10. Nothing herein contained shall legalise any act or default that would, but for this Act, be deemed to be a nuisance, or otherwise be contrary to law, or deprive any person of any remedy by action, suit, indictment, or otherwise to which he would have been entitled if this Act had not passed. Saving as to general law.

CHAPTER 44.

An Act to make better provision for improving the health of women, young persons, and children employed in manufactures, and the education of such children, and otherwise to amend the Factory Acts. [30th July 1874.]

WHEREAS it is expedient to make better provision for improving the health of women, young persons, and children employed in manufactures, and the education of such children, and otherwise to amend the Factory Acts:

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

Preliminary.

1. This Act may be cited as the Factory Act, 1874, and together with the Factory Acts, 1833 to 1871, may be cited as the Factory Acts, 1833 to 1874. Short title.

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-five, which day is in this Act referred to as the commencement of this Act. Commencement of Act.

Hours of Employment and Refreshment.

3. The period during which a child, young person, or woman may be employed in a factory to which this Act applies, shall be either the period between the hours of six in the morning and six in the afternoon, or the period between the hours of seven in the morning and seven in the afternoon. Period for employment of children, young persons, and women.

4. In every factory to which this Act applies, and in which the period of employment is between the hours of six in the morning and six in the afternoon, the following regulations shall be observed: Hours of employment of children, young persons, and women in factory where period from 6 a.m. to 6 p.m.

(1.) A child, young person, or woman shall not be employed except between those hours; and

(2.) A child, young person, or woman shall not be employed continuously for more than four hours and a half without an interval of at least half an hour for a meal; and

(3.) There shall be allowed between the hours of six in the morning and six in the afternoon on every day except Saturday two hours for meals, and of such time one hour at the least shall be before three o'clock in the afternoon; and

(4.) A child, young person, or woman shall not on Saturday,

(*a.*) If not less than one hour is allowed for meals on that day, be employed in any manufacturing process after one o'clock in the afternoon, or for any purpose whatever after half-past one o'clock in the afternoon; and

(*b.*) If less than one hour is allowed for meals on that day, be employed in any manufacturing process after half an hour after noon, or for any purpose whatever after one o'clock in the afternoon.

5. In every factory to which this Act applies, and in which the period of employment is between the hours of seven in the morning and seven in the afternoon, the following regulations shall be observed: Hours of employment of children, young persons, and women in factory where

(1.) A child, young person, or woman shall not be employed except between those hours; and

period from 7 a.m. to 7 p.m.

(2.) A child, young person, or woman shall not be employed continuously for more than four hours and a half without an interval of at least half an hour for a meal; and

(3.) There shall be allowed between the hours of seven in the morning and seven in the afternoon on every day except Saturday two hours for meals, and of such time one hour at the least shall be before three o'clock in the afternoon; and

(4.) A child, young person, or woman shall not be employed on Saturday in any manufacturing process after half-past one o'clock in the afternoon, or for any purpose whatever after two o'clock in the afternoon.

Employment of children in morning and afternoon sets, or on alternate days.

6. In a factory to which this Act applies, the children may be employed either in morning and afternoon sets, or for the whole day on alternate days, and the following regulations shall be observed:

(1.) Where the children are employed in morning and afternoon sets:

(*a.*) A child who on any day except Saturday is employed before noon, shall not on the same day be employed after one o'clock in the afternoon, or if the hour of dinner be before one o'clock, after such hour of dinner; and

(*b.*) A child shall not be employed on Saturday in two successive weeks, nor on Saturday in any week if on any other day in the same week he has been employed for more than five hours; and

7 & 8 Vict. c. 15. s. 38.

(*c.*) A child employed in the factory shall attend school in manner directed by section thirty-eight of the Factory Act, 1844; and the provisions of that Act with respect to such attendance and certificates thereof shall apply accordingly; and

(2.) Where the children are employed on alternate days:

(*a.*) A child may be employed during the same hours, and with the same hours for meals, as young persons and women in a factory; and

(*b.*) A child shall not be employed in any manner on two successive days; and

7 & 8 Vict. c. 15. s. 31.

(*c.*) A child employed in the factory shall attend school in manner directed by section thirty-one of the Factory Act, 1844; and the provisions of that Act with respect to such attendance and certificates thereof shall apply accordingly.

Hours of meals to be simultaneous.

7. In a factory to which this Act applies, all children, young persons, and women in the factory shall have the time allowed them for meals at the same time of the day, unless some alteration for special cause be allowed in writing by an inspector.

Employment during meal times forbidden.

8. In a factory to which this Act applies, a child, young person, or woman shall not during any part of the time allowed for any meal be employed in the factory, or allowed to remain in any room in which any manufacturing process is being carried on, and any child, young person, or woman so employed or allowed so to remain shall be deemed to be employed in contravention of the provisions of this Act.

Notices of hours of employment and mode of employment of children.

9. The notice of the times of the day for meals required by section twenty-eight of the Factory Act, 1844, to be hung up in the factory shall, in every factory to which this Act applies, specify the hours between which the period of employment in such factory is fixed, and whether children in such factory are to be employed in morning and afternoon sets, or on alternate days.

The period of employment in the factory shall be deemed to be between the hours specified in such notice, and all the children in the factory shall be employed either in sets or on alternate days as may be specified in such notice.

A change in such hours, or in the mode of employment of the children, shall not be made until after the occupier of the factory has sent written notice of his intention to make such change to the inspector or sub-inspector of the district in which the factory is situate, and shall not be made oftener than once a quarter, unless for special cause, allowed in writing by an inspector.

10. Until the first day of January one thousand eight hundred and seventy-six, children, young persons, and women may be employed in a factory to which this Act applies in the recovery of lost time in pursuance of the Factory Acts, 1833 to 1856, but after the said first day of January one thousand eight hundred and seventy-six, in a factory to which this Act applies, a child, young person, or woman shall not be employed in the recovery of lost time in pursuance of the Factory Acts, 1833 to 1856, or any of them, during any hours during which they cannot be employed in pursuance of the other provisions of this Act.

Abolition of recovery of lost time under 7 & 8 Vict. c. 15. ss. 33 and 34.

11. Nothing in this Act shall prevent the employment of youths in lace factories, in manner provided by section two of the Lace Factories Act, 1861:

Provided that where the period of employment in the factory is between the hours of seven in the morning and seven in the afternoon, those hours shall be substituted in that section for the hours of six in the morning and six in the afternoon respectively.

Saving as to youths in lace factories. 24 & 25 Vict. c. 117. s. 2.

Age of Children.

12. After the first day of January one thousand eight hundred and seventy-six, for the purpose of this Act and of the Factory Acts, 1833 to 1856, in the case of a factory to which this Act applies, a person of the age of thirteen years and under the age of fourteen years shall be deemed to be a child, and not a young person, unless he has obtained from a person authorised by the authority herein-after mentioned a certificate of having attained such standard of proficiency in reading, writing, and arithmetic as may be from time to time prescribed for the purposes of this Act by that authority: Provided that any such person who previously to the first day of January one thousand eight hundred and seventy-six is lawfully employed in any such factory as a young person, may continue to be so employed in like manner as if this section had not been enacted.

Extension of age of child to 14, unless educational certificate obtained.

The authority for the purposes of this section shall be—

(*a.*) In England the Lords of the Committee of the Privy Council on Education;

(*b.*) In Scotland the Lords of any Committee of the Privy Council appointed by Her Majesty on education in Scotland; and

(*c.*) In Ireland, the Lord Lieutenant of Ireland, with the advice of his Privy Council.

The standard of proficiency so prescribed shall be published in the London, Edinburgh, or Dublin Gazette, according as it is prescribed by the authority in England, Scotland, or Ireland, and shall not have effect until the expiration of at least six months after such publication.

13. In a factory to which this Act applies a child shall not be employed—

(*a.*) During the year one thousand eight hundred and seventy-five if he is under the age of nine years; or,

(*b.*) After the expiration of that year if he is under the age of ten years.

Employment of children under nine or ten in factories.

Provided that any child who previously to the commencement of the year one thousand eight hundred and seventy-five is lawfully employed in any such factory as a child under the age of nine years, and any child who previously to the commencement of the year one thousand eight hundred and seventy-six is lawfully employed in any factory as a child under the age of ten years may continue to be employed in any factory in like manner as if this section had not been enacted.

14. The enactments of the Factory Act, 1850, or any previous Act, which authorise the employment of any child in the silk manufacture during longer hours than those authorised in the case of a child in any other factory to which this Act applies, shall be repealed as from the commencement of this Act.

Employment of children in silk works. 13 & 14 Vict. c. 54. s. 7.

Provided that—

(1.) A child of the age of eleven and under the age of twelve years may be employed in the winding and throwing of raw silk during one year after the commencement of this Act in like manner as if such child were a young person; and

(2.) A child of the age of twelve and under the age of thirteen years may be employed in the winding and throwing of raw silk during two years after the

commencement of this Act in like manner as if such child were a young person; and

(3.) Any child who immediately preceding the expiration of two years after the commencement of this Act is lawfully employed in the winding and throwing of raw silk as if he were a young person, may continue to be so employed in like manner as if this section had not been enacted.

Supplemental.

Education of children to be in efficient school.

15. After the first day of January one thousand eight hundred and seventy-six attendance at a school in England which is not for the time being recognised by the Education Department as giving efficient elementary education shall not in the case of a child employed in a factory to which this Act applies be deemed to be attendance at a school within the meaning of this Act or the Factory Act, 1844: Provided that,

(1.) This section shall not apply to a school in any school district within the meaning of the Elementary Education Act, 1870, which has not been declared by the Education Department to be sufficiently provided with public school accommodation within the meaning of that Act:

(2.) This section shall not apply where there is not a school so recognised within the distance of two miles from the factory in which the child is employed.

The Education Department shall make such declaration as above mentioned with respect to every school district which they are satisfied is supplied with sufficient public school accommodation, and shall from time to time publish, in such manner as they think sufficient to give information to all persons interested, lists of the schools for the time being recognised by them as giving efficient elementary education.

This section shall apply to Scotland in like manner as if it were enacted with the substitution of "Scotch Education Department" for "Education Department," of "parish " or burgh" for "school district," and of "such school accommodation as is mentioned in " sections twenty-seven and twenty-eight of the Education (Scotland) Act, 1872," for " public school accommodation."

Penalty for wrongful employment and breach of Act.

16. Any child, young person, or woman who is employed in contravention of the provisions of this Act shall be deemed to be employed in manner contrary to the provisions of the Factory Act, 1833, as amended by the Factory Act, 1844, and any contravention of or failure to comply with the provisions of this Act shall be deemed to be an offence against the Factory Act, 1833, as amended by the Factory Act, 1844, and all the provisions of the Factory Act, 1844, relating to offences, and penalties for offences, shall, as amended by the Factory and Workshop Act, 1871, apply accordingly.

Amendment of 34 & 35 Vict. c 104. s. 9. as to recovery of penalties in Scotland.

17. Section nine of the Factory and Workshop Act, 1871 (which section applies to the recovery of penalties in Scotland only), shall, for the purposes as well of the Acts in this section mentioned as of this Act, be construed as if it contained the following additional provisions; that is to say,

(1.) It shall be no objection to the competency of any inspector or sub-inspector to give evidence as a witness in any prosecution for offences under the Factory Acts, 1833 to 1871, or the Workshop Acts, 1867 to 1871, or any of them, that such prosecution is brought at the instance of such inspector or sub-inspector:

(2.) Every person convicted of an offence under the Factory Acts, 1833 to 1871, or the Workshop Acts, 1867 to 1871, or any of them, shall be liable in the reasonable costs and charges of such conviction.

Alteration of forms.

18. One of Her Majesty's Principal Secretaries of State may direct the forms contained in the schedules to the Factory Act, 1844, and the Lace Factories Act, 1861, and the abstract mentioned in section twenty-eight of the former Act, to be modified in such manner as appears to him necessary for bringing the same into conformity with this Act, and the forms and abstract as so modified shall be sufficient in law.

19. In this Act— Definitions:

The expression "the Factory Acts, 1833 to 1856," means such provisions as are not repealed by this or any other Act of the Acts following; namely, "Factory Acts, 1833-1856."

The Factory Act, 1833; 3 & 4 W. 4. c. 103.

The Factory Act, 1844, as amended by the Ropeworks Act, 1846; and 7 & 8 Vict. c. 15.

The Factory Act, 1856. 19 & 20 Vict. c. 38.

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

Other expressions in this Act shall, so far as is consistent with the tenor of this Act, have the same meanings as they have in the Factory Act, 1844.

The Act of the session of the ninth and tenth years of the reign of Her present Majesty, chapter forty, intituled "An Act to declare certain ropeworks not within "the operation of the Factory Acts," is in this Act referred to and may henceforth be cited as the Ropeworks Act, 1846. "Ropeworks Act."

The Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter one hundred and seventeen, intituled "An Act to place "the employment of women, young persons, youths, and children in lace factories "under the regulations of the Factories Acts," is in this Act referred to and may henceforth be cited as the Lace Factory Act, 1861. "Laceworks Act."

20. This Act shall apply to the following factories; namely, Factory to which the Act applies defined.

A factory as defined by the Factory Acts, 1833 to 1856;

A lace factory as defined by the Lace Factory Act, 1861.

And the expression "factory to which this Act applies" shall in this Act mean only the factories above in this section mentioned.

21. The Acts specified in the schedule to this Act are hereby repealed, from and after the commencement of this Act, to the extent specified in the third column of that schedule. Repeal of Acts in schedule.

Provided that this repeal shall not affect—

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

(*b.*) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed; or

(*c.*) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

(*d.*) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

SCHEDULE.

A description or citation of a portion of an Act is inclusive of the words, section, or other part first or last mentioned, or otherwise referred to as forming the beginning or as forming the end of the portion comprised in the description or citation.

Portions of Acts which have already been specifically repealed are in some instances included in the repeal in this schedule, in order to preclude henceforth the necessity of looking back to previous Acts.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
& 4 Will. 4. c. 103.	An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom.	Sections three, five, and six, so far as they relate to factories to which this Act applies, and the whole of the remainder of the Act, except the following portions, namely— So much of section one as defines "night," section nine, section eleven, down to "remain "in any factory or mill," and from "any "child who shall not have completed his or her "thirteenth year" to the end of the section;

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
3 & 4 Will. 4. c. 103.—*cont.*		section twelve, section fourteen, section sixteen, section seventeen, section eighteen from "all registers, books, entries," down to "such "copy as they may think proper;" section nineteen down to "under the authority "thereof;" so much of section twenty-eight as relates to forgery; section forty-five, section forty-nine, and section fifty.
4 & 5 Will. 4. c. 1. -	An Act to explain and amend an Act of the last session of Parliament, for regulating the labour of children and young persons in the mills and factories of the United Kingdom.	The whole Act.
7 & 8 Vict. c. 15. -	An Act to amend the laws relating to labour in factories.	Section twenty-nine, section thirty, section thirty-one down to "afternoon of any Satur- "day, provided always that," and from "but "it shall not be lawful to employ any child" to the end of the section; section thirty-three; section thirty-four; and section thirty-six, so far as the above sections and parts of sections relate to factories to which this Act applies, and also section one, section two down to "as herein-after mentioned and "that;" section fourteen down to "continue "in the same factory, but;" section eighteen down to "herein-after provided and that;" section twenty-six from "shall be reckoned" down to "in such factory and;" section thirty-five, section forty, section seventy-four, and Schedule D.
10 & 11 Vict. c. 29. -	An Act to limit the hours of labour of young persons and females in factories.	The whole Act.
13 & 14 Vict. c. 54. -	An Act to amend the Acts relating to labour in factories.	Sections one, three to six, eight and nine, so far as those sections relate to factories to which this Act applies, and the whole of the remainder of the Act.
16 & 17 Vict. c. 104. -	An Act further to regulate the employment of children in factories.	The whole Act, so far as it relates to factories to which this Act applies.
27 & 28 Vict. c. 48. -	The Factory Acts Extension Act, 1864.	So far as it incorporates any enactment which is wholly repealed by this Act.
30 & 31 Vict. c. 103. -	The Factory Acts Extension Act, 1867.	So far as it incorporates any enactment which is wholly repealed by this Act.
33 & 34 Vict. c. 62. -	The Factory and Workshop Act, 1870.	So far as it incorporates any enactment which is wholly repealed by this Act.

CHAPTER 45.

An Act for altering the Boundaries between the Liberty of St. Alban and the rest of the County of Hertford; and for making better provision for the Transaction of County Business, and the Administration of Justice at Quarter Sessions in that County. [30th July 1874.]

WHEREAS the antient Liberty of Saint Alban in the county of Hertford has a separate commission of the peace and other privileges, franchises, and jurisdictions; but it is now expedient that there be one commission of the peace for the whole county of Hertford, the county being nevertheless formed into two divisions, with a view to the better transaction of public business and the administration of justice at quarter sessions,