CHAPTER 16.

An Act to consolidate and amend the Law relating to Factories and Workshops. [27th May 1878.]

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.

Short title.

1. This Act may be cited as the Factory and Workshop Act, 1878.

Commencement of Act.

2. This Act shall come into operation on the first day of January one thousand eight hundred and seventy-nine, which day is in this Act referred to as the commencement of this Act: Provided that at any time after the passing of this Act, any appointment, regulation, or order may be made, any notice issued, form prescribed, and act done which appears to a Secretary of State necessary or proper to be made, issued, prescribed, or done for the purpose of bringing this Act into operation at the commencement thereof.

PART I.

GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

(1.) *Sanitary Provisions.*

Sanitary condition of factory and workshop.

3. A factory and a workshop shall be kept in a cleanly state and free from effluvia arising from any drain, privy, or other nuisance.

A factory or workshop shall not be so overcrowded while work is carried on therein as to be injurious to the health of the persons employed therein, and shall be ventilated in such a manner as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

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.

Notice by inspector to sanitary authority of sanitary defects in factory or workshop.

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

An inspector under this Act 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 sanitary authority.

(2.) *Safety.*

Fencing of certain machinery.

5. With respect to the fencing of machinery in a factory the following provisions shall have effect:

(1.) Every hoist or teagle near to which any person is liable to pass or to be employed, and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not, and every part of a steam engine and water wheel, shall be securely fenced; and

(2.) Every wheel-race not otherwise secured shall be securely fenced close to the edge of the wheel-race; and

(3.) Every part of the mill gearing shall either be securely fenced or be in such position or of such construction as to be equally safe to every person employed in the factory as it would be if it were securely fenced; and

(4.) All fencing shall be constantly maintained in an efficient state while the parts required to be fenced are in motion or use for the purpose of any manufacturing process.

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

Fencing of other dangerous machinery, of which notice is given by inspector.

6. Where an inspector considers that in a factory any part of the machinery of any kind moved by steam, water, or other mechanical power, to which the foregoing provisions of this Act with respect to the fencing of machinery do not apply, is not securely fenced, and is so dangerous as to be likely to cause bodily injury to any person employed in the factory, the following provisions shall apply to the fencing of such machinery:

(1.) The inspector shall serve on the occupier of the factory a notice requiring him to fence the part of the machinery which the inspector so deems to be dangerous:

(2.) The occupier, within seven days after the receipt of the notice, may serve on the inspector a requisition to refer the matter to arbitration; and thereupon the matter shall be referred to arbitration, and two skilled arbitrators shall be appointed, the one by the inspector and the other by the occupier; and the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the settlement of disputes by arbitration shall, subject to the express provisions of this section, apply to the said arbitration, and the arbitrators or their umpire shall give the decision within twenty-one days after the last of the arbitrators, or, in the case of the umpire, after the umpire is appointed, or within such further time as the occupier and inspector, by writing, allow; and if the decision is not so given the matter shall be referred to the arbitration of an umpire to be appointed by the judge of the county court within the jurisdiction of which the factory is situate:

8 & 9 Vict. c. 16.

(3.) If the arbitrators or their umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the notice shall be cancelled, and the occupier shall not be required to fence in pursuance thereof, and the expenses of the arbitration shall be paid as the expenses of the inspectors under this Act:

(4.) If the occupier does not, within the said seven days, serve on the inspector a requisition to refer the matter to arbitration or does not appoint an arbitrator within seven days after he served that requisition, or if neither the arbitrators nor the umpire decide that it is unnecessary or impossible to fence the machinery alleged in the notice to be dangerous, the occupier shall securely fence the said machinery in accordance with the notice, or with the award of the arbitrators or umpire if it modifies the notice, and the expenses of the arbitration shall be paid by the occupier, and shall be recoverable from him by the inspector in the county court:

(5.) Where the occupier of a factory fails to comply within a reasonable time with the requirements of this section as to securely fencing the said machinery in accordance with the notice or award, or fails to keep the said machinery securely fenced in accordance therewith, or fails constantly to maintain such fencing in an efficient state while the machinery required to be fenced is in motion for the purpose of any manufacturing process, the factory shall be deemed not to be kept in conformity with this Act:

(6.) For the purpose of this section and of any provisions of this Act relating thereto, "machinery" shall be deemed to include any driving strap or band.

Fencing of dangerous vats or structures of which notice is given by inspector.

7. Where an inspector considers that in a factory or workshop, a vat, pan, or other structure, which is used in the process or handicraft carried on in such factory or workshop, and near to or over which children or young persons are liable to pass or to be employed, is so dangerous, by reason of its being filled with hot liquid or molten metal or otherwise,

as to be likely to be a cause of bodily injury to any child or young person employed in the factory or workshop, he shall serve on the occupier of the factory or workshop a notice requiring him to fence such vat, pan, or other structure.

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section, with the substitution of the vat, pan, or other structure, for machinery, and with the addition of workshop, and if the occupier of a factory or workshop fails constantly to maintain the fencing required under this section in an efficient state, while such vat, pan, or other structure is so filled or otherwise dangerous as aforesaid, the factory or workshop shall be deemed not to be kept in conformity with this Act.

Fixing of grindstones securely and replacing of faulty grindstone when notice is given by inspector.

8. Where an inspector observes in a factory that any grindstone, worked by steam, water, or other mechanical power is in itself so faulty, or is fixed in so faulty a manner as to be likely to cause bodily injury to the grinder using the same, he shall serve on the occupier of the factory a notice requiring him to replace such faulty grindstone, or to properly fix the grindstone fixed in the faulty manner.

The provisions of this Act with respect to the fencing of machinery which an inspector considers not to be securely fenced and to be dangerous shall apply in like manner as if they were re-enacted in this section with the necessary modifications.

Where the occupier of a factory fails to keep the grindstone mentioned in the notice or award in such a state and fixed in such manner as not to be dangerous, the factory shall be deemed not to be kept in conformity with this Act.

Restriction on cleaning of machinery while in motion or working between parts of self-acting machinery.

9. A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power.

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

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

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

(3.) *Employment and Meal Hours.*

Period of employment of children, young persons, and women.

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

Period of employment, &c. for young persons and women in a textile factory.

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

(1.) The period of employment, except on Saturday, shall either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and

(2.) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning; and

(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 one o'clock in the afternoon as regards employment in any manufacturing process, and at half-past one 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 an hour after noon as regards employment in any manufacturing process, and at one o'clock in the afternoon as regards employment for any purpose whatever; and

(4.) Where the period of employment on Saturday begins at seven o'clock in the morning, that period shall end at half-past one o'clock in the afternoon as regards any manufacturing process, and at two o'clock in the afternoon as regards employment for any purpose whatever; and

(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; and

(*b.*) on Saturday not less than half an hour; and

(6.) A 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.

Period of employment for children in textile factory.

12. With respect to the employment of children 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; and

(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 at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time; and

(3.) The period of employment for a child in an afternoon set shall, except on Saturday, begin at one o'clock in the afternoon, or at any later hour at which the dinner time terminates, and end at the same hour as if the child were a young person; and

(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; and

(5.) 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 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; and

(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; and

(7.) A child shall not on either system be employed continuously for any longer period than he could be if he were a young person without an interval of at least half-an-hour for a meal.

Period of employment, &c. for young persons and women in non-textile factory, and for young persons in workshop.

13. With respect to the employment of young persons and women in a non-textile factory, and of young persons in 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) 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; and

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

(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; and

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

Period of employment for children in non-textile factory and workshop.

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

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

(2.) The period of employment for a child in a morning set on every day, including Saturday, shall begin at six or seven o'clock in the morning and end at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time; and

(3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin at one o'clock in the afternoon, or at any hour later than half-past twelve o'clock, at which the dinner time terminates, and end on Saturday at two o'clock in the afternoon, and on any other day at six or seven o'clock in the evening, according as the period of employment for children in the morning set began at six or seven o'clock in the morning; and

(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; and

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

(*a.*) The period of employment for such 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; and

(*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; and

(*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; and

(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.

Period of employment, time for meals, and length of continuous employment for women in workshop.

15. With respect to the employment of women in workshops, the following regulations shall be observed:

(1.) In a workshop which is conducted on the system of employing therein children and young persons, or either of them, a woman shall not be employed except during the same period and subject to the same restrictions as if she were a young person; and the regulations of this Act with respect to the employment of young persons in a workshop shall apply accordingly to the employment of women in that workshop; and

(2.) In a workshop which is conducted on the system of not employing therein either children or young persons—

(*a.*) The period of employment for a woman 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

(*b.*) There shall be allowed to a woman 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.

A workshop shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct his workshop on that system.

Period of employment and time for meals for children and young persons in domestic workshop.

16. Where persons are employed at home, that is to say, in a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there, the foregoing regulations of this Act with respect to the employment of children, young persons, and women, shall not apply to such factory or workshop, and in lieu thereof the following regulations shall be observed therein :

(1.) A child or young person shall not be employed in the factory or workshop except during the period of employment herein-after mentioned; and

(2.) 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

(3.) 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

(4.) The period of employment for a child on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening or on Saturday at four o'clock in the afternoon; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set; and

(5.) A child shall not be employed before the hour of one in the afternoon in two successive periods of seven days, nor after that hour in two successive periods of seven days, and a child shall not be employed on Saturday in any week before the hour of one in the afternoon, if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour; and

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

Meal times to be simultaneous, and employment during meal times forbidden.

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

(1.) All children, young persons, and women employed therein shall have the times allowed for meals at the same hour of the day; and

(2.) A child, young person, or woman 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.

Regulations as to employment on Saturday of young persons or women employed only eight hours a day.

18. The period of employment on Saturday for a young person or woman in a non-textile factory or workshop may be of the same length as on any other day if the period of employment of such young person or woman has not exceeded eight hours on any day of the same week, and if notice has been affixed in the factory or workshop and served on the inspector.

Notice fixing period of employment, hours of meals, and mode of employment of children.

19. The occupier of a factory or workshop may from time to time fix within the limits allowed by this Act, and shall (save as is in this Act specially excepted) specify in a notice affixed in the factory or workshop, the period of employment, the times allowed for meals, and whether the children are employed on the system of morning and afternoon sets or of alternate days.

The period of employment and the times allowed for meals in the factory or workshop shall be deemed to be the period and times specified in the notice affixed in the factory or

workshop; and all the children in the factory or workshop shall be employed either on the system of morning and afternoon sets or on the system of alternate days according to the system for the time being specified in such notice:

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

Prohibition of employment of children under ten.

20. A child under the age of ten years shall not be employed in a factory or a workshop.

Prohibition of employment of children, young persons, and women on Sunday.

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

(4.) *Holidays.*

Days to be observed as holidays, and half holidays to be allowed in factories and workshops. 38 & 39 Vict. c. 13.

22. The occupier of a factory or of a workshop shall (save as is in this Act specially excepted) allow to every child, young person, and woman employed therein the following holidays; that is to say,

(1.) The whole of Christmas Day, and the whole either of Good Friday or, if it is so specified by the occupier in the notice affixed in the factory or workshop, of the next public holiday under the Holidays Extension Act, 1875; and in addition

(2.) Eight half holidays in every year, but a whole holiday may be allowed in lieu of any two such half holidays; and

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

(4.) Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop for at least the whole period of employment of young persons and women on the last previous work day but one; and

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

A child, young person, or woman 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 such half holiday,

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

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

(5.) *Education of Children.*

Attendance at school of children employed in a factory or workshop.

23. The parent of a child employed in a factory or in a workshop shall cause that child to attend some recognised efficient school (which school may be selected by such parent), as follows:

(1.) The child, when employed in a morning or afternoon set, shall 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

(2.) The child, when employed on the alternate day system, shall on each work day preceding each day of employment in the factory or workshop be caused to attend for at least two attendances:

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

Provided that—

(*a.*) 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; and

(*b.*) The non-attendance of the 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, also when the school is closed during the ordinary holidays or for any other temporary cause; and

(*c.*) 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 under this Act, 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 Education Department every case of the approval of a school by him under this section.

A child who has not in any week attended school for all the attendances required by this section shall not be employed in the following week until he has attended school for the deficient number of attendances.

The Education Department shall from time to time, by the publication of lists or by 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.

Obtaining of school attendance certificate by occupier of factory or workshop.

24. 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 such 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 the child, a certificate (according to the prescribed form and directions) respecting the attendance of such child at school in accordance with this Act.

The employment of a child without obtaining such certificate as is required by this section shall be deemed to be employment of a child contrary to the provisions of this Act.

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 his workshop, and shall produce the same to an inspector when required during that period.

Payment by occupier on application of sum for schooling of child, and deduction of it from wages.

25. The board authority or persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some person authorised by such board authority or person, may 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, the said 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.

Employment as young person of child of 13 on obtaining an educational certificate.

26. When a child of the age of thirteen years has obtained from a person authorised by the Education Department 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 herein-after mentioned, that child shall be deemed to be a young person for the purposes of this Act.

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 a Secretary of State, with the consent of the Education Department, 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.

Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

(6.) *Certificates of Fitness for Employment.*

Certificate of fitness for employment of children and young persons under 16 in factories.

27. In a factory a child or a young person under the age of sixteen years shall not be employed for more than seven, or if the certifying surgeon for the district resides more than three miles from the factory thirteen, work days, unless the occupier of the factory has obtained a certificate, in the prescribed form, of the fitness of such child or young person for employment in that factory.

A certificate of fitness for employment for the purposes of this Act shall be granted by the certifying surgeon for the district, and shall be to the effect that he is satisfied, by the production of a certificate of birth or other sufficient evidence, that the person named in the certificate of fitness 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.

Certificate of fitness for employment of children and young persons under 16 in workshops.

28. In order to enable occupiers of workshops to better secure the observance of this Act, and prevent the employment in their workshops of children and young persons under the age of sixteen years who are unfitted for that employment, an occupier of a workshop is hereby authorised to obtain, if he thinks fit, from the certifying surgeon for the district, certificates of the fitness of children and of young persons under the age of sixteen years for employment in his workshop, in like manner as if that workshop were a factory, and the certifying surgeon shall examine the children and young persons, and grant certificates accordingly.

Power of inspector to require surgical certificate of capacity of child or young person under 16 for work.

29. Where an inspector is of opinion that a child or a young person under the age of sixteen years 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 such child or young person be discontinued from the period named therein, not being less than one nor more than seven days after the service of such notice, and the occupier shall not continue after the period named in such notice to employ such child or young person (notwithstanding a certificate of fitness has been previously obtained for such child or young person), unless the certifying surgeon for the district has, after the service of the notice, personally examined such child or young person, and has certified that such child or young person is not so incapacitated as aforesaid.

Supplemental provisions as to certificates of fitness for employment.

30. All factories and workshops 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 of fitness for employment, if the surgeon is of opinion that he can truly give the certificate for employment therein.

The certificate of birth (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the child or young person (whether such copy be obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act, 1876, to the effect that it appears from the returns transmitted to such 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.

39 & 40 Vict. c. 79.

Where a certificate of fitness for employment is to the effect that the certifying surgeon has been satisfied of the age of a child or young person 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 child or young person 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.

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

The occupier shall, when required, produce to an inspector at the factory or workshop in which a child or young person is employed, the certificate of fitness of such child or young person for employment, which he is required to obtain under this Act.

(7.) *Accidents.*

Notice of accidents causing death or bodily injury.

31. Where there occurs in a factory or a workshop any accident which either—

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

(*b.*) causes bodily injury to a person employed in the factory or in the workshop, and 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, and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident,

written notice of the accident shall forthwith be sent to the inspector and to the certifying surgeon for the district, stating the residence of the person killed or injured, or the place to which he may have been removed, and if any such notice is not sent the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

If any such accident as aforesaid 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.

A notice of an accident, of which notice is required by section sixty-three of the Explosives Act, 1875, to be sent to a government inspector, need not be sent to the certifying surgeon in pursuance of this section.

38 & 39 Vict. c. 17.

Investigation of and report on accidents by certifying surgeon.

32. Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or a 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.

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.

There shall be paid to the said surgeon for the investigation such fee, not exceeding ten nor less than three shillings, as a Secretary of State considers reasonable, which fee shall be paid as expenses incurred by a Secretary of State in the execution of this Act.

PART II.

SPECIAL PROVISIONS RELATING TO PARTICULAR CLASSES OF FACTORIES AND WORKSHOPS.

(1.) *Special Provisions for Health in certain Factories and Workshops.*

Limewashing and washing of the interior of factories and workshops.

33. For the purpose of securing the observance of the requirements of this Act as to cleanliness in every factory and workshop, all the inside walls of the rooms of a factory or workshop, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of a factory or workshop, if they have not been painted with oil or varnished once at least within seven years, shall be limewashed once at least within every fourteen months, to date from the period when 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 period when last washed.

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.

Where it appears to a Secretary of State that in any class of factories or workshops, or parts thereof, the regulations in this section 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 order made under this

part of this Act, grant to such class of factories or workshops, or parts thereof, a special exception that the regulations in this section shall not apply thereto.

Limewashing, painting, and washing of the interior of bakehouses.

34. Where a bakehouse is situate in any city, town, or place containing, according to the last published Census for the time being, a population of more than five thousand persons, all the inside walls of the rooms of such bakehouse, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of such bakehouse, shall either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed; where painted with oil or varnished there shall be three coats of paint or varnish, and the paint or varnish shall be renewed once at least in every seven years, and shall be washed with hot water and soap once at least in every six months; where limewashed the limewashing shall be renewed once at least in every six months.

A bakehouse in which there is any contravention of this section shall be deemed not to be kept in conformity with this Act.

Provision as to sleeping places near bakehouses.

35. Where a bakehouse is situate in any city, town, or place containing, according to the last published Census for the time being, a population of more than five thousand persons, a place on the same level with the bakehouse, and forming part of the same building, shall not be used as a sleeping place, unless it is constructed as follows; that is to say,

unless it is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and

unless there be 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.

Any person who lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for every subsequent offence five pounds.

Provision as to ventilation by fan in factories and workshops.

36. If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on, by which dust is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct a fan or other mechanical means of a proper construction for preventing such inhalation to 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.

Protection of workers in wet-spinning.

37. A child, young person, or woman shall not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means be 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.

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

(2.) *Special Restrictions as to Employment, Meals, and Certificates of Fitness.*

Prohibition of employment of children and young persons in certain factories or workshops.

38. A child or young person shall not, to the extent mentioned in the First Schedule to this Act, be employed in the factories or workshops or parts thereof named in that schedule.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

Prohibition of taking meals in certain parts of factories and workshops.

39. A child, young person, or woman shall not be allowed to take a meal or to remain during the times allowed for meals in the parts of factories or workshops to which this section applies; and a child, young person, or woman allowed to take a meal or to remain in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

This section applies to the parts of factories or workshops named in the Second Schedule to this Act.

Where it appears to a 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 the said schedule, the taking of meals therein is specially injurious to health, he may, if he thinks fit, by order made under this part of this Act extend the prohibition in this section to the said class of factories or workshops or parts thereof.

If the prohibition in this section is proved to the satisfaction of a Secretary of State to be no longer necessary for the protection of the health of children, young persons, and women in any class of factories or workshops or parts thereof to which the prohibition has been extended by an order, he may, by an order made under this part of this Act, rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

In print works and bleaching and dyeing works, period of employment and times allowed for meals.

40. In print works and bleaching and dyeing works the period of employment for a child, young person, and woman, and the times allowed for meals, shall be the same as if the said works were a textile factory, and the regulations of this Act with respect to the employment of children, young persons, and women in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories; save that nothing in this section shall prevent the continuous employment of a child, young person, or woman in the said works without an interval of half an hour for a meal, for the period allowed by this Act in a non-textile factory.

Power to require certificates of fitness for employment of children and young persons under 16 in certain workshops.

41. Where it appears to a Secretary of State that by reason of special circumstances affecting any class of workshops it is expedient for protecting the health of the children and of the young persons under the age of sixteen years employed therein, to extend thereto the prohibition in this section mentioned, he may, by order made under this part of this Act, extend to such class of workshops the prohibition in this Act of the employment of children and young persons under the age of sixteen years without a certificate of the fitness of such child or young person 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.

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 children and the young persons under the age of sixteen years employed in any class of workshops to which it has been extended under this section, he may by order made under this part of this Act rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

(3.) *Special Exceptions relaxing General Law in certain Factories and Workshops.*

(a.) *Period of Employment.*

Period of employment between 8 a.m. and 8 p.m. in certain cases.

42. In the factories and workshops or parts thereof to which this exception applies the period of employment for young persons and women, if so fixed by the occupier and specified in the notice, may, except on Saturday begin at eight o'clock in the morning and end at eight o'clock in the evening, and on Saturday may begin at eight o'clock in the morning, and end at four o'clock in the afternoon, or where it begins at seven o'clock in the morning may end at three o'clock in the afternoon; and the period of employment for a child in a morning set may begin at the same hour, and the period of employment for a child in an afternoon set may end at the same hour.

This exception applies to the factories and workshops and parts thereof specified in Part One of the Third Schedule to this Act.

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 the extension thereto of this exception, and that the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

Power to Secretary of State to allow period of employment between 9 a.m. and 9 p.m. in certain cases.

43. 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 such grant can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act grant to such class of factories or workshops or parts thereof a special exception, that the period of employment for young persons and women therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday begin at nine o'clock in the morning and end at nine o'clock in the evening, and in such 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.

Power of working male young persons above 16 in lace factories.

44. The regulations of this Act with respect to the employment of young persons in textile factories shall not prevent the employment, in the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power, of any male young person above the age of sixteen years between four o'clock in the morning and ten o'clock in the evening, if he is employed in accordance with the following conditions; namely,

(*a.*) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the factory, there shall 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 such young person is employed on any day before the beginning of the ordinary period of employment in the factory, he shall not be employed on the same day after the end of that period; and

(*c.*) Where such young person is employed on any day after the end of the ordinary period of employment in the factory, he shall not be employed next morning before the beginning of the ordinary period of employment.

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

Power of working male young persons above 16 in bakehouses.

45. The regulations of this Act with respect to the employment of young persons in non-textile factories or workshops shall not prevent the employment, in the part of a bakehouse in which the process of baking bread is carried on, of any male young person above the age of sixteen years 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 such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the bakehouse, there shall 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 such young person is employed on any day before the beginning of the ordinary period of employment in the bakehouse, he shall not be employed after the end of that period on the same day; and

(*c.*) Where such young person is employed on any day after the end of the ordinary period of employment in the bakehouse, he shall not be employed next morning before the beginning of the ordinary period of employment.

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

Where it is proved to the satisfaction of a Secretary of State that the exigencies of the trade carried on in bakehouses, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the male young persons affected thereby, he may by order made under this part of this Act grant to bakehouses, or to bakehouses situate in the said locality, a special exception permitting the employment of male young persons of sixteen years of age and upwards as if they were no longer young persons.

Substitution by Secretary of State of another half holiday for Saturday.

46. 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, 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 children, young persons, and women is required by this Act to end on Saturday, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorising the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop some other day for Saturday, and in such case this Act shall apply in such factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day.

Employment in Turkey red dyeing on Saturday up to 4.30 p.m.

47. In the process of Turkey red dyeing, nothing in Part One of this Act shall prevent the employment of young persons and women on Saturday 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 shall in no case be exceeded.

Continuous employment of children, young persons, and women in certain cases.

48. In any of the textile factories to which this exception applies, if the period of employment for young persons and women, as fixed by the occupier and specified in the notice, begins at the hour of seven in the morning, and the whole time between that hour and eight o'clock is allowed for meals, the regulations of this Act with respect to the employment of children, young persons, and women shall not prevent a child, young person, or woman, between the first day of November and the last day of March next following, being employed continuously, without an interval of at least half-an-hour for a meal, for the same period as if the factory were a non-textile factory.

This exception applies to the textile factories specified in Part Seven of the Third Schedule to this Act.

Where it is proved to the satisfaction of a 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 children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

Giving half holidays and holidays on different days to different sets of children, young persons, and women.

49. 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, 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 order made under this part of this Act grant to such class of factories or workshops a special exception authorising the occupier of any such factory or workshop to allow all or any of the half holidays, or whole holidays in lieu of them, on different days to any of the children, young persons, and women employed in his factory or workshop, or to any sets of such children, young persons, and women, and not on the same days.

Employment of young persons and women by Jewish occupiers of factories or workshops.

50. Where the occupier of a factory or workshop is a person of the Jewish religion, the regulations of this Act with respect to the employment of young persons and women shall not prevent him—

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

(3.) If all the children, young persons, and women in his factory or workshop are of the Jewish religion, from giving them, if so specified in a notice affixed in the factory or workshop as by this Act provided, any two public holidays under the Holidays Extension Act, 1875, in lieu of Christmas Day and Good Friday, but in that case such factory or workshop shall not be open for traffic on Christmas Day or Good Friday.

38 & 39 Vict. c. 13.

Employment of Jews by Jews on Sunday.

51. No penalty shall be incurred by any person in respect of any work done on Sunday in a factory or workshop by a young person or woman of the Jewish religion, subject to the following conditions:

(1.) The occupier of the factory or workshop shall be of the Jewish religion; and

(2.) The factory or workshop shall be closed on Saturday and shall not be open or traffic on Sunday; and

(3.) The occupier shall not avail himself of the exception authorising the employment of young persons and women on Saturday evening, or for an additional hour during any other day of the week.

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

(b.) *Meal Hours.*

Exception as to meal times being simultaneous and as to employment or remaining in room where manufacturing process is carried on during meal times.

52. The provisions of this Act which require that all the children, young persons, and women employed in a factory or workshop shall have the times allowed for meals at the same hour of the day shall not apply in the cases mentioned in Part Two of the Third Schedule to this Act.

The provisions of this Act which require that a child, young person, and woman shall not, during any part of the times allowed for meals in a 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 being carried on, shall not apply in the cases and to the extent mentioned in Part Two of the Third Schedule to this Act.

Where it is proved to the satisfaction of a 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 such class, to extend thereto the exceptions in this section or either of them, and that such extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend the same accordingly.

(c.) *Overtime.*

Power to employ young persons and women for 14 hours a day.

53. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment in the factories and workshops or parts thereof to which this exception applies of young persons and of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, if they are employed in accordance with the following conditions; namely,

(1.) There shall be allowed to every such young person and woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and

(2.) Any such young person or woman shall not be so employed on the whole for more than five days in any one week, nor for more than forty-eight days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part Three of the Third Schedule to this Act.

Where it is proved to the satisfaction of a 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 young persons and women in manner authorised by this exception, and that such employment will not injure the health of the young persons and women affected thereby, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof.

Power to employ for half an hour after end of work where process is in an incomplete state.

54. If in any factory or workshop or part thereof to which this exception applies, the process in which a child, young person, or woman is employed is in an incomplete state at the end of the period of employment of such child, young person, or woman, the provisions of this Act with respect to the period of employment shall not prevent such child, young person, or woman from being employed for a further period not exceeding thirty minutes:

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

This exception applies to the factories and workshops specified in Part Four of the Third Schedule to this Act.

Where it is proved to the satisfaction of a 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 such class of factories or workshops or parts thereof of this exception can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

Employment of young persons, &c. in Turkey red dyeing and open-air bleaching.

55. Nothing in this Act shall prevent the employment of young persons and women 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.

Employment of women for 14 hours a day to preserve perishable articles.

56. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment, in the factories and workshops and parts thereof to which this exception applies, of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, if they are employed in accordance with the following conditions; namely,

(1.) There shall be allowed to every such woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and

(2.) Any such woman shall not be so employed on the whole for more than five days in any one week, nor for more than ninety-six days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part Five of the Third Schedule to this Act.

Where it is proved to the satisfaction of a 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 order made under this part of this Act extend this exception to such factories or workshops or parts thereof.

Exception for factories driven by water power.

57. Where it appears to a Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by order made under this part of this Act, grant to such factories a special exception permitting the employment of young

persons and women during a period of employment from six o'clock in the morning until seven o'clock in the afternoon, on such conditions as he may think proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, and that as regards factories liable to be stopped by drought, such 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, such 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.

(d.) *Nightwork.*

Employment of male young persons at night.

58. Nothing in this Act shall prevent the employment, in factories and workshops to which this exception applies, of male young persons during the night, if they are employed in accordance with the following conditions:

(1.) The period of employment shall not exceed twelve consecutive hours, and shall begin and end at the hours specified in the notice in this Act mentioned; and

(2.) The provisions of Part One of this Act with respect to the allowance of times for meals to young persons during the period of employment shall be observed with the necessary modifications as to the hour at which the times allowed for meals are fixed; and

(3.) A male young person employed during any part of the night shall not be employed during any part of the twelve hours preceding or succeeding the period of employment; and

(4.) A male young person shall not be employed on more than six nights, or in the case of blast furnaces or paper mills seven nights, in any two weeks.

The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of eight half holidays in every year or of whole holidays in lieu of them, shall not apply to a male young person employed in day and night turns in pursuance of this exception.

This exception applies to the factories and workshops specified in Part Six of the Third Schedule to this Act.

Where it is proved to the satisfaction of a 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 or upwards at night, and that such employment will not injure the health of the male young persons employed, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof, so far as regards young persons of the age of sixteen years or upwards.

Employment in certain letter-press printing works of male young persons of 16 at night.

59. In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, nothing in this Act shall prevent the employment of a male young person of sixteen years of age and upwards at night during not more than two nights in a week, as if he were no longer a young person.

Employment of male young persons in glass works.

60. In glass works nothing in this Act shall prevent any male young person from working according to the accustomed hours of the works, if he is employed in accordance with the following conditions; namely,

(1.) The total number of hours of the periods of employment shall not exceed sixty in any one week; and

(2.) The periods of employment for any such young person shall not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that such number of turns do not exceed nine; and

(3.) Such young person shall not work in any turn without an interval of time not less than one full turn; and

(4.) There shall be allowed to such young person during each turn (so far as is practicable) the like times for meals as are required by this Act to be allowed in any other non-textile factory or workshop.

(4.) *Special Exception for Domestic and certain other Factories and Workshops.*

Exception of domestic factories and workshops and certain other workshops from certain provisions of the Act.

61. The provisions of this Act which relate—

(1.) To the cleanliness (including limewashing, painting, varnishing, and washing) or to the freedom from effluvia, or to the overcrowding or ventilation of a factory or workshop; or

(2.) To all children, young persons, and women employed in a factory or workshop having the times allowed for meals at the same hour of the day, or during any part of the times allowed for meals in a factory or workshop being employed in the factory or workshop or being allowed to remain in any room; or

(3.) To the affixing of any notice or abstract in a factory or workshop; or specifying any matter in the notice so affixed; or

(4.) To the allowance of any holidays to a child, young person, or woman; or

(5.) To the sending notice of accidents;

shall not apply—

(*a.*) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there; or

(*b.*) To a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.

And the provisions of this Act with respect to certificates of fitness for employment shall apply to any such private house, room, or place as aforesaid, which by reason of the nature of the work carried on there is a factory, as if the same were a workshop within the meaning of this Act, and not a factory.

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 for all the purposes of this Act to be conducted on the said system until the occupier changes it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be deemed to be employed contrary to the provisions of this Act. A change in the said system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

Nothing in this section shall exempt a bakehouse from the provisions of this Act with respect to cleanliness (including limewashing, painting, varnishing, and washing,) or to freedom from effluvia.

Exception for certain descriptions of flax scutch mills from certain provisions of Act.

62. The regulations of this Act with respect to the employment of women shall not apply to flax scutch mills which are conducted on the system of not employing either children or young persons therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year. A flax scutch mill shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct such mill on that system.

(5.) *Supplemental as to Special Provisions.*

Requirement of sanitary provisions as condition of special exceptions.

63. Where it appears to a Secretary of State 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 any child, young person, or woman 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, he may by order made under this part of this Act direct that the adoption of such means or provision shall be a condition of such employment; and if it appears to a 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 order made under this part of this Act, rescind the order directing such adoption without prejudice to the subsequent making of another order.

Power to rescind order granting or extending exception.

64. Where an exception has been granted or extended under this part of this Act by an order of a Secretary of State, and it appears to a Secretary of State that such exception is injurious to the health of the children, young persons, or women 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 said exception was so granted or extended, he may by an order made under this part of this Act rescind the grant or extension, without prejudice to the subsequent making of another order.

Provisions as to order of Secretary of State.

65. Where a Secretary of State has power to make an order under this part of this Act, the following provisions shall apply to that order:

(1.) The order shall be under the hand of the Secretary of State and shall be published in the London Gazette, and shall come into operation at the date of such publication in the London Gazette, or at any later date mentioned in the order:

(2.) The order may be temporary or permanent, conditional or unconditional, and whether extending a prohibition or exception, granting an exception, directing the adoption of any means or provisions, 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 same has been so laid before such House, resolve that such order ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such order or to the making of any 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 extension or grant or otherwise for making the order.

Provisions as to occupier availing himself of special exceptions, and registry of work under them.

66. An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception under this part of this Act, shall serve on an inspector, and (except in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply) affix in his factory or workshop notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

Before the service of such notice on the inspector the special exception shall not be deemed to apply to the factory or workshop, and after the service of such notice on the inspector it shall not be competent in any proceeding under this Act for the occupier to prove that such special exception does not apply to his factory or workshop, unless he has previously served on an inspector notice that he no longer intends to avail himself of such special exception.

The notice so served and affixed shall specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals to every child, young person, and woman where they differ from the ordinary hours or times.

An occupier of a factory or workshop shall enter in the prescribed register, and report to an inspector, the prescribed particulars respecting the employment of a child, young person, or woman in pursuance of an exception, but such entry and report need not be made in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply, except so far as may be from time to time prescribed by a Secretary of State.

Where the occupier of a factory or workshop avails himself of an exception under this part of this Act, and a condition for availing himself of such exception (whether specified

in this part of this Act, or in an order of a Secretary of State made under this part of this Act) is not observed in that factory or workshop, then

(1.) If such condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act; and

(2.) In any other case a child, young person, or woman employed in the factory or workshop, in alleged pursuance of the said exception, shall be deemed to be employed contrary to the provisions of this Act.

PART III.

Administration, Penalties, and Legal Proceedings.

(1.) *Inspection.*

Appointment, payment, &c. of inspectors of factories, and clerks and servants.

67. A Secretary of State from time to time, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time fix) and such clerks and servants as he may think necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may constitute a principal 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.

The salaries of the inspectors, clerks, and servants, and the expenses incurred by them or by a Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.

Notice of the appointment of every such inspector shall be published in the London Gazette.

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 under this Act.

An inspector under this Act shall not be liable to serve in any parochial or municipal office.

Such annual report of the proceedings of the inspectors as the Secretary of State from time to time directs shall be laid before both Houses of Parliament.

A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as a Secretary of State from time to time directs, by declaration published in the London Gazette or otherwise as he thinks expedient for making the same known to all persons interested.

Powers of inspectors.

68. An inspector under this Act shall for the purpose of the execution of this Act have power to do all or any of the following things; namely,

(1.) To enter, inspect, and examine at all reasonable times by day and night a factory and a workshop and every part thereof when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop; and

(2.) To take with him in either case a constable into a factory in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty; and

(3.) 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

(4.) To make such examination and inquiry as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein; and

(5.) 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

(6.) To examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; and

(7.) To exercise such other powers as may be necessary for carrying this Act into effect.

The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such factory and workshop.

Every person who wilfully delays an inspector in the exercise of any power under this section, or who fails to comply with a 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 who conceals or prevents a child, young person, or woman from appearing before or being examined by an inspector, or attempts so to conceal or prevent a child, young person, or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act: Provided always, that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night, twenty pounds; and where an inspector is so obstructed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or where the offence is committed at night, five pounds.

Restriction on entry of inspector into dwellings.

69. An inspector before entering, in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling as well as for a factory or workshop, shall, on an affidavit or statutory declaration of facts and reasons, obtain written authority so to do from a Secretary of State, or such warrant as is herein-after mentioned from a justice of the peace.

The affidavit or statutory declaration above mentioned may be inspected or produced in evidence in all respects the same as an information on oath before a justice.

A justice of the peace, if satisfied by information on oath that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may in his discretion grant a warrant under his hand authorising the inspector named therein at any time within the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act with respect to obstruction of an inspector shall apply accordingly.

Certificates of appointment of inspectors.

70. Every inspector under this Act shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if required, produce to the occupier the said certificate.

Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the inspector named in any such certificate, or falsely pretends to be an inspector under this Act, shall be liable to be imprisoned for a period not exceeding three months, with or without hard labour.

(2.) *Certifying Surgeons.*

Poor law medical officers to act where no certifying surgeon within three miles.

71. Where there is no certifying surgeon resident within three miles of a factory or workshop, the poor law medical officer shall be for the time being the certifying surgeon under this Act for such factory or workshop.

Appointment of certifying surgeons.

72. Subject to such regulations as may be from time to time made by a Secretary of State, an inspector may from time to time appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may from time to time revoke any such appointment.

Every appointment and revocation of appointment of a certifying surgeon may be annulled by a Secretary of State upon appeal to him for that purpose.

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.

A Secretary of State may from time to time 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.

Regulations as to the grant of certificates of fitness.

73. A certificate of fitness for employment shall not be granted for the purposes of this Act, except upon personal examination of the person named therein.

A certifying surgeon shall not examine a child or young person for the purposes of a certificate of fitness for employment, or sign any such certificate, elsewhere than at the factory or workshop where such child or young person is or is about to be employed, unless the number of children and young persons employed in that factory or workshop are less than five, or unless for some special reason allowed in writing by an inspector.

If a certifying surgeon refuses to grant for any person examined by him a certificate of fitness for employment, he shall when required give in writing and sign the reasons for such refusal.

Fees of certifying surgeons for examination of children and young persons.

74. With respect to the fees to be paid to certifying surgeons in respect of the examination of, and grant of certificates of fitness for employment for, children and young persons in factories or workshops, the following provisions shall have effect:

(1.) The occupier may agree with the certifying surgeon as to the amount of such fees:

(2.) In the absence of any such agreement the fees shall be those named in the following scale:—

When the examination is at a factory or workshop not exceeding one mile from the surgeon's residence,	2*s.* 6*d.* for each visit and 6*d.* for each person after the first five examined at that visit.
When the examination is at a factory or workshop more than one mile from the surgeon's residence,	The above fees and an additional 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 which place, as well as the day and hour, appointed for the purpose shall be published in the prescribed manner,	6*d.* for each person examined.

(3.) 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:

(4.) The occupier may deduct the fee or any part thereof, not exceeding in any case threepence, from the wages of the person for whom the certificate was granted:

(5.) A Secretary of State may from time to time, if he think it expedient, alter any fees fixed by this section.

(3.) *Miscellaneous.*

Notice of factory to be given to inspector.

75. Every person shall, within one month after he begins to occupy a factory, serve on an inspector a written notice containing the name of the factory, 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 firm under which the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding five pounds.

Regulation of hours by public clock.

76. Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose of regulating the period of employment in a factory or workshop, the period of employment and times allowed for meals for children, young persons, and women in that factory or workshop shall be regulated by that clock, which shall be specified in the notice affixed in the factory or workshop.

Registers to be kept in a factory or workshop.

77. The occupier of every factory and workshop to which this section applies shall keep in the prescribed form and with the prescribed particulars registers of the children and young persons employed in that factory or workshop, and of their employment, and of other matters under this Act.

The occupier of a factory or workshop shall send to an inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act.

This section applies to every factory and workshop in which a child or young person under the age of sixteen years is, for the time being, prohibited under this Act from being employed without a certificate of fitness for employment.

Where by reason of the number of children and young persons employed in a factory or workshop to which this section does not for the time being apply, or otherwise, it seems expedient to a Secretary of State so to do, he may order the occupier of that factory or workshop to keep a register under this section, with power to rescind such order, and while such order is in force this section shall apply to that factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

Affixing in factory or workshop of abstract of Act and notices.

78. There shall be affixed at the entrance of a factory and a 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,—

(1.) The prescribed abstract of this Act; and
(2.) A notice of the name and address of the prescribed inspector; and
(3.) A notice of the name and address of the certifying surgeon for the district; and
(4.) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated; and
(5.) Every notice and document required by this Act to be affixed in the factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

Printing or writing and service of notices and documents, &c.

79. Any notice, order, requisition, summons, and document under this Act may be in writing or print, or partly in writing and partly in print.

Any notice, order, requisition, summons, and document required or authorised to be served or sent for the purposes of this Act may be served and sent 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 that person 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 such factory or workshop; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be served on or sent to the occupier of a factory or workshop, it shall be deemed to be properly addressed if addressed to the occupier of such 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.

80. Any Act for the time being in force relating to weights and measures shall extend to weights, measures, scales, balances, steelyards, and weighing machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods, and as if such factory or workshop were a place where goods are kept for sale, and 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.

Inspection of weights and measures used in factories and workshops.

(4.) *Fines.*

81. If a factory or workshop is not kept in conformity with this Act, the occupier thereof shall be liable to a fine not exceeding ten pounds:

The court of summary jurisdiction, in addition to or instead of inflicting such fine, may order certain means to be adopted by the occupier, within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act; the court may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues.

Fine for not keeping factory or workshop in conformity with Act.

82. If any person is killed or suffers any bodily injury in consequence of the occupier of a factory having neglected to fence any machinery required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, or in consequence of the occupier of a factory or workshop having neglected to fence any vat, pan, or other structure required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, the occupier of the factory or workshop shall be liable to a fine not exceeding one hundred pounds, the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise as a Secretary of State determines:

Provided that the occupier of a factory shall not be liable to a fine under this section if an information against him for not fencing the part of the machinery, or the vat, pan, or other structure, by which the death or bodily injury was inflicted, has been heard and dismissed previous to the time when the death or bodily injury was inflicted.

Penal compensation to person injured by want of fence to machinery, &c.

83. Where a child, young person, or woman is employed in a factory or workshop contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night, five pounds for each child, young person, or woman so employed; and where a child, young person, or woman is so employed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night, two pounds for each child, young person, or woman so employed.

A child, young person, or woman who 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 and 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, shall be deemed to be employed contrary to the provisions of this Act.

Fine for employing children, young persons, and women contrary to the Act.

84. The parent of a child or young person shall,—

(1.) If such child or young person is employed in a factory or workshop contrary to the provisions of this Act, be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that such offence was committed without the consent, connivance, or wilful default of such parent; and

(2.) If he neglects to cause such child to attend school in accordance with this Act, be liable to a fine not exceeding twenty shillings for each offence.

Fine on parent for allowing child or young person to be employed contrary to the Act, or neglecting to cause child to attend school.

85. Every person who forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided), or who

Forgery of certificates, false

entries and declarations.

gives or signs any such certificate knowing the same to be false in any material particular, or who knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid, or who knowingly utters or makes use of as applying to any person a certificate which does not so apply, or who personates any person named in a certificate, or who wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Every person who wilfully makes a false entry in any register, notice, certificate, or document required by this Act to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Fine on person committing offence for which occupier is liable.

86. 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, such agent, servant, workman, or other person shall be liable to the same fine as if he were the occupier.

Power of occupier to exempt himself from fine on conviction of the actual offender.

87. 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 that he had used due diligence to enforce the execution of the Act, 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 occupier shall be exempt from any fine.

When it is made to appear to the satisfaction of an inspector at the time of discovering the offence, that the occupier of the factory or workshop had used all due diligence to enforce the execution of this Act, 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 occupier and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the occupier of the factory or workshop.

Restraint on cumulative fines.

88. 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 children, young persons, or women contrary to the provisions of this Act.

(5.) *Legal Proceedings.*

Prosecution of offences and recovery and application of fines.

89. 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.

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.

All fines imposed in pursuance of this Act shall, save as otherwise expressly provided by this Act, be paid into the Exchequer.

The court of summary jurisdiction, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace sitting at some court or public place at which justices are for the time being accustomed to assemble for the purpose of holding petty sessions or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice, and for the time being empowered by law to do alone any Act authorised to be done by more than one justice of the peace.

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 that factory or workshop, and the father, son, or brother of such occupier, shall not be qualified to act as a member of such court.

Appeal to quarter sessions.

90. 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; subject, in England, to the conditions and regulations following:

(1.) The appeal shall be made to the next practicable court of general or quarter sessions having jurisdiction in the county or place in which the decision of the court was given, holden not less than twenty-one days after the day on which such decision was given; and

(2.) The appellant shall, within ten days after the day on which the decision of the court was given, serve notice on the other party and on the clerk of the court of summary jurisdiction of his intention to appeal, and of the general grounds of such appeal; and

(3.) The appellant shall, within three days after such notice is served, enter into a recognizance before a court of summary jurisdiction, with or without a surety or sureties as the court may direct, conditioned to appear at the said sessions and to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or the appellant may, if the court of summary jurisdiction thinks it expedient, instead of entering into a recognizance give such other security by deposit of money with the clerk of the court of summary jurisdiction or otherwise as the court deem sufficient; and

(4.) Where the appellant is in custody a court of summary jurisdiction may, if they think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody; and

(5.) The court of appeal may adjourn the hearing of the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just; and

(6.) The court of appeal may also make such order as to costs to be paid by either party as the court thinks just; and

(7.) Whenever a decision is reversed by the court of appeal the clerk of the peace shall indorse on the conviction or order appealed against a memorandum that the same has been quashed, and whenever any copy or certificate of such conviction or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction or order has been quashed, in every case where such copy or certificate would be sufficient evidence of such conviction or order; and

(8.) Every notice in writing required by this section to be given by an appellant may be signed by him or by his agent on his behalf, and may be transmitted in a registered letter by the post in the ordinary way, and shall be deemed to have been served at the time when it would be delivered in the ordinary course of post.

Limitation of time and general provisions as to summary proceedings.

91. 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 two months, or, where the offence is punishable at discretion by imprisonment, or is a breach of the provisions of this Act with respect to holidays, within three months after the commission of the offence:

(2.) The description of an offence in the words of this Act, or in similar words, shall be sufficient in law:

(3.) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant:

(4.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more:

(5.) 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:

(6.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and a conviction or order made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

Evidence in summary proceedings.

92. If a person is found in a factory, except at meal times, or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory between the hours of four and five o'clock in the afternoon, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory:

Provided that yards, playgrounds, and places open to the public view, schoolrooms, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this enactment; and this enactment shall not apply to a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply.

Where a child or young person 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 child or young person is not of that age.

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.

A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of such conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, upon the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

PART IV.

DEFINITIONS, SAVINGS, APPLICATION TO SCOTLAND AND IRELAND, AND REPEAL.

(1.) *Definitions.*

Factories and workshops to which Act applies.

93. The expression "textile factory" in this Act means—

any premises wherein or within the close or curtilage of which steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of, cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof:

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories.

The expression "non-textile factory" in this Act means—

(1.) any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Fourth Schedule to this Act,

(2.) also any premises or places named in Part Two of the said schedule wherein, or within the close or curtilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there,

(3.) also any premises wherein, or within the close or curtilage or precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes, or any of them; that is to say,

(*a.*) in or incidental to the making of any article or of part of any article, or

(*b.*) in or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(*c.*) in or incidental to the adapting for sale of any article,

and wherein, or within the close or curtilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there.

The expression "factory" in this Act means textile factory and non-textile factory, or either of such descriptions of factories.

The expression "workshop" in this Act means—

(1.) any premises or places named in Part Two of the Fourth Schedule to this Act, which are not a factory within the meaning of this Act,

(2.) also any premises, room, or place not being a factory within the meaning of this Act, in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes or any of them; that is to say,

(*a.*) in or incidental to the making of any article or of part of any article, or

(*b.*) in or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(*c.*) in or incidental to the adapting for sale of any article,

and to which or over which premises, room, or place the employer of the persons working therein has the right of access or control.

A part of a factory or workshop may for the purposes of this Act be taken to be a separate factory or workshop; and a place solely used as a dwelling shall not be deemed to form part of the factory or workshop for the purposes of this Act.

Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, such place shall not be deemed to form part of that factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly.

Any premises or place shall not be excluded from the definition of a factory or workshop by reason only that such premises or place are or is in the open air.

This Act shall not apply to such workshops, other than bakehouses, as are conducted on the system of not employing any child, young person, or woman therein, but save as aforesaid applies to all factories and workshops as before defined, inclusive of factories and workshops belonging to the Crown; provided that in case of any public emergency a Secretary of State may exempt a factory or workshop belonging to the Crown from this Act to the extent and during the period named by him.

The exercise by any child or young person in any recognised efficient school during a portion of the school hours of any manual labour for the purpose of instructing such child or young person 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.

Definition of employment and working for hire.

94. A child, young person, or woman who works in a factory or workshop, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act.

For the purposes of this Act an apprentice shall be deemed to work for hire.

Definition of "certified efficient school."

95. The expression "certified efficient school" in this Act means a public elementary school within the meaning of the Elementary Education Acts, 1870 and 1873, and any

33 & 34 Vict. c. 75. 36 & 37 Vict. c. 86.

workhouse school in England certified to be efficient by the Local Government Board, and also any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of Her 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 may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school; and the expression "recognised efficient school" means a certified efficient school as above defined, and also any school which the Education Department 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, and the inspector shall immediately report to the Education Department every school so recognised by him.

Definition of "recognised efficient school."

33 & 34 Vict. c. 75.

General definitions.

96. In this Act, unless the context otherwise requires,—

"Child." The expression "child" means a person under the age of fourteen years:

"Young person." The expression "young person" means a person of the age of fourteen years and under the age of eighteen years:

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

"Parent." 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 child or young person:

"Treasury." The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

"Secretary of State." The expression "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

"Education Department." The expression "Education Department" means the Lords of the Committee of the Privy Council on Education:

"Sanitary authority." The expression "sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health Act, 1875, and any commissions, board, or vestry in the metropolis having the like powers as such urban sanitary authority

38 & 39 Vict. c. 55.

"Person." The expression "person" includes a body of persons corporate or unincorporate:

"Week." The expression "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night:

"Night." The expression "night" means the period between nine o'clock in the evening and six o'clock in the succeeding morning:

"Prescribed." The expression "prescribed" means prescribed for the time being by a Secretary of State:

"Summary Jurisdiction Acts." The expression "Summary Jurisdiction Acts" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled, "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," and any Acts amending the same:

"Court of summary jurisdiction." The expression "court of summary jurisdiction" means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to:

"Mill-gearing." The expression "mill-gearing" comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process.

The factories and workshops named in the Fourth Schedule to this Act are in this Act referred to by the names therein assigned to them.

Special exemption of certain Trades.

Exemption of handicrafts in Fifth Schedule in private houses.

97. 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 handicrafts specified in the Fifth Schedule to this Act, shall not of itself constitute such house or room a workshop within the meaning of this Act.

When it is proved to the satisfaction of a 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 this section to that handicraft, he may by order extend the same.

The order shall be made in manner provided by Part Two of this Act, and that part shall apply so far as circumstances admit as if the order were an order extending an exception.

Exemption of certain home-work.

98. 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 some of the purposes in this Act in that behalf mentioned, shall not of itself constitute such house or room a workshop where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to such family.

(2.) *Savings.*

Saving as to liability of hirer of machine where not occupier.

99. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connexion with which machine or implement children, young persons, or women are employed, is some person other than the occupier of the factory, and such children, young persons, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act which may be committed in relation to such children, young persons, or women, be deemed to be the occupier of the factory.

Saving for person employed in repair of machinery or of factory or workshop, or in process of curing fish.

100. Nothing in this Act shall extend—

(1.) 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; or

(2.) To the process of gutting, salting, and packing fish immediately upon its arrival in the fishing boats.

Application to factories and workshops of 38 & 39 Vict. c. 55.

101. 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 a factory or workshop which is subject to the provisions of this Act relating to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace.

It is hereby declared that the Public Health Act, 1875, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as it applies to buildings where more than twenty are employed.

Construction of enactments, &c. referring to repealed Acts.

102. Any enactment or document referring to the Acts repealed by this Act, or any of them, or to any enactment thereof, shall be construed to refer to this Act and to the corresponding enactment thereof.

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

Temporary saving for employment of children under 10 and children over 13 in Scotland and Ireland.

103. The provisions of this Act shall, in the case of a factory or workshop in Scotland or Ireland, in which a child under the age of ten years may lawfully be employed at the passing of this Act, be modified as follows; that is to say,

(1.) Shall apply during twelve months after the commencement of this Act to children of the age of nine years and upwards, as if they were of the age of ten years; and

(2.) Shall not prevent a child who, before the commencement of this Act, is lawfully employed in any factory or workshop as a child under the age of nine years, or any child who during the twelve months next after the commencement of this Act is lawfully employed in any factory or workshop as a child under the age of ten years, from continuing to be employed in a factory or workshop in like manner as if the child were above the age of ten years; and

(3.) Shall apply during twelve months after the commencement of this Act to children of the age of thirteen years and upwards as if they were young persons; and

(4.) Shall not prevent a child, who before the expiration of twelve months after the commencement of this Act is lawfully employed in a factory or workshop as a young person, from continuing to be employed in a factory or workshop as a young person.

Certificates of birth for purposes of Act.

104. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by a Secretary of State, and on payment of such fee, not exceeding one shilling, as a Secretary of State from time to time fixes, shall be entitled to obtain—

(1.) In Scotland an extract under the hand of the registrar under the Act of the seventeenth and eighteenth years of Her present Majesty, chapter eighty, and any Acts amending the same, of the entry in the register kept under those Acts; and

26 & 27 Vict. c. 11.

(2.) In Ireland a certified copy under the hand of the registrar or superintendent registrar under the Registration of Births and Deaths (Ireland) Act of the entry in the register under that Act of the birth of the child named in the requisition.

Application of Act to Scotland.

105. In the application of this Act to Scotland—

(1.) The expression "certified efficient school" means any public or other elementary school under Government inspection:

38 & 39 Vict. c. 13.

(2.) In lieu of Christmas Day and either Good Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of two days separated from each other by an interval of not less than three months, one of which shall be a day set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, or some other day substituted for such day as aforesaid by the occupier specifying the same in the notice affixed in the factory or workshop:

30 & 31 Vict. c. 101.

(3.) The expression "sanitary authority" means the local authority under the Public Health (Scotland) Act, 1867:

(4.) The expression "medical officer of health" means the medical officer under the Public Health (Scotland) Act, 1867, or where no such officer has been appointed, the medical officer appointed by the parochial board:

The expression "poor law medical officer" means the medical officer appointed by the parochial board:

8 & 9 Vict. c. 16.

(5.) The expression "Companies Clauses Consolidation Act, 1845," means the Companies Clauses Consolidation (Scotland) Act, 1845:

8 & 9 Vict. c. 17.

(6.) The expression "Summary Jurisdiction Acts" means the Summary Procedure Act, 1864, and any Acts amending the same:

27 & 28 Vict. c. 53.

(7.) The expression "court of summary jurisdiction" means the sheriff of the county or any of his substitutes:

(8.) The expression "Education Department" means the Lords of the Committee of the Privy Council appointed by Her Majesty on Education in Scotland:

(9.) The expression "county court" means the sheriff court:

(10.) All matters required by this Act to be published in the London Gazette shall (if they relate exclusively to Scotland), instead of being published in the London Gazette, be published in the Edinburgh Gazette only:

(11.) The expression "information" means petition or complaint:

(12.) The expression "informant" means petitioner, pursuer, or complainer:

(13.) The expression "defendant" means defender or respondent:

(14.) The expression "clerk of the peace" means sheriff clerk:

(15.) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction Acts at the instance of the procurator fiscal or of an inspector under this Act:

(16.) The court may make, and may also from time to time alter or vary, summary orders under this Act on petition by such procurator fiscal or inspector presented in common form:

(17.) 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:

(18.) 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 such prosecution is brought at the instance of such inspector:

(19.) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction:

(20.) 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 Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund:

(21.) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs and their substitutes:

(22.) Any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Act of the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, or under any enactment amending that Act, or applying or incorporating its provisions, or any of them, with regard to appeals, or to the Court of Justiciary at Edinburgh under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875. 38 & 39 Vict. c. 62.

Application of Act to Ireland.

106. 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.) In lieu of any two half-holidays allowed under the provisions of sub-section (2) in section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of the seventeenth day of March: Provided, that when this date falls on a Sunday, this sub-section shall have no effect as regards such date:

(3.) The expression "sanitary authority" means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1874, and any Act amending the same: 37 & 38 Vict. c. 93.

(4.) The expression "medical officer of health" means the medical sanitary officer of the sanitary district:

The expression "poor law medical officer" means the dispensary doctor:

(5.) Any act authorised to be done or consent required to be given by the Education Department under this Act shall be done and given by the Lord Lieutenant or Lords Justices of Ireland, acting by and with the advice of the Privy Council in Ireland:

(6.) The expression "county court" means the civil bill court:

(7.) The expression "Summary Jurisdiction Acts" means, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same: 14 & 15 Vict. c. 93.

(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 stipendiary magistrate 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 the manner and subject to the conditions and regulations prescribed in the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same: 14 & 15 Vict. c. 93.

(10.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same: 14 & 15 Vict. c. 90.

29 & 30 Vict. c. 90.

(11.) The provisions of section nineteen of the Public Health Act, 1866, or of any enactment substituted for that section, with respect to any factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded, shall not apply to any factory or workshop which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace:

37 & 38 Vict. c. 93.

It is hereby declared that the Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1874, 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:

(12.) All matters required by this Act to be published in the London Gazette shall, if they relate exclusively to Ireland, instead of being published in the London Gazette, be published in the Dublin Gazette only.

(4.) *Repeal.*

Repeal of Acts.

107. The Acts specified in the Sixth Schedule to this Act are hereby repealed from and after the commencement of this Act to the extent in the third column of that schedule mentioned:

Provided that—

(1.) All notices affixed in the factory in pursuance of the Acts 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 inspectors, sub-inspectors, officers, clerks, and servants appointed in pursuance of the Acts 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

(3.) All certifying surgeons appointed in pursuance of any Act hereby repealed shall be deemed to have been appointed in pursuance of this Act; and

(4.) All surgical certificates granted in pursuance of any Act hereby repealed shall have effect as certificates of fitness for employment granted in pursuance of this Act, and all registers kept in pursuance of any Act hereby repealed shall, until otherwise directed by a Secretary of State, be deemed to be the registers required by this Act; and

(5.) Any order made by a Secretary of State in pursuance of any enactment hereby repealed for granting any permission or relaxation to any factories or workshops may, if the Secretary of State so direct, continue in force for a period not exceeding three months after the commencement of this Act; and

(6.) The standard of proficiency fixed by the Education Department in pursuance of any enactment hereby repealed shall be deemed to have been fixed in pursuance of this Act; and

39 & 40 Vict. c. 79. 37 & 38 Vict. c. 44.

(7.) A child exempted by section eight of the Elementary Education Act, 1876, from the provisions of section twelve of the Factory Act, 1874, by reason of his having attained the age of eleven years before the first day of January 1877, shall, on attaining the age of thirteen years, be deemed to be a young person within the meaning of this Act:

(8.) This repeal shall not affect—

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

(*b.*) Any obligation or liability incurred under any enactment hereby repealed; or

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

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

SCHEDULES.

FIRST SCHEDULE.

Section 38.

SPECIAL PROVISIONS FOR HEALTH.

Factories and Workshops in which the Employment of Young Persons and Children is restricted.

Restriction of employment of young persons and children;

1. In a part of a factory or workshop in which there is carried on—
the process of silvering of mirrors by the mercurial process; or
the process of making white lead,
a young person or child shall not be employed.

of children &c. in glass works;

2. In the part of a factory in which the process of melting or annealing glass is carried on a child or female young person shall not be employed.

of girls under 16 in certain employments;

3. In a factory or workshop in which there is carried on—
(*a.*) the making or finishing of bricks or tiles not being ornamental tiles; or
(*b.*) the making or finishing of salt,
a girl under the age of sixteen years shall not be employed.

of children in metal grinding and lucifer-match dipping;

4. In a part of a factory or workshop in which there is carried on—
(*a.*) Any dry grinding in the metal trade, or
(*b.*) the dipping of lucifer matches,
a child shall not be employed.

of child under 11 in dry grinding, &c.

5. In any grinding in the metal trades other than dry grinding or in fustian cutting a child under the age of eleven years shall not be employed.

SECOND SCHEDULE.

SPECIAL RESTRICTIONS.

Places forbidden for Meals.

As to parts of factories or workshops in which children, young persons, and women are forbidden to take meals.

The prohibition on a child, young person, or woman taking a meal or remaining during the times allowed for meals in certain parts of factories or workshops applies to the parts of factories and workshops following; that is to say,—

(1.) In the case of glass works, to any part in which the materials are mixed; and
(2.) In the case of glass works where flint glass is made, to any part in which the work of grinding, cutting, or polishing is carried on; and
(3.) In the case of lucifer-match works, to any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and
(4.) In the case of earthenware works, to any part known or used as dippers house, dippers drying room, or china scouring room.

THIRD SCHEDULE.

SPECIAL EXCEPTIONS.

PART ONE.

Period of Employment.

Employment of children, young persons, and women between 8 a.m. and 8 p.m. in certain trades.

The exception respecting the employment of children, young persons, and women between the hours of eight in the morning and eight in the evening, and on Saturday between the hours of eight in the morning and four in the afternoon, or between the hours of seven in the morning and three in the afternoon, applies to any factory or workshop or part thereof in which any of the following manufacturing processes or handicrafts are carried on; that is to say,

(*a.*) Lithographic printing:
(*b.*) Turkey red dyeing:
(*c.*) The making of any article of wearing apparel:
(*d.*) The making of furniture hangings:
(*e.*) Artificial flower making:
(*f.*) Bon-bon and Christmas present making:
(*g.*) Valentine making:
(*h.*) Fancy box making:
(*i.*) Envelope making:
(*k.*) Almanac making:
(*l.*) Playing card making:

(*m.*) Machine ruling:
(*n.*) Biscuit making:
(*o.*) Firewood cutting:
(*p.*) Job dyeing: or
(*q.*) Aërated water making; and also to
(*r.*) Bookbinding works:
(*s.*) Letter-press printing works: and
(*t.*) A part of a 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.

Section 52.

PART TWO.

Meal Hours.

Cases in which provisions as to meal times are not to apply.

The cases in which the provisions of this Act as to meal times being allowed at the same hour of the day are not to apply are—

(1.) The case of children, young persons, and women employed in the following factories; that is to say,
Blast furnaces,
Iron mills,
Paper mills,
Glass works, and
Letter-press printing works; and

(2.) The case of male young persons employed 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.

The cases in which and the extent to which the provisions of this Act as to a child, young person, or woman during the times allowed for meals being employed or being allowed to remain in a room in which a manufacturing process or handicraft is being carried on, are not to apply are,—

(1.) The case of children, young persons, and women employed in the following factories; that is to say,
Iron mills,
Paper mills,
Glass works (save as otherwise provided by this Act), and
Letter-press printing works; and

(2.) The case of a male young person employed 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, to this extent, that the said provisions shall not prevent him, during the times allowed for meals to any other young person or to any child or woman, from being employed or being allowed to remain in any room in which any manufacturing process is carried on, and shall not prevent, during the times allowed for meals to such male young person, any other young person or any child or woman from being employed in the factory or allowed to remain in any room in which any manufacturing process is carried on.

Section 53.

PART THREE.

Overtime.

Factories and workshops in which young persons and women may be allowed to work for 14 hours a day under certain restrictions.

The exception with respect to the employment of young persons and women for forty-eight days in any twelve months during a period of employment, beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, applies to each of the factories and workshops, and parts thereof, following; that is to say,

(1.) 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.*) A 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.*) A factory or workshop or part thereof in which is carried on glue making; and

(2.) Where press of work arises at certain recurring seasons of the year; namely,
(*f.*) Letter-press printing works;
(*g.*) Bookbinding works; and

a 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.) Where the business is liable to sudden press of orders arising from unforeseen events; namely,

a 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 appeal; 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 also,
(*x.*) A part of a 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.

Provided that the said exception shall not apply—

(*a.*) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there; or

(*b.*) To a workshop or part thereof which is conducted on the system of not employing any child or young person therein.

Part Four.

Section 54.

Additional Half Hour.

Factories in which a child, young person, or woman may be employed for an additional half hour.

The exception with respect to the employment of a child, young person, or woman for a further period of thirty minutes where the process is in an incomplete state applies to the factories following; (that is to say,)

(*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.

Part Five.

Section 56.

Overtime for Perishable Articles.

Factories and workshops in which women may be employed for 14 hours a day.

The exception with respect to the employment of women for ninety-six days in any twelve months during a period of employment beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening applies to a factory or workshop or part thereof in which any of the following processes is carried on; namely,

The process of making preserves from fruit,
The process of preserving or curing fish, or
The process of making condensed milk.

Part Six.

Section 58.

Night Work.

Factories in which male young persons may be employed at night.

The exception with respect to the employment of male young persons during the night applies to the factories following; (that is to say,)

(*a.*) Blast furnaces,
(*b.*) Iron mills,
(*c.*) Letter-press printing works, and
(*d.*) Paper mills.

Section 48.

PART SEVEN.

Spell.

Continuous employment of children, young persons, and women for five hours in certain textile factories during the winter months.

The exception respecting the continuous employment in certain textile factories during the winter months of children, young persons, and women without an interval of at least half an hour for a meal for the same period as in a non-textile factory, 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.

FOURTH SCHEDULE.

LIST OF FACTORIES AND WORKSHOPS.

Sections 93, 96

PART ONE.

Non-Textile Factories.

"Print works." (1.) "Print works," that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper;

"Bleaching and dyeing works." (2.) "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on;

"Earthenware works." (3.) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware of any description, except bricks and tiles not being ornamental tiles;

"Lucifer-match works." (4.) "Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood;

"Percussion-cap works." (5.) "Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps;

"Cartridge works." (6.) "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges;

"Paper-staining works." (7.) "Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power;

"Fustian-cutting works." (8.) "Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting;

"Blast furnaces." (9.) "Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on;

"Copper mills." (10.) "Copper mills";

"Iron mills." (11.) "Iron mills," that is to say, any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel;

"Foundries." (12.) "Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work;

"Metal and india-rubber works." (13.) "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;

"Paper mills." (14.) "Paper mills," that is to say, any premises in which the manufacture of paper is carried on;

"Glass works." (15.) "Glass works," that is to say, any premises in which the manufacture of glass is carried on;

"Tobacco factories." (16.) "Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on;

(17.) "Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on; "Letter-press printing works."

(18.) "Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on; "Bookbinding works."

(19.) Flax scutch mills. "Flax scutch mills."

PART TWO.

Sections 93, 96.

Non-Textile Factories and Workshops.

(20.) "Hat works," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on; "Hat works."

(21.) "Rope works," that is to say, any premises being a ropery, ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power; "Rope works."

(22.) "Bakehouses," that is to say, any places in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived; "Bakehouses."

(23.) "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; "Lace warehouses."

(24.) "Shipbuilding yards," that is to say, any premises in which any ships, boats, or vessels used in navigation are made, finished, or repaired; "Shipbuilding yards."

(25.) "Quarries," that is to say, any place, not being a mine, in which persons work in getting slate, stone, coprolites, or other minerals; "Quarries."

(26.) "Pit-banks," 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, 1872, 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. "Pit-banks." 35 & 36 Vict. c. 76. 35 & 36 Vict. c. 77.

FIFTH SCHEDULE.

Section 97.

SPECIAL EXEMPTIONS.

Straw plaiting. | Pillow-lace making. | Glove making.

SIXTH SCHEDULE.

Section 107.

Acts repealed.

Session and Chapter.	Title of Act.	Extent of Repeal.
42 Geo. 3. c. 73. -	An Act for the preservation of the health and morals of apprentices and others employed in cotton and other mills and cotton and other factories.	The whole Act.
3 & 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.	The whole Act.
7 & 8 Vict. c. 15. -	An Act to amend the laws relating to labour in factories.	The whole Act.
9 & 10 Vict. c. 40. -	An Act to declare certain ropeworks not within the operation of the Factory Acts.	The whole Act.
13 & 14 Vict. c. 54. -	An Act to amend the Acts relating to labour in factories.	The whole Act.
16 & 17 Vict. c. 104. -	An Act further to regulate the employment of children in factories.	The whole Act.
19 & 20 Vict. c. 38. -	The Factory Act, 1856 - - -	The whole Act.

Session and Chapter.	Title of Act.	Extent of Repeal.
24 & 25 Vict. c. 117. -	An Act to place the employment of women, young persons, youths, and children in lace factories under the regulations of the Factories Acts.	The whole Act.
26 & 27 Vict. c. 40. -	The Bakehouse Regulation Act, 1863 - -	The whole Act.
27 & 28 Vict. c. 48. -	The Factory Acts Extension Act, 1864 -	The whole Act.
29 & 30 Vict. c. 90. -	The Sanitary Act, 1866 - - -	The following words (so far as unrepealed) in section nineteen, "not already under the operation "of any general Act for the "regulation of factories or bake-"houses."
30 & 31 Vict. c. 103. -	The Factory Acts Extension Act, 1867 -	The whole Act.
30 & 31 Vict. c. 146. -	The Workshop Regulation Act, 1867 -	The whole Act.
33 & 34 Vict. c. 62. -	The Factory and Workshop Act, 1870 -	The whole Act.
34 & 35 Vict. c. 19. -	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.	The whole Act.
34 & 35 Vict. c. 104. -	The Factory and Workshop Act, 1871 -	The whole Act.
37 & 38 Vict. c. 44. -	The Factory Act, 1874 - - -	The whole Act.
38 & 39 Vict. c. 55. -	The Public Health Act, 1875 - - -	The following words in section four, "more than twenty," and the words "at one time," and the following words in section ninety-one, "not already under the ope-"ration of any general Act for "the regulation of factories or "bakehouses."
39 & 40 Vict. c. 79. -	The Elementary Education Act, 1876 -	Section eight and the following words in section forty-eight, "the "Factory Acts, 1833 to 1874, as "amended by this Act, and in-"cludes the Workshop Acts, "1867 to 1871, as amended by "this Act, and".

CHAPTER 17.

An Act to amend the Adulteration of Seeds Act, 1869. [27th May 1878.]

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:

Short title. 32 & 33 Vict. c. 112.

1. This Act may be cited as the Adulteration of Seeds Act, 1878, and shall be construed as one with the Adulteration of Seeds Act, 1869, and together with that Act may be cited as the Adulteration of Seeds Acts, 1869 and 1878.

Amendment of 32 & 33 Vict. c. 112, s. 2.

2. From and after the passing of this Act, section 2 of the Adulteration of Seeds Act, 1869, shall be read as if, instead of the words "The term 'to dye seeds' means to give to "seeds by any process of colouring, dyeing, sulphur smoking, or other artificial means "the appearance of seeds of another kind," there were therein inserted the words "The "term 'to dye seeds' means to apply to seeds any process of colouring, dyeing, or sulphur "smoking."