CHAP. 104.

An Act to amend the Acts relating to Factories and Workshops. [21st August 1871.]

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WHEREAS it is expedient to provide for the enforcement of the Workshop Regulation Act, 1867, by inspectors of factories, and to amend the Acts relating to factories and workshops:

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

Short title.

1. This Act may be cited as "The Factory and Workshop Act, 1871."

Construction of Act. 30 & 31 Vict. c. 146. 33 & 34 Vict. c. 62.

2. This Act and the Workshop Regulation Act, 1867, and the Factory and Workshop Act, 1870, and the Act of the present session, chapter nineteen, intituled "An Act for exempting persons "professing the Jewish religion from penalties in respect of young "persons and females professing the said religion working on "Sundays," (which Act may be cited as the Factory and Workshop (Jews) Act, 1871,) so far as they relate to workshops, shall be construed together as one Act, and may be cited as the Workshop Acts, 1867 to 1871.

30 & 31 Vict. c. 103. 27 & 28 Vict. c. 48.

This Act and the Factory Acts as defined by the Factory Act Extension Act, 1867, and the Factory Act Extension Act, 1864, and the Factory Act Extension Act, 1867, and the Factory and Workshop Act, 1870, and the Factory and Workshop (Jews) Act, 1871, so far as they relate to factories, shall be construed together as one Act, and may be cited as the Factory Acts, 1833 to 1871.

Duties of inspectors of factories to enforce 30 & 31 Vict. c. 146.

3. After the passing of this Act, it shall cease to be the duty of the local authority to enforce the provisions of the Workshop Acts, 1867 to 1871, and it shall be the duty of the inspectors and sub-inspectors of factories to enforce the provisions of those Acts, and such inspectors and sub-inspectors shall make the like

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reports with respect to workshops as are made by them with respect to factories, but not any further or other reports.

Exemption of curing fish from Factory and Workshop Acts.

4. Whereas upon the arrival of boats with fish it is necessary, for the purpose of preventing such fish from being spoiled, to employ persons in gutting, salting, and packing such fish upon the arrival of such boats: Be it enacted, nothing in the Factory Acts, 1833 to 1871, or in the Workshop Acts, 1867 to 1871, shall extend to the process of gutting, salting, and packing fish immediately upon its arrival in the fishing boats.

Restriction as to employment of children, young persons, and women in the manufacture of bricks and tiles.

5. After the first day of January one thousand eight hundred and seventy-two, no female under the age of sixteen years, and no child under the age of ten years, shall be employed in the manufacture of bricks and tiles, not being ornamental tiles, and any female or child who is employed in contravention of this section shall be deemed to be employed in manner contrary to the provisions of the Factory Acts, 1833 to 1871, and the Workshop Acts, 1867 to 1871.

Modifications as regards certain trades.

6. The Factory Acts, 1833 to 1871, and the Workshop Acts, 1867 to 1871, shall be construed as if there were contained in the schedules to the Factory Acts Extension Act, 1867, and the Workshop Regulation Act, 1867, respectively, the permanent modifications contained in the first schedule to this Act.

Notices of accidents.

7. The accidents of which notice is required to be given in a factory shall be the following accidents only; that is to say,

(*a.*) Any accident which causes loss of life to any person employed in the factory; and

(*b.*) Any accident which causes bodily injury to any person employed in the factory, and is produced by machinery or by explosion or escape of gas or steam or metal, and is of such a nature as to prevent the person injured by it from returning to his work in the factory within forty-eight hours after the occurrence of the accident.

Recovery and application of penalties.

8. All offences and penalties under the Factory Acts, 1833 to 1871, including penalties under special rules, may be prosecuted and recovered summarily in like manner as offences and penalties under the Workshop Acts, 1867 to 1871.

Penalties to be paid into Exchequer.

All penalties imposed in pursuance of the Factory Acts, 1833 to 1871, or the Workshop Acts, 1867 to 1871, shall be paid into the receipt of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund.

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Recovery of penalties in Scotland.

9. In the application of the Factory Acts, 1833 to 1871, and the Workshop Acts, 1867 to 1871, to Scotland, the following enactments shall have effect:

1. "The court" when hearing and determining an information, complaint, or other proceeding under those Acts shall be constituted either of two or more justices of the peace, sitting as judges in a justice of the peace court, or of one of the magistrates herein-after mentioned sitting alone or with others at some court or other place appointed for the administration of justice; that is to say, the sheriff of the county or his substitute, or the provost or other magistrate of a royal burgh, or some other officer or officers for the time being empowered by law to do alone or with others any act authorised to be done by more than one justice of the peace:
2. All offences under those Acts shall be prosecuted and all penalties under those Acts shall be recovered at the instance of the inspector or sub-inspector of factories for the district, before the court, under the provisions of "The Summary Procedure Act, 1864:"
3. The court may make orders under those Acts on petition by such inspector or sub-inspector, presented in common form:
4. All penalties under those Acts, in default of payment, and all orders made under those Acts failing compliance, may be enforced by imprisonment for a term to be specified in the judgment or sentence of the Court, but not exceeding three calendar months:
5. All penalties imposed and recovered under those Acts shall be paid to the clerk of the court, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund:
6. All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs and their substitutes, the provost and magistrates of royal burghs, and on justices of the peace.

Public establishments to be subject to Act.

10. An establishment shall not be exempted from the Factory Acts, 1833–1871, or the Workshop Acts, 1867–1871, by reason that it belongs to the Crown, or the articles manufactured therein, being the property of the Crown, are not intended for sale.

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Provided that in case of any public emergency it shall be lawful for one of Her Majesty's Principal Secretaries of State by order to exempt any such establishment from any of the provisions of the said Acts during such period as may be prescribed in such order.

Repeal.

11. The Acts mentioned in the second schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned; provided that this repeal shall not affect anything done or suffered, or any prosecution or other proceeding commenced, before the passing of this Act, under any enactment hereby repealed, or the payment of any expenses incurred, or the levying of any rate for the purpose of paying any expenses incurred, before the passing of this Act, under any enactment hereby repealed.

FIRST SCHEDULE.

PERMANENT MODIFICATION.

(1.) Where it is shown to one of Her Majesty's Principal Secretaries of State, with respect to any factory or workshop or class of factories or workshops, that by reason of the nature of the business depending on the weather or on the seasons of the year, it is necessary to employ young persons of fourteen years of age and upwards and women at certain times of the year for a longer period than is allowed by the Factory Acts Extension Act, 1864, or the Factory Acts Extension Act, 1867, or the Workshop Regulation Act, 1867, (as the case may be,) such Secretary of State may from time to time, by order to be advertised in the London Gazette or otherwise published in such manner as he may think fit, give permission that in the case of such factory or workshop or class of factories or workshops young persons of fourteen years of age and upwards and women may be employed for a period not exceeding fourteen hours in any one day:

Provided that—

1st. They shall not be so employed except between the hours of six in the morning and eight in the evening, or, where permission has been given by the Secretary of State to work between the hours of seven in the morning and seven in the evening or of eight in the morning and eight in the evening, then except between the hours of seven in the morning and nine in the evening, or eight in the morning and ten in the evening, as the case may be:

2nd. In addition to the time allowed for meals they shall be allowed half an hour for a meal after the hour of five in the evening:

3rd. They shall not be so employed for more than ninety-six days in any period of twelve months, or for more than five consecutive days in any one week.

Where it is shown to one of Her Majesty's Principal Secretaries of State, with respect to the manufacture of bricks and tiles, other than ornamental tiles, that by reason of the nature of such manufacture it is necessary to employ male young persons of the age of fourteen years and upwards, and women, at certain times of the year, for a longer period than is allowed by the Factory Acts Extension Act, 1867, or the Workshop Regulation Act, 1867, as the case may be, such Secretary of State may, from time to time, by order to be advertised in the London Gazette, or otherwise published in such manner as he may think fit, give permission that in the case of the factories and workshops in which such manufacture is carried on, or in such of them as may be mentioned in the order, male young persons of fourteen years of age and upwards, and women, may be employed between the thirty-first day of March

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and the first day of the following October, in any year, for a period not exceeding fourteen hours in any one day:

Provided that—

1st. They shall not be so employed except between the hours of six in the morning and eight in the evening:

2d. In addition to the time allowed for meals they shall be allowed half an hour for a meal after the hour of five in the evening:

3d. They shall not be so employed for more than three days in any one week.

(2.) Any order made by one of Her Majesty's Principal Secretaries of State, in pursuance of any of the permanent modifications contained in any of the Factory Acts, 1833 to 1871, or in any of the Workshop Acts, 1867 to 1871, shall be in force for such time and during such periods only as may be specified in such order.

SECOND SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.
7 & 8 Vict. c. 15. -	An Act to amend the Laws relating to Labour in Factories.	Sections forty-five to fifty, both inclusive; and sections sixty-six and sixty-eight.
11 & 12 Vict. c. 43. -	An Act to facilitate the performance of the duties of Justices of the peace out of Sessions within England and Wales with respect to Summary Convictions and Orders.	The following words in section thirty-five: "nor shall anything in this Act extend to any proceedings under the Acts of Parliament regulating or otherwise relating to the labour of children and young persons in mills or factories."
27 & 28 Vict. c. 48. -	The Factory Acts Extension Act, 1864.	Section seven down to the words "Factory Acts and."
30 & 31 Vict. c. 146. -	The Workshop Regulation Act, 1867.	Section nine; section ten from "provided that he report" down to "half-yearly report," both inclusive; the following words in section twelve, namely, "as to Scotland in manner directed by the Summary Procedure Act, 1864," and the last paragraph from the words "the court imposing any penalty" down to the end of that section; sections thirteen and eighteen; the second schedule; and so much of the remainder of the Act as relates to any local authority.

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