# CHAPTER 37.

An Act to amend and extend the Law relating to Factories and Workshops. [6th July 1895.] A.D. 1895.

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:

## GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

### *Sanitary Provisions and Safety.*

Overcrowding of factory or workshop.

**1.**—(1.) A factory shall for the purpose of section three of the principal Act, and a workshop shall for the purpose of the law relating to public health, be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed at once in the room a proportion less than two hundred and fifty, or, during any period of overtime, four hundred, cubic feet of space to every person.

(2.) Provided that the Secretary of State may, by order made in accordance with section sixty-five of the principal Act, modify this proportion for any period during which artificial light other than electric light is employed for illuminating purposes, and may by like order, as regards any particular manufacturing process or handicraft, substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and thereupon this section shall have effect as modified by the order.

(3.) Section seventy-eight of the principal Act shall be read as if there were included among the notices required by that section to be affixed a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of this section.

Power to make order as to dangerous factory or workshop.

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

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

(2.) Provided that proceedings shall not be taken under this section in cases where proceedings might be taken by or at the instance of any sanitary authority under the provisions of the law relating to public health, unless the inspector is authorised to take proceedings in pursuance of section one or section two of the Act of 1891.

(3.) If there is any contravention of an order under this section the occupier of the place shall be liable to a fine not exceeding forty shillings a day during such contravention.

Provision as to notice to sanitary authority.

**3.**—(1.) Where notice of an act, neglect, or default is given by an inspector under section four of the principal Act to a sanitary authority, it shall be the duty of the sanitary authority to inform the inspector of the proceedings taken in consequence of the notice.

(2.) In section two of the Act of 1891, for the words "within a reasonable time" shall be substituted the words "within one month."

Power to make order as to dangerous machine.

**4.**—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any machine used in a factory or workshop is in such a condition that it cannot be used without danger to life or limb, by order prohibit the machine from being used, or, if it is capable of repair or alteration, from being used until it is duly repaired or altered.

(2.) Where a complaint has been made under this section the court or a justice may, on application ex parte by the inspector, and on receiving evidence that the use of any such machine involves imminent danger to life, make an interim order prohibiting either absolutely or subject to conditions the use of the machine until the earliest opportunity for hearing and determining the complaint.

(3.) If there is any contravention of an order under this section, the person entitled to control the use of the machine shall be liable to a fine not exceeding forty shillings a day during such contravention.

Penalty for employment of persons in places injurious to health.

**5.**—(1.) If an inspector gives notice in writing to the occupier of a factory or workshop, or to any contractor employed by any such occupier, that any place in which work is carried on for the purpose of or in connexion with the business of the factory or workshop is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor after the expiration of one month from receipt of the notice gives out work to be done in that place, and the place is found by the court having cognizance of the case to be so injurious or dangerous, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(2.) This section shall apply in the case of the occupier of any place from which any work is given out as if that place were a workshop.

(3.) Provided that this section shall not apply except in the case of persons employed in such classes of work, and in the case of persons giving out employment and employed within such areas, as

may from time to time be specified by the Secretary of State by order made in accordance with section sixty-five of the principal Act, and no such order shall be made except with respect to an area where, by reason of the number and distribution of the population or the conditions under which work is carried on, there are special risks of injury or danger to the health of the persons employed and of the district.

Penalty for allowing wearing apparel to be made in place where there is infectious disease.

**6.** If any occupier of a factory or workshop or laundry or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired in any dwelling-house or building occupied therewith, whilst any inmate of the dwelling-house is suffering from scarlet fever or small-pox, then, unless he proves that he was not aware of the existence of the illness in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be liable to a fine not exceeding ten pounds.

Amendment of 41 & 42 Vict. c. 16. s. 5, as to fencing.

**7.**—(1.) In paragraph (1) of section five of the principal Act for the words "a steam engine and water wheel" shall be substituted the words "any water-wheel or engine worked by any such power."

(2.) In paragraph (3) of the same section after the word "employed," the words "or working" shall be inserted.

(3.) In paragraph (4) of the same section for the words "for the purpose of any manufacturing process" shall be substituted the words "except where the parts are under repair or under examination in connexion with repair, or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine."

Amendment of 41 & 42 Vict. c. 16. s. 9, as to restriction on cleaning of machinery in motion.

**8.** The first paragraph of section nine of the principal Act (which relates to the cleaning of machinery) shall apply, so far as the dangerous parts of machinery are concerned, to young persons in like manner as it applies to children, and for this purpose such parts of the machinery shall, unless the contrary is proved, be presumed to be dangerous as are so notified by an inspector to the occupier of the factory.

Regulation as to position of self-acting machine.

**9.**—(1.) In a factory erected after the commencement of this Act, the traversing carriage of any self-acting machine shall not be allowed to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it so runs out is a space over which any person is liable to pass, whether in the course of his employment or otherwise.

(2.) A person employed in a factory shall not be allowed to be in the space between the fixed and the traversing portions of a self-acting machine unless the machine is stopped with the traversing portion on the outward run, but for the purpose of this provision the space in front of a self-acting machine shall not be included in the space aforesaid.

(3.) A factory in which a traversing carriage is allowed to run out in contravention of this section shall be deemed not to be kept in conformity with the principal Act, and any person allowed to be

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in the space aforesaid in contravention of this section, shall be deemed to be employed contrary to the provisions of the principal Act.

**Provisions for escape from fire.**

**10.**—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that the provision of a moveable fire escape or moveable fire escapes is required for the safety of any of the persons employed in a factory or workshop, by order require the occupier of the factory or workshop to provide and maintain a moveable fire escape or moveable fire escapes sufficient for that purpose.

(2.) While any person employed in a factory or workshop is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, shall not be locked or bolted or fastened in such a manner that they cannot be easily and immediately opened from the inside.

(3.) In every factory or workshop the construction of which is commenced after the commencement of this Act, the doors of each room in which more persons than ten are employed, shall, except in the case of sliding doors, be constructed so as to open outwards.

(4.) Sub-section one of section seven of the Act of 1891 shall apply to all workshops the construction of which is commenced after the commencement of this Act, and in which more than forty persons are employed, in like manner as it applies to factories, and sub-section two of that section shall apply to all workshops to which the foregoing provision of this sub-section does not apply, in like manner as it applies to factories.

(5.) For the purpose of enforcing the provisions of section seven of the Act of 1891 with respect to fire escapes, an inspector may give the like notice and take the like proceedings as under section four of the principal Act and section two of the Act of 1891, and the provisions of those sections shall apply accordingly.

(6.) If there is any contravention of an order under this section the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings a day during such contravention, and a factory or workshop in which there is a contravention of the requirements of this section shall be deemed not to be kept in conformity with the principal Act.

**Provision as to arbitration with respect to fire escapes.**

**11.**—(1.) An application to refer, under section seven of the Act of 1891, a difference as to a notice by a sanitary authority or by the London County Council must be made within one month after the time when the difference arises.

(2.) Where such a difference is referred to arbitration, the notice of the sanitary authority or council shall be discharged, amended, or confirmed in accordance with the award in the arbitration.

**Representation of workmen on arbitration as to special rules.**

**12.** When any matter in difference is referred to arbitration under section eight of the Act of 1891, the arbitrators or umpire may, on the application of any of the workmen employed in the class of employment to which the arbitration relates, and on such security, if any, as may appear to the arbitrators or umpire sufficient to provide for the costs of and consequential on the application,

appoint any person to represent the workmen, or any class of them, on the arbitration, and any person so appointed shall be entitled to attend and take part in the proceedings of the arbitration either in person or by his counsel, solicitor, or agent to such extent and in such manner as the arbitrators or umpire may direct, and shall be subject to the same liability with respect to such costs as aforesaid as if he were a party to the arbitration.

Extension of 41 & 42 Vict. c. 16. s. 82, to death or injury caused by neglect of Act or special rules.

**13.** Section eighty-two of the principal Act, which provides penal compensation to persons injured by neglect to fence machinery, shall extend to any death or bodily injury or injury to health in consequence of the occupier of a factory or workshop having neglected to observe any provision of the Factory Acts or any special rule or requirement made in pursuance of the Act of 1891. Provided that in the case of injury to health the occupier shall not be liable under this section unless the injury was caused directly by such neglect.

*Employment.*

Restriction of overtime employment.

**14.**—(1.) A young person shall not be employed overtime in pursuance of section fifty-three of the principal Act.

(2.) A woman shall not be employed overtime in pursuance of section fifty-three of the principal Act for more than three days in any one week or for more than thirty days in any twelve months, and shall not be employed overtime in pursuance of section fifty-six of the principal Act for more than sixty days in any twelve months; and, accordingly, in section fifty-three the words "three days," and "thirty days," shall be substituted for the words "five days," and "forty-eight days," and in section fifty-six the words "sixty days" shall be substituted for the words "ninety-six days."

(3.) Section fifty-eight of the principal Act shall, from and after the first day of January one thousand eight hundred and ninety-seven, apply only to male young persons of fourteen years of age or upwards, and the powers of the Secretary of State under section sixty-three of the principal Act shall extend to making orders as to the total number of hours of employment in each week, the periods of employment, and the intervals between such periods, which are to be conditions of the employment of young persons at night, and to rescinding such orders.

(4.) Section fifty-eight of the principal Act shall not authorise in any factory specified in Part Six of the Third Schedule to the principal Act the employment during the night of young persons in any process other than a process incidental to the business of the factory as described in Part One of the Fourth Schedule to that Act.

(5.) A young person shall not, in pursuance of section fifty-nine of the principal Act, be employed more than twelve hours continuously.

(6.) Section sixty of the principal Act shall, from and after the first day of January one thousand eight hundred and ninety-seven, apply only to male young persons of fourteen years of age and upwards. and nothing in that section shall be construed as authorising the employment of any person on Sunday.

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(7.) For paragraph (4) of the said section sixty shall be substituted the following sub-section :—

"(4.) Such young person shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal."

(8.) Nothing in the Factory Acts shall be construed as authorising work during overtime on Saturday, or on any day substituted for Saturday as a half holiday, but work in accordance with section fifty of the principal Act shall not be deemed work during overtime.

Registers of children, &c. made compulsory in certain workshops.

**15.** Section seventy-seven of the principal Act, which requires registers to be kept of children and young persons, shall apply to all workshops to which section fifty-three of the principal Act applies.

Restrictions on employment inside and outside factory or workshop on the same day.

**16.**—(1.) A child shall not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop.

(2.) A young person or woman shall not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the young person or woman is employed in the factory or workshop both before and after the dinner hour.

(3.) For the purposes of this section a child, young person, or woman to or for whom any work is given out, or who is allowed to take out any work to be done by him or her outside a factory or workshop, shall be deemed to be employed outside the factory or workshop on the day on which the work is so given or taken out.

(4.) If a young person or woman is employed by the same employer on the same day both in a factory or workshop and in a shop, the whole period of employment of that young person or woman shall not exceed the number of hours permitted by the Factory Acts for his or her employment in the factory or workshop.

(5.) The principal Act shall apply as if any child, young person, or woman employed in contravention of this section were employed in a factory or workshop contrary to the provisions of that Act.

(6.) Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of factories or workshops, or parts thereof, either generally or situate in any particular locality, require that such trade should be exempted from the operation of this section, he may by order grant to such class of factories or workshops, or parts thereof, such special exemption as may be necessary.

*Holidays.*

Days to be observed as holidays in England and Wales.

**17.** Subject to and in the absence of any notice affixed and forwarded as provided by the principal Act and the Act of 1891, and substituting for any holiday herein-after mentioned another holiday or two half holidays, the holidays to be observed in a factory or workshop in England and Wales in pursuance of paragraphs (1) and (2) of section twenty-two of the principal Act

shall be the whole of Christmas Day and of Good Friday, and of every bank holiday, and, unless any other holidays or half-holidays are so substituted, it shall not be necessary to affix in the factory or workshop any notice of the holidays or half-holidays to be observed, or to forward a copy of any such notice to the inspector of the district.

*Accidents.*

Notices of accidents.

**18.** For section thirty-one of the principal Act the following section shall be substituted, namely,—

(1.) Where there occurs in a factory or workshop any accident which either—

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

(*b*) causes to any person employed in the factory or workshop such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work,

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

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

38 & 39 Vict. c. 17.

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

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

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

(6.) This section shall extend to workshops conducted on the system of not employing any child, young person, or woman therein.

Inquests.

**19.** Where a death has occurred by accident in any factory or workshop, the coroner shall adjourn the inquest, unless an inspector or some person on behalf of a Secretary of State is present to watch the proceedings, and shall at least four days before holding the adjourned inquest send to the inspector notice in writing of the time and place of holding the adjourned inquest.

Provided that if the accident has not occasioned the death of more than one person, and the coroner has sent to the inspector notice of the time and place of holding the inquest at such time as

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to reach the inspector not less than twenty-four hours before the time of holding the same, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary so to adjourn.

Register of accidents.

**20.**—(1.) Every occupier of a factory or workshop shall keep a register of accidents, and shall enter therein every accident occurring in the factory or workshop of which notice is required by the Factory Acts within one week after the occurrence of the accident, and this register shall be at all times open to inspection by the inspector and by the certifying surgeon for the district.

(2.) If any occupier of a factory or workshop makes default in complying with the requirements of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

Power to direct formal investigation.

**21.**—(1.) Where it appears to the Secretary of State that a formal investigation of any accident occurring in a factory or workshop and its causes and circumstances is expedient, the Secretary of State may direct that such an investigation be held, and with respect to any such investigation the provisions of sections forty-five and forty-six of the Coal Mines Regulation Act, 1887, shall have effect, except that references to the said Act in the said section forty-five shall be construed as references to the Factory Acts.

50 & 51 Vict. c. 58.

(2.) This section shall extend to workshops conducted on the system of not employing any child, young person, or woman therein.

## SPECIAL RULES AND REQUIREMENTS.

### *Laundries.*

Application of Factory Acts to laundries.

**22.**—(1.) In any laundry carried on by way of trade, or for purpose of gain, the following provisions shall apply:—

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

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

(iii.) Children, young persons, and women employed in laundries shall have allowed to them the same holidays as are allowed to children, young persons, and women employed in a factory or workshop under the Factories and Workshops Acts, 1878 to 1895.

(iv.) So far as regards sanitary provisions, safety, accidents, the affixing of notices and abstracts and the matters to be specified in such notices (so far as they apply to laundries), notice of occupation of a factory or workshop, powers of inspectors, fines, and legal proceedings for any failure to comply with the provisions of this section, and education of children, the

Factory Acts shall have effect as if every laundry in which steam, water, or other mechanical power is used in aid of the laundry process were a factory, and every other laundry were a workshop; and as if every occupier of a laundry were the occupier of a factory or of a workshop.

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

(vi.) Sections seventeen and eighteen of the Act of 1891 shall apply to laundries in like manner as to factories or workshops.

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

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

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

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

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

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

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

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

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

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

(4.) Women employed in laundries may work overtime, subject to the following conditions:—

(*a.*) No woman shall work more than fourteen hours in any day.

(*b.*) The overtime worked shall not exceed two hours in any day.

(*c.*) Overtime shall not be worked on more than three days in any week or more than thirty days in any year.

(*d.*) The requirements of section sixty-six of the principal Act and of section fourteen of the Act of 1891 with respect to notices shall be observed.

*Docks, &c.*

**Extension to docks, &c. of certain provisions of Factory Acts.**

**23.**—(1.) The following provisions, namely:—

(i.) Section eighty-two of the principal Act;

(ii.) The provisions of the Factory Acts with respect to accidents;

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(iii.) Section sixty-eight of the principal Act with respect to the powers of inspectors;

(iv.) Sections eight to twelve of the Act of 1891 with respect to special rules for dangerous employments; and

(v.) The provisions of this Act with respect to the power to make orders as to dangerous machines

shall have effect as if—

(*a*) every dock, wharf, quay, and warehouse, and, so far as relates to the process of loading or unloading therefrom or thereto, all machinery and plant used in that process; and

(*b*) any premises on which machinery worked by steam, water, or other mechanical power, is temporarily used for the purpose of the construction of a building or any structural work in connexion with a building,

were included in the word factory, and the purpose for which the machinery is used were a manufacturing process, and as if the person who by himself, his agents, or workmen temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises; and for the purpose of the enforcement of those sections the person having the actual use or occupation of a dock, wharf, quay, or warehouse, or of any premises within the same or forming part thereof, and the person so using any such machinery, shall be deemed to be the occupier of a factory.

(2.) The provisions of this Act with respect to notice of accidents and the formal investigation of accidents shall have effect as if—

(*a*) any building which exceeds thirty feet in height, and which is being constructed or repaired by means of a scaffolding; and

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

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

*Tenement Factories.*

Substitution of owner of tenement factory for occupier for certain purposes.

**24.**—(1.) Where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft in such manner that those parts constitute in law separate factories, the owner (whether or not he is one of the persons so in occupation) of the building (which building is hereafter in this Act referred to as a tenement factory) shall, instead of the occupier, be liable for the observance, and punishable for non-observance, of the following provisions, namely:

(*a*.) Section three of the principal Act, with respect to the sanitary condition of a factory; and

(*b.*) Sections five and eighty-two of the principal Act, with respect to the fencing of machinery in a factory, except so far as those sections relate to such parts of the machinery as are supplied by the occupier; and

(*c.*) Save as herein-after provided, section nineteen of the principal Act, with respect to the notices to be affixed in a factory, and the matters to be specified therein; and

(*d.*) Section thirty-three of the principal Act, with respect to the limewashing and washing of the interior of a factory, so far as it relates to any engine house, passage, or staircase, or to any room which is let to more than one tenant; and

(*e.*) Section thirty-six of the principal Act, with respect to the removal of dust, so far as that section requires the supply of pipes or other contrivances necessary for working the fan or other means for that purpose, and except in textile factories; and

(*f.*) Section seventy-eight of the principal Act, with respect to the affixing of an abstract and notices.

(2.) Where different industries are carried on in the same tenement factory, the obligation to affix the notice required by section nineteen of the principal Act shall be on the occupier and not on the owner.

(3.) Sections eight to eleven of the Act of 1891, shall, if and as far as in the case of a tenement factory the Secretary of State by order so directs, apply as if the owner of the factory were substituted for the occupier.

(4.) The provisions of this Act with respect to the power to make orders in the case of dangerous premises shall apply in the case of a tenement factory as if the owner were substituted for the occupier.

(5.) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of the Factory Acts, any summons, notice, or proceeding, which for the purpose of any of those provisions is by the said Acts or any of them authorised or required to be served on or taken in relation to the occupier, is hereby authorised or required (as the case may be) to be served on or taken in relation to the owner.

(6.) For the purpose of the provisions of this Act with respect to tenement factories all buildings situate within the same close or curtilage shall be treated as one building.

(7.) This section shall not apply in the case of any occupier paying a rent in excess of two hundred pounds a year.

Regulations as to grinding and cutlery in tenement factory.

**25.**—(1.) Where grinding is carried on in a tenement factory, the owner of the factory shall be responsible for the observance of the regulations set forth in the First Schedule to this Act.

(2.) In every such tenement factory it shall be the duty of the owner and of the occupier of the factory respectively to see that such parts of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

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(3.) In every tenement factory where grinding or cutlery is carried on the owner of the factory shall provide that there shall at all times be instantaneous communication between each of the rooms in which the work is carried on and both the engine-room and the boiler-house.

(4.) A tenement factory in which there is any contravention of this section shall be deemed not to be kept in conformity with the principal Act, but for the purposes of any proceeding in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.

(5.) This section shall not apply to a textile factory.

Validity of certificate of fitness in tenement factory.

**26.** A certificate of the fitness of any young person or child for employment in a tenement factory shall be valid for his similar employment in any part of the same tenement factory.

*Bakehouses.*

Provisions as to bakehouses.

**27.**—(1.) Sections thirty-four and thirty-five of the principal Act shall apply to every bakehouse, and so much of those sections as limits the operation thereof to cities, towns, and places having a population of more than five thousand persons shall be repealed.

46 & 47 Vict. c. 53.

(2.) In section fifteen of the Factory and Workshop Act, 1883, the words, "which was not so let or occupied before the first day "of June, one thousand eight hundred and eighty-three," shall be repealed.

(3.) A place under ground shall not be used as a bakehouse unless it is so used at the commencement of this Act, and if any place is so used in contravention of this Act it shall be deemed to be a workshop not kept in conformity with the principal Act.

*Special Restrictions as to Employment.*

Power to prohibit or restrict employment in dangerous trade.

**28.**—(1.) Section eight of the Act of 1891 shall extend to authorise the making of special rules or requirements prohibiting the employment of, or modifying or limiting the period of employment for, all or any classes of persons in any process or particular description of manual labour which is certified by the Secretary of State in pursuance of that section to be dangerous or injurious to health, or dangerous to life or limb. Provided that any special rules or requirements under this section which relate to the employment or period of employment of adult workers shall be laid for forty days before both Houses of Parliament before coming into operation.

(2.) Sections eight to twelve of the Act of 1891 are hereby declared to extend to workshops conducted on the system of not employing any child, young person, or woman therein.

*Special Provisions for Health.*

Notification of certain diseases

**29.**—(1.) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead,

phosphorus, or arsenical poisoning, or anthrax, contracted in any factory or workshop, shall (unless the notice required by this section has been previously sent) send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full postal address of the patient and the disease from which in the opinion of the medical practitioner the patient is suffering, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence to be paid as part of the expenses incurred by the Secretary of State in the execution of the principal Act.

Notice to chief inspector.

(2.) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding forty shillings.

(3.) Written notice of every case of lead, phosphorus, or arsenical poisoning, or anthrax, occurring in a factory or workshop, shall forthwith be sent to the inspector and to the certifying surgeon for the district; and the provisions of the Factory Acts with respect to accidents shall apply to any such case in like manner as to any such accident as is in those sections mentioned.

(4.) The Secretary of State may by order made in accordance with section sixty-five of the principal Act apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this section and the provisions referred to therein shall apply accordingly.

Lavatories in dangerous trades.

**30.**—(1.) In every factory or workshop where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences shall be provided for the use of the persons employed in any department where such substances are used.

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

Provisions as to humid factories. 52 & 53 Vict. c. 62.

**31.**—(1.) The Cotton Cloth Factories Act, 1889, shall apply to every textile factory in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and which is not for the time being subject to special rules under section eight of the Act of 1891, with such modifications of the schedule with respect to the maximum limits of humidity as the Secretary of State by order made in accordance with section sixty-five of the principal Act may direct.

(2.) In section nine of the Cotton Cloth Factories Act, 1889, the words "and the arrangements for such ventilation shall be kept in "operation subject, as far as possible, to the control of the persons "employed therein," shall be repealed.

Temperature in factories and workshops.

**32.**—(1.) In every factory and workshop adequate measures shall be taken for securing and maintaining a reasonable temperature in each room in which any person is employed.

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

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Amendment of 41 & 42 Vict. c. 16. s. 36, as to use of fans.

**33.** Section thirty-six of the principal Act shall extend to any factory or workshop where any process is carried on by which any gas, vapour, or other impurity is generated and inhaled by the workers to an injurious extent.

MISCELLANEOUS AMENDMENTS.

Annual returns of persons employed.

**34.** The occupier of every factory and workshop shall on or before the first day of March in every year send to the inspector of the district on behalf of the Secretary of State a correct return specifying, with respect to the year ending on the preceding thirty-first day of December, the number of persons employed in the factory or workshop, with such particulars as to the age and sex of the persons employed as the Secretary of State may direct, and in default of complying with this section shall be liable to a fine not exceeding ten pounds.

Sanitary conveniences. 53 & 54 Vict. c. 59.

**35.**—(1.) In every place where section twenty-two of the Public Health Acts Amendment Act 1890 is not in force every factory or workshop shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at the factory or workshop, and also where persons of both sexes are employed or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

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

Amendment of 41 & 42 Vict. c. 16. ss. 13, 14, as to period of employment.

**36.**—(1.) In the regulation numbered (1) in section thirteen of the principal Act, after the words "end at seven o'clock in the evening," shall be inserted the words "or begin at eight o'clock in "the morning and end at eight o'clock in the evening."

(2.) In the regulation numbered (2) in the same section, after the words "two o'clock in the afternoon," shall be inserted the words "or when it begins at seven o'clock in the morning, at three "o'clock in the afternoon, or begin at eight o'clock in the morning "and end at four o'clock in the afternoon."

(3.) If in a non-textile factory or workshop the period of employment of young persons and women is from eight o'clock in the morning to eight o'clock in the evening, then, subject to the provisions of section fourteen of the principal Act, the period of employment of a child in a morning set may begin at eight o'clock in the morning, and in an afternoon set may end at eight o'clock in the evening, or on Saturday at four o'clock in the afternoon, and the period of employment of a child employed on the alternate day system may begin at eight o'clock in the morning, and end at eight o'clock in the evening, or on Saturday at four o'clock in the afternoon.

Amendment of 41 & 42 Vict. c. 16. s. 53, and Third Schedule, Part III.

**37.**—(1.) In section fifty-three of the principal Act—

For the words "the factories and workshops or parts thereof" shall be substituted the words "the non-textile factories and "workshops or parts thereof and warehouses"; and

For the words "the factories and workshops and parts thereof" shall be substituted the words "the non-textile factories and "workshops and parts thereof and warehouses,"

wherever those words respectively occur in that section.

(2.) In Part Three of the Third Schedule to the principal Act, before the word "factories" shall be inserted the word "non-textile," the words "and also" are hereby repealed, and for the paragraph marked "(*x.*)" there shall be substituted the following paragraph, namely:

"The said exception applies also to any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing-up goods."

Amendment of 41 & 42 Vict. c. 16. s. 58 as to shifts.

**38.** Nothing in the principal Act shall prevent the employment of male young persons to whom section fifty-eight of that Act applies in three shifts of not more than eight hours each, provided that there is an interval of two unemployed shifts between each two shifts of employment.

Power to treat separate branches as separate factories.

**39.** The Secretary of State may by order made in accordance with section sixty-five of the principal Act direct, with respect to any class of factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or any of the purposes of the Factory Acts, be treated as if they were different factories or workshops.

Particulars respecting wages to be furnished in certain cases.

**40.**—(1.) In every textile factory the occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

(*a.*) The particulars of the rate of wages applicable to the work to be done by each weaver in the worsted and woollen, other than the hosiery, trades shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible:

(*b.*) The particulars of the rate of wages applicable to the work to be done by each worker, other than such a weaver as aforesaid, shall be furnished to him in writing at the time when the work is given out to him; provided that if the same particulars are applicable to the work to be done by each of the workers in one room it shall be sufficient to exhibit them in that room on a placard not containing any other matter, and posted in a position where it is easily legible:

(*c.*) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be furnished to him in writing at the time when the work is given out to him:

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(*d.*) The particulars either as to rate of wages or as to work shall not be expressed by means of symbols:

(*e.*) Where an automatic indicator is used for ascertaining work, such indicator shall have marked upon its case the number of teeth in each wheel and the diameter of the driving roller, except that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked in substitution for the diameter of the driving roller:

(*f.*) Where such particulars of the work to be done by each worker as affect the amount of wages payable to him are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room, in pursuance of an agreement between employers and workmen and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with this section.

(2.) If the occupier fails to comply with the requirements of this section, or fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any workman fraudulently alters an automatic indicator, the occupier or workman, as the case may be, shall be liable for each offence to a fine of not more than ten pounds, and, in case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound. Provided that an indicator shall not be deemed false if it complies with the requirements of this section.

(3.) If anyone engaged as a worker in any factory or workshop, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person so engaged in any factory to disclose such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

(5.) This section shall take effect instead of section twenty-four of the Act of 1891.

(6.) The Secretary of State, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of non-textile factories, or to any class of workshops, may, if he thinks fit, by order made in accordance with section sixty-five of the principal Act, apply the provisions of this section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case.

Notice of existing workshops.

**41.** Every person who is in occupation of a workshop at the commencement of this Act shall before the expiration of twelve months from the commencement of this Act, unless he has already

done so in pursuance of section twenty-six of the Act of 1891, serve on the inspector for the district a written notice containing the name of the workshop, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, and the name of the person or firm under which the business of the workshop is carried on, and in default shall be liable to a fine not exceeding five pounds. Any notice so served shall be forthwith forwarded to the sanitary authority of the district in which the workshop is situate.

Amendment and extension of 54 & 55 Vict. c. 75. s. 27, respecting lists of out-workers.

**42.**—(1.) Every occupier of a factory or workshop to whom section twenty-seven of the Act of 1891 for the time being applies, and every contractor employed by any such occupier in the business of the factory or workshop, shall, on or before the first day of March and the first day of September in each year, send to the inspector for the district in which the factory or workshop is situate a list showing the names of all persons directly employed by him, either as workmen or as contractors, in the business of the factory or workshop outside the factory or workshop, and the places where they are employed, and in default of so doing shall be liable to a fine not exceeding forty shillings.

(2.) Section twenty-seven of the Act of 1891 and this section shall apply to any place from which any work of making wearing apparel for sale is given out, and to the occupier of that place, and to ever contractor employed by any such occupier in connexion with the said work, as if that place were a workshop.

Evidence as to failure to lime-wash.

**43.** Failure to enter in the register kept in pursuance of section seventy-seven of the principal Act the prescribed particulars as to lime-washing shall be primâ facie evidence of failure to observe the requirements of the Factory Acts with respect to lime-washing.

Amendment of 41 & 42 Vict. c. 16. ss. 66, 75, and 54 & 55 Vict. c. 75. s. 29.

**44.**—(1.) In sections sixty-six and seventy-five of the principal Act the words "the inspector for the district" shall be substituted for the words "an inspector" wherever they occur in those sections.

(2.) In section twenty-nine of the Act of 1891, the words "the factory inspector for the district within which the offence is charged to have been committed" shall be substituted for the words "a factory inspector."

Amendment of 41 & 42 Vict. c. 16. s. 68, as to powers of inspector.

**45.** Section sixty-eight of the principal Act shall have effect as if in the paragraph numbered (2), which empowers an inspector to take with him a constable into a factory, the words "or workshop" were inserted after the word "factory."

Special inquiries and re-examinations by certifying surgeons.

**46.**—(1.) Every certifying surgeon shall, if so directed by the Secretary of State, make any special inquiry and re-examine any young person or child, and any expense incurred by the Secretary of State under this provision shall be defrayed as other expenses incurred by him in the execution of the Factory Acts.

(2.) The fees to be paid to certifying surgeons in cases where, in pursuance of this section or of special rules under the Factory Acts, they are required to examine the persons employed in a

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factory or workshop shall be in accordance with the scale set forth in the Second Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State.

(3.) Such fees shall, where the examination is in pursuance of this section, be paid by the Secretary of State, and where the examination is in pursuance of special rules be paid by the occupier of the factory or workshop.

Publication of orders.

**47.** Every order made in accordance with section sixty-five of the principal Act shall be published in such manner as the Secretary of State thinks best adapted for the information of all persons interested.

Service of documents on owner.

**48.** Any notice, order, requisition, summons, or document, required or authorised by the Factory Acts to be served on the owner, as defined by this Act, of a factory or workshop, may be served by delivering the same or a true copy thereof to the agent of the owner as so defined.

Competency of defendant to give evidence.

**49.** A person charged with an offence under the Factory Acts may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witness.

Payment of costs by actual offender in lieu of occupier.

**50.** Where, in pursuance of section eighty-seven of the principal Act, some person other than the occupier of a factory or workshop is brought before a court of summary jurisdiction, and convicted of an offence with which the occupier was charged, that person shall in the discretion of the court be liable to pay any costs incidental to the proceeding.

Right of inspector to conduct proceedings before magistrates.

**51.** An inspector, if so authorised in writing under the hand of the Secretary of State, may, although he is not a counsel, or solicitor, or law agent, prosecute, conduct, or defend, before a court of summary jurisdiction or justice, any information, complaint, or other proceeding arising under the Factory Acts, or in the discharge of his duty as such inspector.

Application to Ireland.
41 & 42 Vict. c. 52.

**52.** In the application of the Factory Acts to Ireland—

The expression "Public Health (Ireland) Act, 1874," where it occurs in sub-section eleven of section one hundred and six of the principal Act, and the expression "Public Health Act, 1875," where it occurs in sections four and seven of the Act of 1891, shall be construed as meaning the Public Health (Ireland) Act, 1878, and the Acts amending the same.

Interpretation.

**53.** In this Act, unless the context otherwise requires—

(1.) The expression "the Factory Acts" means the Factory and Workshop Acts, 1878 to 1891, and this Act:

The expression "the principal Act" means the Factory and Workshop Act, 1878:

The expression "the Act of 1891" means the Factory and Workshop Act, 1891:

The expression "owner" has the meaning given to it by section four of the Public Health Act, 1875.

38 & 39 Vict. c. 55.

(2.) References to any section of the Factory Acts shall be construed as references to that section as amended by subsequent enactments, including this Act.

**54.** The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule. Repeal.

**55.** This Act shall come into operation on the first day of January one thousand eight hundred and ninety-six. Commencement of Act.

**56.** This Act may be cited as the Factory and Workshop Act, 1895, and shall be construed as one with the Factory and Workshop Acts, 1878 to 1891, and those Acts and this Act may be cited collectively as the Factory and Workshop Acts, 1878 to 1895. Short titles and construction.

## SCHEDULES.

### FIRST SCHEDULE. Section 25.

REGULATIONS AS TO GRINDING IN TENEMENT FACTORY.

(1.) Boards to fence the shafting and pulleys, locally known as drum boards, shall be provided and kept in proper repair.

(2.) Hand rails shall be fixed over the drums and kept in proper repair.

(3.) Belt guards, locally known as scotchmen, shall be provided and kept in proper repair.

(4.) Every floor, which is constructed after the commencement of this Act, shall be so constructed and maintained as to facilitate the removal of slush, and all necessary shoots, pits, and other conveniences shall be provided for facilitating such removal.

(5.) Every grinding room or hull, which is established after the commencement of this Act, shall be so constructed that for the purpose of light grinding there shall be a clear space of three feet at least between each pair of troughs and for the purpose of heavy grinding there shall be a clear space of four feet at least between each pair of troughs and six feet at least in front of each trough.

(6.) The sides of all drums in every grinding-room or hull shall be closely fenced.

(7.) Except in pursuance of a special exemption granted by the Secretary of State, no grindstone shall be run before any fire place or in front of another grindstone.

(8.) No grindstone erected after the commencement of this Act shall be run before any door or other entrance.

### SECOND SCHEDULE. Section 46.

SCALE OF FEES TO CERTIFYING SURGEONS.

| | | | |
|---|---|---|---|
| Under | 10 | hands | 2*s.* 6*d.* per visit. |
| „ | 20 | „ | 3*s.* „ |
| „ | 30 | „ | 3*s.* 6*d.* „ |
| „ | 50 | „ | 4*s.* „ |
| „ | 75 | „ | 4*s.* 6*d.* „ |
| „ | 100 | „ | 5*s.* „ |
| Over | 100 | „ | 7*s.* 6*d.* „ |

With the addition of 1*s.* for every mile or portion of a mile in excess of one mile from the certifying surgeon's residence.

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Section 54.

## THIRD SCHEDULE.

### ENACTMENTS REPEALED.

| Session and Chapter. | Short Title. | Extent of Repeal. |
|---|---|---|
| 41 & 42 Vict. c. 16. - | The Factory and Workshop Act, 1878. | Sections thirty-one and forty-two.<br>Part One of the Third Schedule.<br>Part Three of the Third Schedule, from "and also" to "packing-up goods." |
| 54 & 55 Vict. c. 75. - | The Factory and Workshop Act, 1891. | Sub-section one of section twenty-two, and section twenty-four and sub-section five of section thirty-three. |
| 57 & 58 Vict. c. 28. - | The Notice of Accidents Act, 1894. | In paragraph (1) of the Schedule the word "gaswork" and the words "harbour, dock, port, pier, quay."<br>Paragraph (2) of the Schedule. |

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