11. In any Act relating to the solemnization of marriages abroad, expressions referring to a British minister shall be construed to include, and to have always included, a British chargé d'affaires, and in this Act the expression "minister" shall be construed in like manner; and the expression "British consular officer" shall include a pro-consul and an acting consular agent. Meaning of ambassador and consular officer.

12. All marriages solemnized on board one of Her Majesty's vessels on or before the last day of July one thousand eight hundred and ninety-one, shall be deemed to be as valid as they would have been if the Marriage Act, 1890, had not passed. Confirmation of marriages on board Her Majesty's ships.

CHAPTER 75.

An Act to amend the Law relating to Factories and Workshops. [5th August 1891.]

WHEREAS it is expedient to amend the Factory and Workshop Act, 1878 (herein-after referred to as the principal Act): 41 Vict. c. 16.

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

Sanitary Provisions.

1.—(1.) If the Secretary of State is satisfied that the provisions of the law relating to public health as to effluvia arising from any drain, privy, or other nuisance, or with respect to cleanliness, ventilation, overcrowding, or limewashing are not observed in any workshops or class of workshops (including workshops conducted on the system of not employing any child, young person, or woman therein) or laundries, he may, if he thinks fit, by order, authorise and direct an inspector or inspectors under the principal Act to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing the said provisions. Powers of Secretary of State as to sanitary provisions in workshops.

(2.) An inspector authorised in pursuance of this section shall, for the purpose of his duties, have the same powers with respect to workshops and laundries to which this section applies, as he has under the principal Act as amended by this Act with respect to factories, and may for the same purpose take the like proceedings for punishing or remedying any default in compliance with the said provisions of the law relating to public health as might be taken by the sanitary authority of the district in which the workshops or laundries are situate, and shall be entitled to recover from that sanitary authority all such expenses in and about any proceedings in respect of such workshops or laundries as he may incur and are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

Powers of factory inspector after notice to sanitary authority.

2.—(1.) Section four of the principal Act shall apply to workshops conducted on the system of not employing any child, young person, or woman therein, and to laundries.

(2.) Where notice of an act, neglect, or default is given by an inspector under the said section four, as amended by this Act, to a sanitary authority, and proceedings are not taken within a reasonable time for punishing or remedying the act, neglect, or default, the inspector may take the like proceedings for punishing or remedying the same as the sanitary authority might have taken, and shall be entitled to recover from the sanitary authority all such expenses in and about the proceedings as the inspector incurs and are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

Enforcement by sanitary authority of sanitary provisions as to workshops. 41 & 42 Vict. c. 16. 54 & 55 Vict. c. 76.

3.—(1.) Sections three and thirty-three of the Factory and Workshop Act, 1878 (which relate to cleanliness, ventilation, and overcrowding in, and limewashing of, factories and workshops), shall cease to apply to workshops.

(2.) For the purpose of their duties with respect to workshops (not being workshops to which the Public Health (London) Act, 1891, applies), a sanitary authority and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings or otherwise, as an inspector under the principal Act.

(3.) If any child, young person, or woman, is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector of the district.

Cleanliness and limewashing of workshops. 38 & 39 Vict. c. 55.

4.—(1.) Every workshop as defined by the principal Act (including any workshop conducted on the system of not employing any child, young person, or woman therein), and every workplace within the meaning of the Public Health Act, 1875, shall be kept free from effluvia arising from any drain, water closet, earth closet, privy, urinal, or other nuisance, and unless so kept shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health.

(2.) Where on the certificate of a medical officer of health or inspector of nuisances it appears to any sanitary authority that the limewashing, cleansing, or purifying of any such workshop, or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall give notice in writing to the owner or occupier of the workshop to limewash, cleanse, or purify the same or part thereof, as the case may require.

(3.) If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a fine not exceeding ten shillings for every day during which he continues to make default, and the sanitary authority may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

54 & 55 Vict. c. 76.

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

5. In section three of the principal Act, for the word "privy," shall be substituted the words "water closet, earth closet, privy, urinal," and for the words "injurious to the health of the persons employed therein" shall be substituted the words "dangerous or injurious to the health of the persons employed therein." Amendment of 41 & 42 Vict. c. 16. s. 3, as to sanitary provisions.

Safety.

6.—(1.) The words "near to which any person is liable to pass or to be employed" in sub-section (1) of section five of the principal Act are hereby repealed. Amendment of 41 & 42 Vict. c. 16. s. 5, as to fencing of machinery.

(2.) In sub-section three of the same section before the words "every part" shall be inserted the words "all dangerous parts of the machinery and."

7.—(1.) Every factory of which the construction is commenced after the first day of January one thousand eight hundred and ninety-two, and in which more than forty persons are employed, shall be furnished with a certificate from the sanitary authority of the district in which the factory is situate that the factory is provided on the storeys above the ground floor with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case, and a factory not so furnished shall be deemed not to be kept in conformity with the principal Act, and it shall be the duty of the sanitary authority to examine every such factory, and on being satisfied that the factory is so provided to give such a certificate as aforesaid. Provision against fire.

(2.) With respect to all factories to which the foregoing provisions of this section do not apply, and in which more than forty persons are employed, it shall be the duty of the sanitary authority of every district, as soon as may be after the passing of this Act, and afterwards from time to time, to ascertain whether all such factories within their district are provided with such means of escape as aforesaid, and, in the case of any factory which is not so provided, to serve on the person being within the meaning of the Public Health Act, 1875, the owner of the factory a notice in writing specifying the measures necessary for providing such means of escape as aforesaid, and requiring him to carry out the same before a specified date, and thereupon such owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements, and, unless such requirements are so complied with, such owner shall be liable to a fine not exceeding one pound for every day that such non-compliance continues. In case of a difference of opinion between the owner of the factory and the sanitary authority, the difference shall, on the application of either party, be referred to arbitration, and thereupon the provisions of the First Schedule to this Act shall have effect, except that the parties to the arbitration shall be the sanitary authority on the one hand and the owner on the other, and the award on the arbitration shall be binding on the parties thereto. If the owner alleges that the occupier of the factory ought to bear or contribute to the expenses of complying 38 & 39 Vict. c. 75.

with the requirement, he may apply to the county court having jurisdiction where the factory is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case.

(3.) All expenses incurred by a sanitary authority in the execution of this section shall be defrayed—

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

(*b*) in the case of an authority of a rural district, as special expenses incurred in the execution of the Public Health Act, 1875; and such expenses shall be charged to the contributory place in which the factory is situate.

(4.) In the application of this section to the administrative county of London, the London County Council shall take the place of the sanitary authority, and their expenses in the execution of this section shall be defrayed as part of their expenses in the management of the Metropolitan Building Act, 1855, and the Acts amending the same.

18 & 19 Vict. c. 122.

Special Rules and Requirements.

Special rules and requirements as to dangerous and unhealthy incidents of employment.

8.—(1.) Where the Secretary of State certifies that in his opinion any machinery or process or particular description of manual labour used in a factory or workshop (other than a domestic workshop) is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, or that the provision for the admission of fresh air is not sufficient, or that the quantity of dust generated or inhaled in any factory or workshop is dangerous or injurious to health, the chief inspector may serve on the occupier of the factory or workshop a notice in writing, either proposing such special rules or requiring the adoption of such special measures as appear to the chief inspector to be reasonably practicable and to meet the necessities of the case.

(2.) Unless within twenty-one days after receipt of the notice the occupier serves on the chief inspector a notice in writing that he objects to the rules or requirement, the rules shall be established, or, as the case may be, the requirement shall be observed.

(3.) If the notice of objection suggests any modification of the rules or requirement, the Secretary of State shall consider the suggestion and may assent thereto with or without any further modification which may be agreed on between the Secretary of State and the occupier, and thereupon the rules shall be established, or, as the case may be, the requirement shall be observed, subject to such modification.

(4.) If the Secretary of State does not assent to any objection or modification suggested as aforesaid by the occupier, the matter in difference between the Secretary of State and the occupier shall be referred to arbitration under this Act, and the date of the receipt of the notice of objection by the Secretary of State shall be deemed

to be the date of the reference, and the rules shall be established, or the requisition shall have effect, as settled by an award on arbitration.

(5.) Any notice under this section may be served by post.

(6.) With respect to arbitrations under this Act the provisions in the First Schedule to this Act shall have effect.

(7.) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of this section.

Penalty for contravention of special rules or requirement.

9.—(1.) If any person who is bound to observe any special rules established for any factory or workshop under this Act acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable on summary conviction to a fine not exceeding ten pounds, unless he proves that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the rules to prevent the contravention or noncompliance.

(2.) A factory or workshop in which there is a contravention of any requirement made under this Act shall be deemed not to be kept in conformity with the principal Act.

Amendment of special rules.

10.—(1.) After special rules are established under this Act in any factory or workshop, the Secretary of State may from time to time propose to the occupier of the factory or workshop any amendment of the rules or any new rules; and the provisions of this Act with respect to the original rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules.

(2.) The occupier of any factory or workshop in which special rules are established may from time to time propose in writing to the chief inspector, with the approval of the Secretary of State, any amendment of the rules or any new rules, and the provisions of this Act with respect to a suggestion of an occupier for modifying the special rules proposed by a chief inspector shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to such a suggestion.

Publication of special rules.

11.—(1.) Printed copies of all special rules for the time being in force under this Act in any factory or workshop shall be kept posted up in legible characters in conspicuous places in the factory or workshop where they may be conveniently read by the persons employed. In a factory or workshop in Wales or Monmouthshire the rules shall be posted up in the Welsh language also.

(2.) A printed copy of all such rules shall be given by the occupier to any person affected thereby on his or her application.

(3.) If the occupier of any factory or workshop fails to comply with any provision of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(4.) Every person who pulls down, injures, or defaces any special rules when posted up in pursuance of this Act, or any notice posted

up in pursuance of the special rules, shall be liable on summary conviction to a fine not exceeding five pounds.

Certified copies of special rules to be evidence.

12. An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules for the time being established under this Act for any factory or workshop, and a copy so certified shall be evidence (but not to the exclusion of other proof) of those special rules, and of the fact that they are duly established under this Act.

Period of Employment.

Period of employment for women.

13.—(1.) For subsection (2) of section fifteen of the principal Act the following subsection shall be substituted, namely :—

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

(*a.*) The period of employment for a woman shall, except on Saturday, be a specified period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours, taken between six o'clock in the morning and four o'clock in the afternoon; and

(*b.*) There shall be allowed to a woman for meals and absence from work during the period of employment, a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.

Notice as to overtime.

14.—(1.) The report required by section sixty-six of the principal Act respecting the employment of a child, young person, or woman in pursuance of an exception relating to employment overtime, must be sent to an inspector not later than eight o'clock in the evening on which the child, young person, or woman is employed in pursuance of the exception.

(2.) Where, under the said section sixty-six, the occupier of a factory or workshop is required to make an entry and report respecting the employment overtime of a child, young person, or woman in the factory or workshop, he shall cause a notice containing the prescribed particulars respecting the employment to be kept affixed in the factory or workshop during the prescribed time, and in default of so doing shall be liable, on summary conviction, to a fine not exceeding five pounds.

Period of employment on Saturday for young persons and women not employed more than eight hours.

15. For section eighteen of the principal Act the following section shall be substituted, namely,—

In a non-textile factory or workshop where a young person or woman has not been actually employed for more than eight hours on any day in a week, and notice of such non-employment has been affixed in the factory or workshop and served on the inspector, the period of employment on Saturday in that week for that young person or woman may be from six o'clock in the morning to four

o'clock in the afternoon, with an interval of not less than two hours for meals.

Holidays.

Amendment of 41 & 42 Vict. c. 16. s. 22, as to holidays.

16. For subsection (4) of section twenty-two of the principal Act the following subsection shall be substituted, namely :—

(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 during the first week in January, and a copy thereof has on the same day been forwarded to the inspector of the district: Provided that any such notice may be changed by a subsequent notice affixed and sent in like manner not less than fourteen days before the holiday or half holiday to which it applies.

Conditions of Employment.

Prohibition of employment of women after child-birth.

17. An occupier of a factory or workshop shall not knowingly allow a woman to be employed therein within four weeks after she has given birth to a child.

Prohibition of employment of children under eleven years of age.

18. On and after the first day of January one thousand eight hundred and ninety-three no child under the age of eleven years shall be employed in a factory or workshop.

Provided always, that any child lawfully employed under the principal Act, or any Act relating to the employment of children, at the time that the provisions of this section come into operation shall be exempt from its provisions.

Report of certifying surgeon.

19. Every certifying surgeon acting under this or the principal Act shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year, and the results of the inspection.

Certificate of birth in case of children and young persons under 16.

20. Where the age of any child or young person under the age of sixteen years is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child or young person, any person shall, on presenting a written requisition, in such form, and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that child or young person ; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

Amendment of 41 & 42 Vict. c. 16. s. 61, as to exemption of certain workshops.

21. There shall be repealed so much of section sixty-one of the principal Act as enacts that the provisions therein mentioned shall not apply 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.

Miscellaneous.

Amendment of 41 & 42 Vict. c. 16. s. 31, as to notice of accidents.

22.—(1.) In section thirty-one of the principal Act for the words "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" shall be substituted the words "and is of such a nature as to prevent the "person injured by it from returning to his work in the factory or "workshop and doing five hours work on any day during the "next three days after the occurrence of the accident."

(2.) The notice required under that section shall, where the person killed or injured is not removed to his own residence, state both his residence and the place to which he has been removed.

(3.) Where a death has occurred by accident in any factory or workshop, the coroner shall forthwith advise the district inspector under this Act of the time and place of the holding of the inquest, and at such inquest any relative of any person whose death may have been caused by the accident with respect to which the inquest is being held, and any inspector under the principal Act, and the occupier of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the workpeople employed in the said factory or workshop shall be at liberty to attend and examine any witness either in person or by his counsel, solicitor, or agent, subject nevertheless to the order of the coroner.

Inspectors in Wales and Monmouthshire.

23. In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

Particulars to be supplied in case of payment by piece.

24. Every person who is engaged as a weaver in the cotton, worsted, or woollen, or linen or jute trade, or as a winder, weaver, or reeler in the cotton trade, and is paid by the piece, in or in connexion with any factory or workshop, shall have supplied to him with his work sufficient particulars to enable him to ascertain the rate of wages at which he is entitled to be paid for the work, and the occupier of the factory or workshop shall supply him with such particulars accordingly.

If the occupier of any factory or workshop fails to supply such particulars then, unless he proves that he has given the best information in his power with respect to such particulars, he shall be liable for each offence to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence not less than one pound.

Provided always, that in the event of anyone who is engaged as an operative in any factory or workshop receiving such particulars, and subsequently disclosing the same with a fraudulent object or for the purpose of gain, whether they be furnished directly to him or to a fellow workman, he shall be liable for each offence to a fine not exceeding ten pounds.

Provided also, that anyone who shall solicit or procure a person so engaged in any factory to disclose such particulars with the object or purpose aforesaid, or shall pay or reward such person, or shall cause such person to be paid or rewarded, for so disclosing such particulars, shall be guilty of an offence, and shall be liable for each offence to a fine not exceeding ten pounds.

Powers of entry.

25. The powers of entry conferred by section sixty-eight of the principal Act on an inspector under that Act may be exercised without the authority or warrant required in certain cases by section sixty-nine of that Act.

Notice of opening workshop.

26.—(1.) Section seventy-five of the principal Act (which requires notice to be given of the occupation of a factory) shall apply to a workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) in like manner as it applies to a factory.

(2.) Where an inspector receives notice in pursuance of this section with respect to a workshop, he shall forthwith forward the notice to the sanitary authority of the district in which the workshop is situate.

Lists of out-workers.

27.—(1.) The occupier of every factory and workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) and every contractor employed by any such occupier in the business of the factory or workshop shall, if so required by the Secretary of State by an Order made in accordance with section sixty-five of the principal Act, and subject to any exceptions mentioned in the Order, keep in the prescribed form and with the prescribed particulars lists showing the names of all persons directly employed by him, either as workman or as contractor, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed, and every such list shall be open to inspection by any inspector under the principal Act or by any officer of a sanitary authority.

(2.) In the event of a contravention of this section by the occupier of a factory or workshop, or by a contractor, the occupier or contractor shall be liable to a fine not exceeding forty shillings.

Minimum penalties in certain cases.

28. The fine imposed on a conviction under sections sixty-eight, eighty-one, eighty-two, or eighty-three of the principal Act, for any offence in relation to a factory, shall, in case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence, be not less than one pound for each offence.

Limitation of time for summary proceedings.

29. In summary proceedings for offences and fines under the principal Act as amended by any subsequent Act, an information may be laid within three months after the date at which the offence comes to the knowledge of a factory inspector, or in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it shall not be laid after the expiration of six months from the commission of the offence.

Amendment of 41 & 42 Vict. c. 16. s. 92.

30. Section ninety-two of the principal Act shall apply to a workshop in like manner as it applies to a factory.

Amendment of 41 & 42 Vict. c. 16. s. 93.

31. In section ninety-three of the principal Act for the words "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," shall be substituted the words "a room solely used for the purpose "of sleeping therein shall not be deemed to form part of the "factory or workshop for the purposes of this Act."

Saving for persons employed in process of cleaning fruit.

32. Nothing in the principal Act as amended by this Act shall apply to the process of cleaning and preparing fruit so far as is necessary to prevent the spoiling of the fruit on its arrival at a factory or workshop during the months of June, July, August, and September.

Application to Scotland.

33. In the application of this Act to Scotland, the following modifications shall be made, namely,—

(1.) The expression "Births and Deaths Registration Acts, 1836 to 1874," shall mean the Acts relating to the registration of births, deaths, and marriages in Scotland:

30 & 31 Vict. c. 101.

(2.) The expression "Public Health Act, 1875," where it occurs in section seven of this Act shall mean the Public Health (Scotland) Act, 1867, and the Acts amending the same:

(3.) The Board of Supervision shall be substituted for the Local Government Board:

38 & 39 Vict. c. 13.

(4.) 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 within a burgh or police burgh, the two days in each year 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, and in such burghs or police burghs where such fast days have been abolished or discontinued there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop in such burghs or police burghs such two whole days in each year, separated by an interval of not less than three months, as shall be fixed by the magistrates or police commissioners in such burghs or police burghs, and such magistrates or police commissioners, as the case may be, are hereby required to fix, and from time to time, if it shall seem expedient to them to do so, to alter such holidays, and give public notice thereof fourteen days before the date at any time fixed.

(5.) Where a death has occurred by accident in any factory or workshop a public inquiry in open court shall be held by the sheriff, upon the petition of any party interested, and the sheriff shall forthwith advise the district inspector under this Act of the time and place of the holding of the inquiry, and at such inquiry any relative of any person whose death has been caused by the accident with respect to which the inquiry is being held, and the occupier or manager of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the

workpeople employed in the said factory or workshop, shall be at liberty to attend and examine any witness, either in person, or by his counsel, solicitor, or agent, subject nevertheless to the order of the sheriff.

Amendment of 41 Vict. c. 16. s. 106, as to holidays in Ireland.

34. For subsection (2) of section one hundred and six of the principal Act, the following subsection shall be substituted:—

(2.) In lieu of any two half-holidays allowed under the provisions of subsection (2) of 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, when that day does not fall on a Sunday, or at the option of the occupier of the factory or workshop, either Good Friday (unless that day is otherwise fixed as a holiday) or Easter Tuesday.

Amendment of 41 & 42 Vict. c. 16. s. 104.

35. The fee to be charged in pursuance of section one hundred and four of the principal Act shall not exceed sixpence, and that section shall apply in the case of a young person under the age of sixteen years in like manner as it applies in the case of a child.

Amendment of 46 & 47 Vict. c. 53. s. 18.

36. The expression "retail bakehouse" in the Factory and Workshops Act, 1883, shall not include any place which is a factory within the meaning of the principal Act.

Definitions of "machinery" and "domestic workshop."

37.—(1.) For the purposes of the principal Act and this Act the expression "machinery" shall include any driving strap or band, and the expression "process" shall include the use of any locomotive.

(2.) In this Act the expression "domestic workshop" means a workshop to which section sixteen of the principal Act applies.

Amendment of 41 & 42 Vict. c. 16, Sch. IV.

38. There shall be added in line three, subsection (3), of the Fourth Schedule of the principal Act, after "earthenware," the words "or china."

Repeal.

39. The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Provided that any special rules or requirements made under any enactment repealed by this Act shall continue to have effect as if made under this Act, and the provisions of this Act shall apply thereto accordingly.

Commencement of Act.

40. This Act shall, except where it is otherwise expressed, come into operation on the first day of January one thousand eight hundred and ninety-two.

Short title and construction. 41 & 42 Vict. c. 16. 46 & 47 Vict. c. 53. 52 & 53 Vict. c. 62.

41.—(1.) This Act may be cited as the Factory and Workshop Act, 1891, and shall be construed as one with the Factory and Workshop Act, 1878.

(2.) The Factory and Workshop Act, 1878, the Factory and Workshop Act, 1883, and the Cotton Cloth Factories Act, 1889, may, together with this Act, be cited collectively as the Factory and Workshops Acts, 1878 to 1891.

SCHEDULES.

Sections 7, 8.

FIRST SCHEDULE.

1. The parties to the arbitration are in this schedule deemed to be the occupiers of the factory or workshop on the one hand and the chief inspector, on behalf of the Secretary of State, on the other.

2. Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

3. No person shall act as arbitrator or umpire under this Act who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

4. The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.

5. The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

6. If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

7. If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

8. In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

9. If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as herein-after mentioned.

10. The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

11. If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

12. If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

13. The decision of every umpire on the matters referred to him shall be final.

14. If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

15. Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

16. The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.

17. The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under the principal Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of nonpayment be recovered in the same manner as fines under the principal Act.

SECOND SCHEDULE.

Section 89.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 16.	The Factory and Workshop Act, 1878.	In section three, the words "and a workshop" and "or workshop" wherever they occur. In section five, subsection (1), the words "near to which "any person is liable to "pass or to be employed." Sections six, seven, and eight. Section fifteen, from "and" at the end of subsection (1) to the end of the section. In section twenty-two, subsection (4). In section thirty-one the words "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." In section thirty-three the words "and workshop," "or workshop," and "or workshops," wherever they respectively occur. Section sixty-one, from "or" at the end of the paragraph marked (*a*) to the words "workshop on that system."

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 16. —*cont.*		Section sixty-nine. Section ninety-one, from "(1.) The information shall "be laid" to "commission "of the offence." In section one hundred and one, the words "or work- "shop."
46 & 47 Vict. c. 53.	The Factory and Workshop Act, 1883.	Sections seven to twelve and subsections (2) and (3) of section seventeen.
51 & 52 Vict. c. 22.	The Factory and Workshop Amendment (Scotland) Act, 1888.	The whole Act.
52 & 53 Vict. c. 62.	The Cotton Cloth Factories Act, 1889.	Section twelve.

CHAPTER 76.

An Act to consolidate and amend the Laws relating to Public Health in London. [5th August 1891.]

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:

Sanitary authority to inspect district for detection of nuisances.

1. It shall be the duty of every sanitary authority to cause to be made from time to time inspection of their district, with a view to ascertain what nuisances exist calling for abatement under the powers of this Act, and to enforce the provisions of this Act for the purpose of abating the same, and otherwise to put in force the powers vested in them relating to public health and local government, so as to secure the proper sanitary condition of all premises within their district.

Nuisances (General).

Nuisances (General).

What nuisances may be abated summarily.

2.—(1.) For the purposes of this Act,—

(*a.*) Any premises in such a state as to be a nuisance or injurious or dangerous to health;