conditions as may be necessary to safeguard the interests of the children, the employment of children of the age of twelve or upwards before school hours and the employment of children by their parents, but so that any employment permitted by byelaw on a school day before nine in the morning shall be limited to one hour, and that if a child is so employed before nine in the morning he shall not be employed for more than one hour in the afternoon.

(2) A child under the age of fourteen shall not be employed—

(a) in street trading;

(b) to lift, carry, or move anything so heavy as to be likely to cause injury to the child;

(c) in any occupation likely to be injurious to his life, limb, health, or education, regard being had to his physical condition.

(3) If the local education authority for elementary education send to the employer of any child a certificate signed by a registered medical practitioner that the lifting, carrying, or moving of any

specified weight is likely to cause injury to the child, or that any specified occupation is likely to be injurious to the life, limb, health, or education of the child, the certificate shall be admissible as evidence in any subsequent proceedings against the employer in respect of the employment of the child.

93. *Power to require suspension of employment of scholars at continuation schools.*]—The local education authority for higher education may require, in the case of any young person who is under an obligation to attend a continuation school, that his employment shall be suspended on any day when his attendance is required, not only during the period for which he is required to attend the school, but also for such other specified part of the day, not exceeding two hours, as the authority consider necessary in order to secure that he may be in a fit mental and bodily condition to receive full benefit from attendance at the school:

Provided that if any question arises between the local education authority and the employer of a young person whether a requirement made under this section is reasonable for the purposes aforesaid, that question shall be determined by the Board of Education, and, if the Board determine that the requirement is unreasonable, they may substitute such other requirements as they think reasonable.

94. *Further restrictions on employment of children.*]—(1) The local education authority for elementary education, if they are satisfied by a report of the school medical officer or otherwise that any child is being employed in such a manner as to be prejudicial to his health or physical development, or to render him unfit to obtain the proper benefit from his education, may either prohibit, or attach such conditions as they think fit to, his employment in that or any other manner, notwithstanding that the employment may be authorised under the other provisions of this Act or any other enactment.

(2) It shall be the duty of the employer and the parent of any child who is in employment, if required by the local education authority, to furnish to the authority such information as to his employment as the authority may require, and, if the parent or employer fails to comply with any requirement of the local education authority or wilfully gives false information as to the employment, he shall be liable to a fine not exceeding forty shillings.

95. *Restriction on employment of children and young persons attending school.*]—No person—

(a) shall employ a child in such a manner as to prevent the child from attending school according to this Act and the byelaws made thereunder in force in the district in which the child resides; or

(b) having received notice of any prohibition or restriction as to the employment of a child issued under the last foregoing section of this Act, shall employ a child in such a manner as to contravene the prohibition or restriction; or

(c) shall employ a young person in such a manner as to prevent the young person attending a continuation school which he is required to attend under this Act; or

(d) shall employ a young person at any time when, in pursuance of any requirement issued under this Act in respect of that young person in connection with attendance at a continuation school, the employment of that young person must be suspended.

96. *Offences and penalties.*]—(1) If any person employs a child or young person in contravention of the foregoing provisions of this Part of this Act, or of any byelaw made thereunder, he shall be liable to a fine not exceeding forty shillings, or, in case of a second or subsequent offence, not exceeding five pounds.

(2) If any parent of a child or young person has conduced to the commission of the alleged offence by wilful default, or by habitually neglecting to exercise due care, he shall be liable to the like fine.

(3) If any person under the age of sixteen contravenes the provisions of any byelaw made under this Part of this Act, as to street trading, he shall be liable to a fine not exceeding twenty shillings, and in case of a second or subsequent offence, if a child under the age of fourteen, to be sent to an industrial school, and, if not such a child, to a fine not exceeding five pounds.

(4) In lieu of ordering a child to be sent under this section to an industrial school, a court of summary jurisdiction may order the child to be taken out of the charge or control of the person who actually has the charge or control of the child, and to be committed to the charge and control of some fit person who is willing to undertake the same until such child reaches the age of sixteen years, and the provisions of sections twenty-two and twenty-three of the Children Act, 1908, shall, with the necessary modifications, apply to any order for the disposal of a child made under this sub-section.

97. *Offences by agents and by parents.*]—(1) Where the offence of taking a child or young person into employment in contravention of the foregoing provisions of this Part of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a fine as if he were the employer.

(2) Where a child or young person is taken into employment in contravention of the foregoing provisions of this Part of this Act on the production by, or with the privity of, the parent of a false or forged certificate, or on the false representation of his parent, that the child or young person is of an age at which such employment is not in contravention of those provisions, that parent shall be liable to a fine not exceeding forty shillings.

(3) Where an employer is charged with an offence under the foregoing provisions of this Part of 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 com-

mission of the offence has been proved, the court is satisfied that the employer had used due diligence to comply with the said provisions, and that the other person had committed the offence in question without the employer's knowledge, consent, or connivance, the other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine.

(4) Where it is made to appear to the satisfaction of an inspector or other officer charged with the enforcement of this Part of this Act, at the time of discovering any such offence as aforesaid, that the employer had used all due diligence to enforce compliance with this Part of this Act, and also by what person the offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer, and in contravention of his order, then the inspector or officer shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

98. *Power of officer of local authority to enter place of employment.*]—(1) If it appear to any justice of the peace, on the complaint of an officer of the local education authority for elementary education acting under this Part of this Act, that there is reasonable cause to believe that a child or young person is employed in contravention of the foregoing provisions of this Part of this Act in any place, whether a building or not, the justice may by order under his hand empower an officer of the local education authority to enter such place at any reasonable time, within forty-eight hours from the date of the order, and examine such place and any person therein touching the employment of any child or young person therein.

(2) Any person refusing admission to an officer authorised by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable to a fine not exceeding twenty pounds.

99. *Limitation of Time.*]—An information for an offence under any of the foregoing provisions of this Part of this Act other than section ninety-four or ninety-five shall be laid within three months after the commission of the offence.

* * * * *

105. *General provisions as to byelaws.*]—(1) A byelaw made under this Part of this Act shall not have any effect until confirmed by the Secretary of State, and shall not be so confirmed until at least thirty days after the local education authority have published it in such manner as the Secretary of State may by general or special order direct.

(2) The Secretary of State shall, before confirming any byelaw, consider any objections to it which may be addressed to him by persons affected or likely to be affected thereby.

(3) The Secretary of State may, before confirming any byelaw, order that a local inquiry be held with respect to the byelaw or with respect to any objections thereto. The person holding any such inquiry shall receive such remuneration as the Secretary of

State may determine, and that remuneration and the expenses of the local inquiry shall be paid by the local education authority making the byelaw.

(4) Byelaws made under this Part of this Act may apply either to the whole of the area of the local education authority, or to any specified part thereof.

106. *Application of Part VIII. to city of London.*]—As respects the city of London the powers and duties of the local education authority for elementary education of carrying into effect this Part of this Act, except those under sections ninety-four and one hundred and one, shall be exercised and performed by the mayor, aldermen, and commons of that city in common council assembled, and any expenses incurred by them in carrying into effect this Part of this Act shall be defrayed out of the general rate.

* * * * *

108. *Savings.*]—(1) Nothing in this Part of this Act or in any byelaw made thereunder shall apply to the exercise of manual labour by any child under order of detention in a certified industrial or reformatory school, or by any child while receiving instruction in manual labour in any school.

(2) The provisions of this Part of this Act shall be in addition to any enactments relating to the employment of children and young persons in factories, workshops, mines and quarries, or for giving effect to any international convention regulating the employment of children and young persons.

Provisions as to Age.

135. *Certificates of birth for purposes of Act.*]—Where the age of any child or young person under the age of sixteen years is required to be ascertained or proved for the purposes of the provisions of this Act relating to elementary education, or for any purpose connected with the elementary education or employment in labour of the child or young person, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Minister of Health, and on payment of a fee of sixpence, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1901, of the birth of the child or young person; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

136. *Returns of registrars of births and deaths to local education authorities.*]—(1) Every registrar of births and deaths, when and as required by a local education authority for elementary education, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and births of children as may be specified in the requisition of the authority.

(2) The local education authority may supply a form, approved

by the Minister of Health, for the purpose of the return, and in that case the return shall be made in the form so supplied.

(3) The local education authority may pay, as part of their expenses, to the registrar making such return such fee as may be agreed upon between them and the registrar, not exceeding twopence for every birth and death entered in such return.

137. *Regulations as to certificates of age.*]—The Board of Education may by order make regulations with respect to certificates of age for the purposes of this Part of this Act, and those regulations shall be laid before Parliament as soon as may be after they are made, and shall be observed by the local education authority and the managers of certified efficient schools.

* * * * *

Legal Proceedings.

139. *Summary prosecution of proceedings under Act.*]—All offences and fines under this Act or the byelaws made thereunder shall be punishable and recoverable on summary conviction.

140. *Powers to enforce attendance of child before court.*]—Any justice of the peace may require by summons any parent or employer of a child or young person required by this Act, or by any byelaws, orders or other instruments made thereunder, to attend school, to produce the child or young person before a court of summary jurisdiction, and if any person fails without reasonable excuse to the satisfaction of the court to comply with the summons, he shall be liable in respect of each offence to a fine not exceeding twenty shillings.

141. *Proof of Age.*]—Where a child or young person is apparently of the age alleged for the purposes of any proceeding under this Act or a byelaw made thereunder, it shall lie on the defendant to prove that the child or young person is not of that age.

142. *Proof of attendance at school.*]—Where a local education authority are, by reason of the default of the managers or proprietor of an elementary or continuation school, unable to ascertain whether a child or young person, who is resident within the area of that authority and attends that school, attends school in conformity with this Act or any byelaws, orders or other instruments made thereunder, it shall lie on the defendant in any proceeding under this Act to show that the child or young person has attended school in conformity with this Act or with the said byelaws, orders or instruments.

143. *Certificate of teacher as to attendance.*]—A certificate purporting to be under the hand of the principal teacher of a public elementary school or continuation school, stating that a child or young person is or is not attending that school, or stating the particulars of the attendance of a child or young person at that

school, shall, in any proceeding under this Act or a byelaw made thereunder, be evidence of the facts stated in the certificate.

* * * * *

170. *Definition of special terms.*]—In this Act, unless the context otherwise requires,—

* * * * *

(12) The expression "parent" in relation to a child or young person includes guardian and every person who is liable to maintain or has the actual custody of the child or young person:

(13) The expression "child," except in relation to public school accommodation, means a child of any age up to the age when his parents cease to be under an obligation to cause him to receive efficient elementary instruction or to attend school under the enactments relating to elementary education and the byelaws made thereunder, and in any provisions referring to children attending public elementary schools it includes a child of any age who is attending any such school:

(14) The expression "young person" means a person under eighteen years of age who is no longer a child:

(18) The expressions "employ" and "employment" used in reference to a child or young person include employment in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or young person or to any other person:

172. *Repeal.*]—The enactments mentioned in the Seventh Schedule to this Act (*a*) are hereby repealed to the extent mentioned in the third column of that schedule, except so far as they relate to Scotland or Ireland:

Provided that—

(*e*) Nothing in this repeal shall affect the operation of subsection (3) of section three of the Employment of Children Act, 1903, or the other provisions of that Act so far as required for the enforcement of that subsection, in their application to children who at the commencement of this Act are employed in factories or workshops so long as they continue to be so employed.

(*a*) The Schedule includes the Employment of Children Act, 1903.

173. *Short title, extent and commencement.*]—(1) This Act may be cited as the Education Act, 1921.

(2) This Act shall not extend to Scotland or Ireland.

(3) This Act shall come into operation on the appointed day, and the appointed day shall be such day, not being earlier than the first day of January, nineteen hundred and twenty-two, as the Board of Education may appoint (*a*), and different days may be appointed for different purposes and for different provisions of this Act, for different areas or parts of areas and for different persons or classes of persons:

Provided that the appointed day for the purposes of the repeal of any particular enactment shall not be earlier than the day fixed as the appointed day for the coming into operation of the corresponding provisions of this Act.

(*a*) The Board appointed the 1st October, 1922.

THE 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 (*a*) years and not more than fourteen (*a*) 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 (*a*) years, or (2) who, being of the age of twelve (*a*) years and not more than fourteen (*a*) 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 (*b*), 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.

(*a*) **Twelve: Fourteen years.**—Now thirteen and fifteen years (Education (Scotland) Act, 1918, s. 14 (1)).

(*b*) 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."

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 (*a*) 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 (*a*), 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*) See note (*a*) to the preceding section.

THE EDUCATION (SCOTLAND) ACT, 1918.

(8 & 9 Geo. 5, c. 48.)

14. *Extension of school age.*]—(1) . . .

In sections two and three of the Education (Scotland) Act, 1901, and in section seven of the Education (Scotland) Act, 1908, the word "thirteen" shall be substituted for the word "twelve" and the word "fifteen" for the word "fourteen" respectively wherever those words occur in those sections, and the word "fifteenth" shall be substituted for the word "fourteenth" in subsection (3) of the said section seven.

* * * * *

15. *Continuation classes.*]—

[*The first five sub-sections of this section direct the Scotch education authorities to prepare schemes for the part-time instruction of young persons in continuation classes, such schemes to be approved by the Education Department.*]

(6) The obligation to attend continuation classes under any such scheme shall not apply to any young person who—

(i) is above the age of fourteen years on the appointed day; or

(ii)—(*a*) is in full-time attendance at a recognised primary, intermediate, or secondary school; or

(*b*) is shown to the satisfaction of the education authority to be receiving suitable and efficient instruction in some other manner; or

(iii)—(*a*) has been in full-time attendance at a recognised intermediate or secondary school until the close of the school session in which he has attained the age of seventeen years and is certified by the school authorities to have completed the post-intermediate course; or

(*b*) has attained the age of seventeen years and is shown to the satisfaction of the education authority to have completed a course of instruction equivalent in value to the post-intermediate course;

* * * * *

(7) Whenever a scheme has been approved by the Department, the education authority shall, in such manner as the Department may by order prescribe, require every young person to whom the obligation to attend continuation classes under such scheme applies to attend with due regularity for instruction in accordance with the scheme at such times and places as the education authority may appoint:

Provided that an education authority may, upon such conditions as they think fit, exempt any young person from the obligation to attend continuation classes where, after due inquiry, the authority are satisfied

that the circumstances justify such exemption, and the provisions of section three of the Education (Scotland) Act, 1901, relating to the keeping of a register and to the power of the Department, shall, with the necessary modifications, apply to exemptions granted under this provision:

(8) If it appears to an education authority that any young person of the age of fifteen years and upwards is neglecting or failing without reasonable excuse to comply with any such requirement of the authority, it shall be lawful for that authority after due warning to such young person and to his parent and employer (if any) to summon the young person, with or without his parent or employer, to appear before the authority at any meeting thereof, and to require from him or them every information and explanation respecting such neglect or failure; and if such young person or his parent or employer, or some person on his or their behalf, either does not appear, or appears and does not satisfy the authority that there is reasonable excuse for such neglect or failure, it shall be lawful for the authority to order in writing that such young person shall comply with such requirement, or with such other requirement as to attendance as the authority may direct. The authority shall cause a copy of any such order to be served by post on the young person to whom it relates and if the young person fails to comply with the order he shall be liable, on summary conviction, to a penalty not exceeding five shillings:

(9) Every employer of labour shall afford to every young person in his employment any opportunity necessary for attendance at continuation classes in accordance with the requirements of the education authority, including time for travelling, and the hours of employment of any young person when added to the time necessary for such attendance, including time for travelling, shall not in the aggregate exceed in any day or week, as the case may be, the period of employment permitted for such young person by any Act of Parliament.

Every employer who fails to afford the opportunity aforesaid, or who employs a young person contrary to the provisions of this subsection, shall be liable on summary conviction to a penalty not exceeding twenty shillings, or in case of a second or subsequent offence whether relating to the same or to another young person not exceeding five pounds, and every parent of a young person who has conduced to the commission of such an offence by an employer, or to the failure of such young person to observe any requirement of the education authority under this section, shall be liable on summary conviction to the like penalties:

* * * * *

(15) In this section the expression "young person" includes any person between the ages of fifteen and eighteen years and also any child under the age of fifteen years who has been exempted under the Education (Scotland) Act, 1901, from the obligation to attend school; the expressions "employ" and "employment" include employment in any labour exercised by way of trade or for purposes of gain whether the gain be to the young person or to any other person; and the expression "employer" includes a parent so employing his children.

16. *Amendment of Employment of Children Act,* 1903.]—The Employment of Children Act, 1903, so far as it relates to Scotland, shall be amended as follows:—

(1) For subsection (1) of section three the following subsection shall be substituted—

A child under the age of thirteen shall not be employed on any day on which he is required to attend school before the close of school hours on that day nor on any day before eight o'clock in the morning or after six o'clock in the evening, nor shall any child who is of the age of thirteen, be so employed unless he has been exempted under the Education (Scotland) Act, 1901, from the obligation to attend school:

Provided that any local authority may by byelaw vary these restrictions, either generally or for any specified occupation:

(2) For subsection (2) of section three the following subsection shall be substituted—

No child or young person under the age of seventeen shall be employed in street trading:

(3) To section fourteen the following definition shall be added:—

The expression "child" means a person under the age of fifteen years, and for the purposes of this Act a child attending school shall be deemed to attain that age on the date prescribed for terminating school attendance next succeeding the fifteenth anniversary of his birth:

(4) References to the Education (Scotland) Act, 1901, shall be construed as references to that Act as amended by this Act.

17. *School children not to be employed in factories, workshops, mines, or quarries.*]—No child or young person under the age of fifteen years who has not been exempted under the Education (Scotland) Act, 1901, from the obligation to attend school shall be employed—

(*a*) in any factory or workshop to which the Factory and Workshop Acts, 1901 to 1911, apply; or

(*b*) in any mine to which the Coal Mines Act, 1911, applies; or

(*c*) in any mine or quarry to which the Metalliferous Mines Regulation Acts, 1872 and 1875, apply;

unless such child or young person was lawfully so employed at the appointed day, and those Acts respectively shall have effect as respects Scotland as if this provision, so far as it relates to the subject matter thereof, were incorporated therein.

* * * * *

33. (1) This Act shall extend to Scotland only.

* * * * *

THE EMPLOYMENT OF CHILDREN ACT, 1903.

(3 Edw. 7, c. 45.)

(*This Act is entirely repealed by s.* 172 *of the Education Act*, 1921, *post, p.* 674, *except as regards Scotland and Ireland, and except as regards children employed in factories or workshops in England or Wales on the* 1*st October*, 1922. *But ss.* 5, 6, *and* 8, *and inferentially* (*as it is suggested*) *s.* 13, *are incorporated in the* Employment of Women, Young Persons and Children Act, 1920 (see p. 294, *ante*), *and are therefore printed here.*)

3. *General restrictions on employment of children.*]—(1) A child shall not be employed between the hours of nine in the evening and six in the morning: Provided that any local authority may, by byelaw, vary these hours either generally or for any specified occupation (*a*).

(2) A child under the age of eleven years shall not be employed in street trading.

(3) No child who is employed half-time under the Factory and Workshop Act, 1901, shall be employed in any other occupation.

(4) A child shall not be employed to lift, carry or move anything so heavy as to be likely to cause injury to the child.

(5) A child shall not be employed in any occupation likely to be injurious to his life, limb, health or education, regard being had to his physical condition.

(6) If the local authority send to the employer of any child a certificate, signed by a registered medical practitioner, that the lifting, carrying or moving of any specified weight is likely to cause injury to the child, or that any specified occupation is likely to be injurious to the life, limb, health or education of the child, the certificate shall be admissible as evidence in any subsequent proceedings against the employer in respect of the employment of the child.

This section is repealed by s. 172 of the Education Act, 1921, *post*, p. 674, except as regards Scotland and Ireland.

For definitions of "child," "employ" and "local authority," see s. 13, *post*, p. 681.

(*a*) This proviso does not apply to children employed in factories or workshops. See s. 9, *post*, p. 681.

5. *Offences and penalties.*]—(1) If any person employs (*a*) a child or other person under the age of sixteen in contravention of this Act or of any byelaw under this Act, he shall be liable on summary conviction to a fine not exceeding forty shillings or, in case of a second or subsequent offence, not exceeding five pounds (*b*).

(2) If any parent or guardian of a child or other person under the age of sixteen has conduced to the commission of the alleged offence by wilful default, or by habitually neglecting to exercise due care, he shall be liable on summary conviction to the like fine.

For definition of "guardian," see s. 13, *post*, p. 681.

(*a*) **Employment.**—In *Robinson* v. *Hill*, [1910] 1 K. B. 94; 73 J. P. 514; 79 L. J. K. B. 189; 101 L. T. 573; 26 T. L. R. 17; 7 L. G. R. 1065, a baker employed a vanman, who in his turn employed a child. This was no part of the arrangement with the baker. The vanman, without the knowledge of his master, employed the child after hours. *Held*, that there was no evidence of any employment of the child by the baker, and that he was entitled to be acquitted without charging the vanman under s. 6 (3), *infra*.

(*b*) **Additional remedies.**—A factory inspector may also stop the employment of the child under s. 67 of the Factory and Workshop Act, 1901, *ante*, p. 95.

6. *Offences by agents or workmen and by parents.*]—(1) Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

(2) Where a child is taken into employment in contravention of this Act on the production, by or with the privity of the parent, of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

(3) Where an employer is charged with any offence under 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 court is satisfied that the employer had used due diligence to comply with the provisions of the Act, and that the other person had committed the offence in question without the employer's knowledge, consent or connivance, the other person shall be summarily convicted of the offence, and the employer shall be exempt from any fine (*a*).

(4) When it is made to appear to the satisfaction of an inspector or other officer charged with the enforcement of this Act, at the time of discovery the offence, that the employer had used all due diligence to enforce compliance with this Act, and also by what person the offence had been committed, and also that it had been committed without the knowledge, consent or connivance of the employer and in contravention of his order, then the inspector or officer shall proceed against the person whom he believes to be the

actual offender in the first instance, without first proceeding against the employer.

(*a*) **Conviction of employer.**—But, apparently, the employer must be convicted unless he brings the actual offender to justice under this sub-section (*Ward* v. *W. H. Smith & Son, Limited*, [1913] 3 K. B. 154; 77 J. P. 370; 82 L. J. K. B. 941; 109 L. T. 439; 29 T. L. R. 536; 23 Cox C. C. 562; 11 L. G. R. 741).

7. *Limitation of time.*]—With respect to summary proceedings for offences and fines under this Act and any byelaws made thereunder, the information shall be laid within three months after the commission of the offence.

This section is repealed, except as regards Scotland and Ireland, by s. 172 of the Education Act, 1921, *post*, p. 633.

8. *Officer of Local Authority may be authorised by justice of the peace to enter place of employment.*]—If it appear to any justice of the peace, on the complaint of an officer of the local authority acting under this Act, that there is reasonable cause to believe that a child is employed in contravention of this Act in any place, whether a building or not, such justice may by order under his hand empower an officer of the local authority to enter such place at any reasonable time, within forty-eight hours from the date of the order, and examine such place and any person therein touching the employment of any child therein.

Any person refusing admission to an officer authorised by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction to a penalty not exceeding twenty pounds.

9. *Employment in factories.*]—Byelaws made under this Act shall not apply to any child above twelve employed in pursuance of the Factory and Workshop Act, 1901 (*a*), or the Metalliferous Mines Regulation Act, 1872, or the Coal Mines Regulation Act, 1887, so far as regards that employment; and, in the application of section three to children employed under those Acts, the inspectors appointed under those Acts shall be substituted for the local authority in respect of such employment.

This section is repealed, except as regards Scotland and Ireland, by s. 172 of the Education Act, 1921, *ante*, p. 674.

(*a*) **Employment in factories.**—This provision is not confined to factories and workshops, but extends to all places regulated by the Factory Act, such as docks, buildings, and laundries.

13. *Definitions.*]—In this Act—

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

The expression "guardian," used in reference to a child, includes any person who is liable to maintain or has the actual custody of the child:

The expressions "employ" and "employment," used in reference to a child, include employment in any labour exercised by way of trade or for the purposes of gain, whether the gain be to the child or to any other person:

The expression "local authority" means, in the case of the City of London, the mayor, aldermen and commons of that city in common council assembled, in the case of a municipal borough with a population, according to the census of nineteen hundred and one, of over ten thousand, the borough council, and in the case of any other urban district with a population, according to the census of nineteen hundred and one, of over twenty thousand, the district council, and elsewhere the county council.

This section is repealed, except as regards Scotland and Ireland, by s. 172 of the Education Act, 1921, *ante*, p. 674. But it is submitted that the words here defined still bear the same meanings as before.

14. *Application to Scotland.*]—In the application of this Act to Scotland—

(3) Any fine or penalty under this Act shall be recoverable by imprisonment in terms of the Summary Jurisdiction Acts:

(4) The expression "local authority," in sections one and three of this Act, shall mean the school board . . .:

(5) Nothing in this Act shall affect the power of the school board to grant exemptions in certain employments, as provided by sub-section three of section seven of the Education (Scotland) Act, 1878, and the expression "this Act" in the said section shall be deemed to include the Employment of Children Act, 1903:

(7) Nothing in this Act shall make it lawful for any child to be employed in contravention of section six of the Education (Scotland) Act, 1878, or section two of the Education (Scotland) Act, 1901 (*a*).

(*a*) *Ante*, p. 674.

16. *Application to Ireland.*]—In the application of this Act to Ireland—

(2) The expression "local authority" means, in the case of an urban district with a population, according to the census of nineteen hundred and one, of over five thousand, the district council, and elsewhere the county council:

18. *Short title.*]—This Act may be cited as the Employment of Children Act, 1903.

THE EMPLOYMENT OF WOMEN ACT, 1907.

(7 Edw. 7, c. 10.)

An Act to repeal section fifty-seven of the Factory and Workshop Act, 1901, and part of section seven of the Coal Mines Regulation Act, 1887, relating to the Employment of Women and Children.

[9th August 1907.]

1. *Repeal of certain provisions as to employment of women.*]—Section fifty-seven of the Factory and Workshop Act, 1901 (which relates to the employment of women in flax scutch mills), and [*certain other enactments not affecting factories or workshops*], are hereby repealed.

2. *Short title.*]—This Act may be cited as the Employment of Women Act, 1907.

THE EXPLOSIVES ACT, 1875.

(38 & 39 Vict. c. 17.)

63. Whenever there occurs any accident by explosion or by fire in or about or in connection 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 connection with any carriage, ship, or boat, either conveying an explosive, or on or from which an explosive is being loaded or unloaded, there occurs any accident by explosion or by fire causing loss of life or personal injury, or if the amount of explosive conveyed or being so loaded or unloaded exceeds in the case of gunpowder half a ton, and in the case of any other explosive the prescribed amount (*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.

THE 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 could be held, and new regulations made, under the present Act. This has been done; and all the Special Rules are now superseded. The Acts of* 1891 *and* 1895 *therefore appear to be obsolete, but as they have never been repealed they are printed here.*]

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 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 (*a*).

(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*) *Infra.*

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 cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

12. If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

13. The decision of every umpire on the matters referred to him shall be final.

14. If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

15. Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

16. The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.

17. The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a Master of the Supreme Court, or, in Scotland, by the auditor

of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under the principal Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of non-payment be recovered in the same manner as fines under the principal Act.

THE FACTORY AND WORKSHOP ACT, 1895.

(58 & 59 Vict. c. 37.)

[*See preliminary note to Act of* 1891, *supra*, *p.* 684.]

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 sufficient to provide for the costs of and consequential on the application, appoint any person to represent the workmen, or any class of them, on the arbitration, and any person so appointed shall be entitled to attend and take part in the proceedings of the arbitration either in person or by his counsel, solicitor, or agent to such extent and in such manner as the arbitrators or umpire may direct, and shall be subject to the same liability with respect to such costs as aforesaid as if he were a party to the arbitration.

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.

THE 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 water-closets earth-closets or privies and ashpits for the separate use of each sex.

Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds and to a further penalty not exceeding forty shillings for every day during which the default is continued.

Failure to make adequate provision as above required is also an offence punishable under s. 9 of the Factory Act, 1901. See p. 24, *ante*.

Note that this section is repealed as regards places where s. 22 of the Act of 1890 (*infra*) is in force.

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 (*f*) to s. 2 of the Factory Act, 1901, *ante*, p. 17.

THE 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 (*f*) to s. 2 of the Factory Act, 1901, *ante*, p. 17.

THE 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, earth-closet, water-closet, urinal, or other nuisance, or

(ii) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or

(iii) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein,

shall be nuisances liable to be dealt with summarily under this Act.

(2) Provided that—

(i) Any accumulation or deposit necessary for the effectual carrying on of any business or manufacture shall not be punishable as a nuisance under this section, if it is proved to the satisfaction of the court that the accumulation or deposit has not been kept longer than is necessary for the purposes of the business or manufacture, and that the best available means have been taken for preventing injury thereby to the public health; and

(ii) in considering whether any dwelling-house or part of a dwelling-house which is used 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. 16.

25. *Limewashing 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 limewashing, 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. 122—124, and p. 200, *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 (*d*) to s. 9 of the Factory Act, 1901, *ante*, p. 25.

THE QUARRIES ACT, 1894.

(57 & 58 Vict. c. 42.)

An Act to provide for the better Regulation of Quarries.

[25th August 1894.]

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 s. 20 of the Act of 1901, and s. 4 of the Notice of Accidents Act, 1906.

(*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.

THE WHITE PHOSPHORUS MATCHES PROHIBITION ACT, 1908.

(8 Edw. 7, c. 42.)

An Act to prohibit the Manufacture, Sale, and Importation of Matches made with White Phosphorus, and for other purposes in connection therewith. [21st December 1908.]

1. *Prohibition of use of white phosphorus in manufacture of matches.*]—(1) It shall not be lawful for any person to use white phosphorus in the manufacture of matches, and any factory in which white phosphorus is so used shall be deemed to be a factory not kept in conformity with the Factory and Workshop Act, 1901 (*a*), and that Act shall apply accordingly.

(2) The occupier of any factory in which the manufacture of matches is carried on shall allow an inspector under the Factory and Workshop Act, 1901, at any time to take for analysis sufficient samples of any material in use or mixed for use, and, if he refuses to do so, shall be guilty of obstructing the inspector in the execution of his duties under that Act (*b*).

Provided that the occupier may, at the time when the sample is taken, and on providing the necessary appliances, require the inspector to divide the sample so taken into two parts and to mark, seal, and deliver to him one part.

(*a*) For penalty, see s. 135 of that Act, *ante*, p. 200.
(*b*) For penalty, see s. 119 (4) of that Act, *ante*, p. 188.

2. *Prohibition of sale.*]—It shall not be lawful for any person to sell or to offer or expose for sale or to have in his possession for the purposes of sale any matches made with white phosphorus, and, if any person contravenes the provisions of this section, he may on complaint to a court of summary jurisdiction be ordered to forfeit any such matches in his possession, and any matches so forfeited shall be destroyed or otherwise dealt with as the court may think fit, but this provision shall not come into operation as respects any retail dealer until the first day of January, nineteen hundred and eleven.

3. *Prohibition of importation.*]—It shall not be lawful to import into the United Kingdom matches made with white phosphorus, and matches so made shall be included amongst the goods enumerated and described in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876.

4. *Compulsory licence to use patents.*]—(1) Any person who is manufacturing or proposing to manufacture matches by way of trade may present a petition to the Board of Trade, praying for the grant of a compulsory licence to use any process patented at the passing of this Act for the manufacture of matches without white

phosphorus, other than matches intended to strike only on a surface specially prepared for the purpose.

(2) The Board of Trade, after considering any representations that may be made by the patentee as defined by the Patents and Designs Act, 1907, and any person claiming an interest in the patent as exclusive licensee or otherwise, and, after consultation with the Secretary of State, may order the patentee to grant a licence to the petitioner on such terms as the Board may think just. The provisions of the Board of Trade Arbitrations, &c., Act, 1874, shall apply to proceedings under this section as if this Act were a special Act within the meaning of that Act.

(3) An order of the Board directing the grant of a licence under this section shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting a licence and made between the petitioner and the patentee and such other persons claiming an interest in the patent as aforesaid.

5. *Short title, commencement, and construction.*]—(1) This Act may be cited as the White Phosphorus Matches Prohibition Act, 1908, and shall, except as otherwise expressly provided, come into operation on the first day of January, nineteen hundred and ten.

(2) For the purposes of this Act the expression "white phosphorus" means the substance usually known as white or yellow phosphorus.

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