Factories Act 1937

1937 CHAPTER 67

An Act to consolidate, with amendments, the Factory and Workshop Acts, 1901 to 1929, and other enactments relating to factories; and for purposes connected with the purposes aforesaid. [30th July 1937]

BE IT ENACTEDby the King'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 :—

PART I

HEALTH (GENERAL PROVISIONS)

1 Cleanliness

Every factory shall be kept in a clean state, and free from effluvia arising from any drain, sanitary convenience or nuisance, and, without prejudice to the generality of the foregoing provision—

(a) accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches of workrooms, and from the staircases and passages;

(b) the floor of every workroom shall be cleaned at least once in every week by washing or, if it is effective and suitable, by sweeping or other method;

(c) all inside walls and partitions, and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases shall—

(i) where they have a smooth impervious surface, at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district;

(ii) where they are kept painted with oil paint or varnished, be repainted or revarnished at least once in every period of seven years, and at least

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once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district;

(iii) in other cases be kept whitewashed or colourwashed, and the whitewashing or colourwashing shall be repeated at least once in every period of fourteen months :

Provided that—

(i) except where the inspector for the district in any case otherwise requires, the provisions of paragraph (c) of this section shall not apply to any factory where mechanical power is not used and less than ten persons are employed; and

(ii) where it appears to the Secretary of State that in any class or description of factory or parts thereof any of the foregoing provisions of this section are not required for the purpose of keeping the factory in a clean state, or are by reason of special circumstances inappropriate or inadequate for such purpose, he may, if he thinks fit, by order direct that those provisions shall not apply to factories, or parts of factories, of that class or description or shall apply as varied by the order.

2 Overcrowding

(1) A factory shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed therein.

(2) Without prejudice to the generality of the foregoing provision, a factory shall be deemed to be so overcrowded as aforesaid, if the number of persons employed at a time in any workroom is such that the amount of cubic space allowed for every person employed in the room is less than four hundred cubic feet:

Provided that, if the chief inspector is satisfied that owing to the special conditions under which the work is carried on in any workroom in which explosive materials are manufactured or handled, the application of the provisions of this subsection to that workroom would be inappropriate or unnecessary, he may by certificate except the workroom from those provisions subject to any conditions specified in the certificate.

(3) As respects any room used workroom at the date of the passing of this Act, the last foregoing subsection shall, for the period of five years after that date and, if before the expiration of that period effective and suitable mechanical ventilation has been provided in the room, for a further period of five years, have effect as if for the reference therein to four hundred cubic feet there were substituted a reference to two hundred and fifty cubic feet:

Provided that this subsection shall cease to apply to the room—

(a) if the room passes into the occupation of any person other than the person who was the occupier thereof at the passing of this Act, or his successor in the same business; or

(b) if, during the first of the said periods, the inspector for the district requires the provision of effective and suitable mechanical ventilation in the room and default is made in complying with the requirement; or

(c) if, during the second of the said periods or in a case where it has been provided in pursuance of the inspector's requirement during either of those periods, the

effective and suitable mechanical ventilation provided in the room ceases to be maintained.

(4) The Secretary of State may make regulations, as respects any class or description of factory or parts thereof or any process, increasing the number of cubic feet which must under this section be allowed for every person employed in a workroom.

(5) In calculating, for the purposes of this section, the amount of cubic space in any room, no space more than fourteen feet from the floor shall be taken into account, and, where a room contains a gallery, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.

(6) Unless the inspector for the district otherwise allows, there shall be posted in the workroom a notice specifying the number of persons who, having regard to the provisions of this section, may be employed in that room.

3 Temperature

(1) Effective provision shall be made for securing and maintaining a reasonable temperature in each workroom, but no method shall be employed which results in the escape into the air of any workroom of any fume of such a character and to such extent as to be likely to be injurious or offensive to persons employed therein.

(2) In every workroom in which a substantial proportion of the work is done sitting and does not involve serious physical effort, a temperature of less than sixty degrees shall not be deemed, after the first hour, to be a reasonable temperature while work is going on, and at least one thermometer shall be provided and maintained in a suitable position in every such workroom.

(3) The Secretary of State may, by regulations, for factories or for any class or description of factory or parts thereof, prescribe a standard of reasonable temperature (which may vary the standard prescribed by the last foregoing subsection for sedentary work) and prohibit the use of any methods of maintaining a reasonable temperature which, in his opinion, are likely to be injurious to the persons employed, and direct that thermometers shall be provided and maintained in such places and positions as may be specified.

4 Ventilation

(1) Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room, and for rendering harmless, so far as practicable, all fumes, dust and other impurities that may be injurious to health generated in the course of any process or work carried on in the factory.

(2) The Secretary of State may, by regulations prescribe a standard of adequate ventilation for factories or for any class or description of factory or parts thereof.

5 Lighting

(1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing.

(2) The Secretary of State may, by regulations, prescribe a standard of sufficient and suitable fighting for factories or for any class or description of factory or parts thereof, or for any process.

(3) Nothing in the foregoing provisions of this section or in any regulations made thereunder shall be construed as enabling directions to be prescribed or otherwise given as to whether any artificial lighting is to be produced by any particular illuminant.

(4) All glazed windows and skylights used for the fighting of workrooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction :

Provided that this subsection shall not affect the whitewashing or shading of windows and skylights for the purpose of mitigating heat or glare.

6 Drainage of floors

Where any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, effective means shall be provided and maintained for draining off the wet.

7 Sanitary conveniences

(1) Sufficient and suitable sanitary conveniences for the persons employed in the factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting the conveniences and, where persons of both sexes are or are intended to be employed (except in the case of factories where the only persons employed are members of the same family dwelling there), such conveniences shall afford proper separate accommodation for persons of each sex.

(2) The Secretary of State may make regulations determining for factories or for any class or description of factory what is sufficient and suitable provision for the purposes of this section.

8 Enforcement by district councils of certain provisions of Part I

(1) The foregoing provisions of this Part of this Act relating to sanitary conveniences and any regulations made thereunder shall be enforced by the district council.

(2) The foregoing provisions of this Part of this Act relating to cleanliness, overcrowding, temperature, ventilation and drainage of floors and any order or regulations made thereunder shall, as respects any factory in which mechanical power is not used, be enforced by the district council:

Provided that—

(a) in the case of any class or description of factory or parts thereof in respect of which special provision is made by this Act or any order or regulation made thereunder, against a risk of industrial disease or other risk of injury to health, the Secretary of State may by order direct that the said provisions or any of them shall not be enforced by the district council; and

(b) this subsection shall not apply to any premises occupied or used by a railway company for the purposes of their railway or to any premises vested in the owners, trustees or conservators, acting under powers conferred on them

by Parliament, of any dock, harbour or inland navigation and used for the purposes of the dock, harbour or inland navigation.

(3) Every district council shall keep a register of all factories situate within their district with respect to which the duty of enforcing any of the said provisions is imposed upon them.

(4) For references in any of the foregoing provisions of this Part of this Act to an inspector there shall, as respects any factory or part thereof in which that provision is enforceable by a district council, be substituted references to a medical officer of health.

9 Powers of inspector as to sanitary defects remediable by district council

(1) Where an inspector finds any act or default, in relation to any drain, sanitary convenience, water supply, nuisance, or other matter in a factory which is liable to be dealt with by the district council under this Part of this Act or under the law relating to public health, he shall give notice thereof in writing to the district council, and it shall be the duty of the district council to make such inquiry into the subject of the notice, and take such action thereon, as seems to the council proper for the purpose of enforcing the law, and to inform the inspector of the proceedings taken in consequence of the notice.

(2) Where an inspector finds any such act or default as aforesaid, he may take with him into the factory a medical officer of health, sanitary inspector, or other officer of the district council.

(3) If within one month after notice of an act or default is given by an inspector under this section to a district council proceedings are not taken for punishing or remedying the act or default, the inspector may take the like proceedings for the punishment or remedying thereof as the district council might have taken, and shall be entitled to recover from the district council summarily as a civil debt all such expenses incurred by him in and about the proceedings as are not recovered from any other person and have not been incurred in or about any unsuccessful legal proceedings.

10 Powers in case of default of a district council

(1) If the Secretary of State is satisfied that any district council have failed to enforce any of the provisions of this Part of this Act enforceable by them, he may, by order, authorise an inspector to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing those provisions.

(2) An inspector authorised under this section shall, for the purpose of his duties thereunder, have the same powers in regard to any such matters as he has with respect to other matters under this Act, and he may, for that purpose, take the like proceedings for enforcing the provisions of this Act, or for punishing or remedying any act or default, as might be taken by the district council; and he shall be entitled to recover from the district council summarily as a civil debt all such expenses incurred by him in and about any proceedings as are not recovered from any other person.

11 Power to require medical supervision

(1) Where it appears to the Secretary of State that in any factory or class or description of factory—

(a) cases of illness have occurred which he has reason to believe may be due to the nature of a process or other conditions of work; or

(b) by reason of changes in any process or in the substances used in any process, or by reason of the introduction of any new process or new substance for use in a process, there may be risk of injury to the health of persons employed in that process; or

(c) young persons are or are about to be employed in work which may cause risk of injury to their health;

he may make special regulations requiring such reasonable arrangements to be made for the medical supervision (not including medical treatment other than first-aid treatment and medical treatment of a preventive character) of the persons, or any class of the persons, employed at that factory or class or description of factory as may be specified in the regulations.

(2) Where the Secretary of State proposes to exercise his powers under this section in relation to a particular factory and for a limited period, he may exercise those powers by order instead of by special regulations, and any such order shall cease to have effect at the expiration of such period not exceeding six months from the date when it comes into operation as may be specified in the order :

Provided that he may by a subsequent order or orders extend the said period, but if the occupier of the factory by notice in writing to the Secretary of State objects to any such extension, the original order shall cease to have effect as from one month after the service of the notice, without prejudice to the making of special regulations in relation to the factory.

PART II

SAFETY (GENERAL PROVISIONS)

12 Prime movers

(1) Every flywheel directly connected to any prime mover and every moving part of any prime mover, except such prime movers as are mentioned in subsection (3) of this section, shall be securely fenced, whether the flywheel or prime mover is situated in an engine-house or not.

(2) The head and tail race of every water wheel and of every water turbine shall be securely fenced.

(3) Every part of electric generators, motors and rotary converters, and every flywheel directly connected thereto, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

13 Transmission machinery

(1) Every part of the transmission machinery shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.

(2) Efficient devices or appliances shall be provided and maintained in every room or place where work is carried on by which the power can promptly be cut off from the transmission machinery in that room or place.

(3) No driving-belt when not in use shall be allowed to rest or ride upon a revolving shaft which forms part of the transmission machinery.

(4) Suitable striking gear or other efficient mechanical appliances shall be provided and maintained and used to move driving belts to and from fast and loose pulleys which form part of the transmission machinery, and any such gear or appliances shall be so constructed, placed and maintained as to prevent the driving belt from creeping back on to the fast pulley.

(5) Where the Secretary of State is satisfied that owing to special circumstances the fulfilment of any of the requirements of the last three foregoing subsections is unnecessary or impracticable, he may by order direct that that requirement shall not apply in those circumstances.

14 Other machinery

(1) Every dangerous part of any machinery, other than prime movers and transmission machinery, shall be securely fenced unless it is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced.:

Provided that, in so far as the safety of a dangerous part of any machinery cannot by reason of the nature of the operation be secured by means of a fixed guard, the requirements of this subsection shall be deemed to have been complied with if a device is provided which automatically prevents the operator from coming into contact with that part.

(2) Where the Secretary of State is satisfied that there is available and suitable for use in connection with machinery of any class any type or description of safety device which—

(a) prevents the exposure of a dangerous part of machinery whilst in motion; or

(b) stops a machine forthwith in case of danger,

he may make regulations directing that the type or description of device shall be provided for use in connection with such class of machinery as may be specified in the regulations :

Provided that, in any proceedings in respect of a contravention of this subsection, it shall be a sufficient defence to prove that a device at least equally effective was being used in connection with the machinery in respect of which the contravention occurred.

(3) Any part of a stock-bar which projects beyond the head-stock of a lathe shall be securely fenced unless it is in such a position as to be as safe to every person employed or working on the premises as it would be if securely fenced. The Secretary of State may, as respects any machine or any process in which a machine is used, make regulations requiring the fencing of materials or articles which are dangerous while in motion in the machine.

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15 Provisions as to unfenced machinery

In determining, for the purposes of the foregoing provisions of this Part of this Act, whether any part of machinery is in such a position or of such construction as to be as safe to every person employed or working on the premises as it would be if securely fenced—

(a) no account shall be taken of any person carrying out, while the part of machinery is in motion, an examination thereof or any lubrication or adjustment shown by such examination to be immediately necessary, being an examination, lubrication or adjustment which it is necessary to carry out while the part of machinery is in motion; and

(b) in the case of any part of transmission machinery used in any such process as may be specified in regulations made by the Secretary of State, being a process where owing to the continuous nature thereof the stopping of that part would seriously interfere with the carrying on of the process, no account shall be taken of any person carrying out, by such methods and in such circumstances as may be specified in the regulations, any lubrication or any mounting or shipping of belts :

Provided that this section shall only apply where the examination, lubrication or other operation is carried out by such persons, being male persons who have attained the age of eighteen, as may be specified in regulations made by the Secretary of State, and all such other conditions as may be so specified are complied with.

16 Construction and maintenance of fencing

All fencing or other safeguards provided in pursuance of the foregoing provisions of this Part of this Act shall be of substantial construction, and constantly maintained and kept in position while the parts required to be fenced or safeguarded are in motion or in use, except when any such parts are necessarily exposed for examination and for any lubrication or adjustment shown by such examination to be immediately necessary, and all such conditions as may be specified in regulations made by the Secretary of State are complied with.

17 Construction and sale of new machinery

(1) In the case of any machine in a factory being a machine intended to be driven by mechanical power—

(a) every set-screw, bolt or key on any revolving shaft, spindle, wheel or pinion shall be so sunk, encased or otherwise effectively guarded as to prevent danger; and

(b) all spur and other toothed or friction gearing, which does not require frequent adjustment while in motion, shall be completely encased unless it is so situated as to be as safe as it would be if completely encased.

(2) Any person who sells or lets on hire, or as agent of the seller or hirer causes or procures to be sold or let on hire, for use in a factory in the United Kingdom any machine intended to be driven by mechanical power which does not comply with the requirements of this section shall be guilty of an offence and liable to a fine not exceeding one hundred pounds.

(3) The Secretary of State may by regulations extend the provisions of the last preceding subsection to machinery or plant which does not comply with such requirements of this Act or of any regulation made thereunder as may be specified in the regulations,

and any regulations made under this subsection may relate to machinery or plant in a specified process.

(4) Nothing in this section shall apply to any machine constructed before the passing of this Act, and regulations under this section shall not apply to any machinery or plant constructed before the making of the regulations.

18 Vessels containing dangerous liquids

(1) Every fixed vessel, structure, sump or pit of which the edge is less than three feet above the adjoining ground or platform shall, if it contains any scalding, corrosive or poisonous liquid, either be securely covered or be securely fenced to at least that height, or where by reason of the nature of the work neither secure covering nor secure fencing to that height is practicable, all practicable steps shall be taken by covering, fencing or other means to prevent any person from falling into the vessel, structure, sump or pit.

(2) The Secretary of State may by order exempt from the requirements of this section any class of vessel, structure, sump or pit in the case of which he is satisfied that the requirements are unnecessary or inappropriate.

19 Self-acting machines

(1) In any factory or part of a factory to which this subsection applies no traversing part of any self-acting machine and no material carried thereon shall, if the space over which it runs is a space over which any person is liable to pass, whether in the course of his employment or otherwise, be allowed on its outward or inward traverse to run within a distance of eighteen inches from any fixed structure not being part of the machine:

Provided that nothing in this subsection shall prevent any portion of the traversing carriage of any self-acting spinning mule being allowed to run to a point twelve inches distant from any part of the head stock of another such machine.

(2) The foregoing subsection applies—

(a) to any factory erected after the thirty-first day of December eighteen hundred and ninety-five; and

(b) to any factory or part of a factory reconstructed after the passing of this Act; and

(c) to any extension of or addition to a factory made after the passing of this Act.

(3) All practicable steps shall be taken by instructions to the person in charge of the machine and otherwise to ensure that no person employed shall be in the space between any traversing part of a self-acting spinning mule and any fixed part of the machine towards which the traversing part moves on the inward run, except when the machine is stopped with the traversing part on the outward run.

20 Cleaning of machinery by women and young persons

A woman or young person shall not clean any part of a prime mover or of any transmission machinery while the prime mover or transmission machinery is in motion, and shall not clean any part of any machine if the cleaning thereof would expose the woman or young person to risk of injury from any moving part either of that machine or of any adjacent machinery.

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21 Training and supervision of young persons working at dangerous machines

(1) No young person shall work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed, and—

(a) has received a sufficient training in work at the machine; or

(b) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

(2) This section applies to such machines as may be prescribed by the Secretary of State, being machines which in his opinion are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.

22 Hoists and lifts

(1) Every hoist or lift shall be of good mechanical construction, sound material and adequate strength, and be properly maintained.

(2) Every hoist or lift shall be thoroughly examined by a competent person at least once in every period of six months, and a report of the result of every such examination in the prescribed form and containing the prescribed particulars shall be signed by the person making the examination and shall within fourteen days be entered in or attached to the general register.

(3) Every hoistway or liftway shall be efficiently protected by a substantial enclosure fitted with gates, being such an enclosure as to prevent, when the gates are shut, any person falling down the way or coming into contact with any moving part of the hoist or lift.

(4) Any such gate as aforesaid shall be fitted with efficient interlocking or other devices to secure that the gate cannot be opened except when the cage or platform is at the landing and that the cage or platform cannot be moved away from the landing until the gate is closed:

Provided that, in the case of a hoist or lift constructed or reconstructed before the passing of this Act which it is not reasonably practicable to fit with such devices as aforesaid, it shall be sufficient if the gate is provided with such arrangements as will secure the aforesaid objects so far as is reasonably practicable, and in any event is kept closed and fastened except when the cage or platform is at rest at the landing.

(5) Every hoist or lift and every such enclosure as aforesaid shall be so constructed as to prevent any part of any person or any goods carried in the hoist or lift being trapped between any part of the hoist or lift and any fixed structure or between the counterbalance weight and any other moving part of the hoist or lift.

(6) There shall be marked conspicuously on every hoist or lift the maximum working load which it can safely carry and no load greater than that load shall be carried on any hoist or lift.

(7) The following additional requirements shall apply to hoists and lifts used for carrying persons, whether together with goods or otherwise :—

(a) efficient automatic devices shall be provided and maintained to prevent the cage or platform overrunning;

(b) every cage shall on each side from which access is afforded to a landing, be fitted with a gate, and in connection with every such gate efficient devices shall be provided to secure that, when persons or goods are in the cage, the cage cannot be raised or lowered unless the gate is closed, and will come to rest when the gate is opened: Provided that, in the case of a hoist or lift constructed or reconstructed before the passing of this Act in connection with which it is not reasonably practicable to provide such devices as aforesaid, it shall be sufficient if such arrangements are provided as will secure the aforesaid objects so far as is reasonably practicable, and in any event the gate is kept closed and fastened except when the cage is at rest or empty; and

(c) in the case of a hoist or lift constructed or reconstructed after the passing of this Act, where the platform or cage is suspended by rope or chain, there shall be at least two ropes or chains separately connected with the platform or cage, each rope or chain and its attachments being capable of carrying the whole weight of .the platform or cage and its maximum working load, and efficient devices shall be provided and maintained which will support the platform or cage with its maximum working load in the event of a breakage of the ropes or chains or any of their attachments.

(8) In the case of a continuous hoist or lift, subsections (3) to (7) inclusive of this section shall not apply and in the case of a hoist or lift not connected with mechanical power subsections (4) and (7) shall not apply, and, in both the aforesaid cases, in subsection (2) for the reference to six months there shall be substituted a reference to twelve months.

(9) For the purposes of this section, no lifting machine or appliance shall be deemed to be a hoist or lift unless it has a platform or cage the direction of movement of which is restricted by a guide or guides.

(10) Every teagle opening or similar doorway used for hoisting or lowering goods or materials, whether by mechanical power or otherwise, shall be securely fenced, and shall be provided with a secure hand-hold on each side of the opening or doorway. The fencing shall be properly maintained and shall, except when the hoisting or lowering of goods or materials is being carried on at the opening or doorway, be kept in position.

(11) If it is shown to the satisfaction of the Secretary of State that it would be unreasonable in the special circumstances of the case to enforce any requirement of this section in respect of any class or description of hoist, lift, hoistway, liftway, or teagle opening or similar doorway, he may by order direct that such requirement shall not apply as respects that class or description.

23 Chains, ropes and lifting tackle

(1) The following provisions shall be complied with as respects every chain, rope or lifting tackle used for the purpose of raising or lowering persons, goods or materials :—

(a) no chain, rope or lifting tackle shall be used unless it is of good construction, sound material, adequate strength and free from patent defect;

(b) a table showing the safe working loads of every kind and size of chain, rope or lifting tackle in use, and, in the case of a multiple sling, the safe working load at different angles of the legs, shall be posted in the store in which the chains, ropes or lifting tackle are kept, and in prominent positions on the premises, and no chain, rope or lifting tackle not shown in the table shall be used, so, however, that the foregoing provisions of this paragraph shall not apply in

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relation to any lifting tackle if the safe working load thereof or, in the case of a multiple sling, the safe working load at different angles of the legs is plainly marked upon it;

(c) no chain, rope or lifting tackle shall be used for any load exceeding the safe working load thereof as shown by the table aforesaid or marked upon it as aforesaid;

(d) all chains, ropes and lifting tackle in use shall be thoroughly examined by a competent person at least once in every period of six months or at such greater intervals as the Secretary of State may prescribe;

(e) no chain, rope or lifting tackle, except a fibre rope or fibre rope sling, shall be taken into use in any factory for the first time in that factory unless it has been tested and thoroughly examined by a competent person and a certificate of such a test and examination specifying the safe working load and signed by the person making the test and examination has been obtained and is kept available for inspection;

(f) every chain and lifting tackle except a rope sling shall, unless of a class or description exempted by certificate of the chief inspector upon the ground that it is made of such material or so constructed that it cannot be subjected to heat treatment without risk of damage or that it has been subjected to some form of heat treatment (other than annealing) approved by him, be annealed at least once in every fourteen months, or, in the case of chains or slings of half-inch bar or smaller, or chains used in connection with molten metal or molten slag, in every six months, so, however, that chains and lifting tackle not in regular use need be annealed only when necessary;

(g) a register containing the prescribed particulars shall be kept with respect to all such chains, ropes or lifting tackle, except fibre rope slings.

(2) In this section the expression " lifting tackle " means chain slings, rope slings, rings, hooks, shackles, and swivels.

24 Cranes and other lifting machines

(1) All parts and working gear whether fixed or movable, including the anchoring and fixing appliances, of every lifting machine shall be of good construction, sound material, adequate strength and free from patent defect, and shall be properly maintained.

(2) All such parts and gear as aforesaid shall be thoroughly examined by a competent person at least once in every period of fourteen months and a register shall be kept containing the prescribed particulars of every such examination.

(3) All rails on which a travelling crane moves and every track on which the carriage of a transporter or runway moves shall be of proper size and adequate strength and have an even running surface; and any such rails or track shall be properly laid, adequately supported or suspended, and properly maintained.

(4) There shall be plainly marked on every lifting machine the safe working load or loads thereof, except that in the case of a jib crane so constructed that the safe working load may be varied by the raising or lowering of the jib, there shall be attached thereto either an automatic indicator of safe working loads or a table indicating the safe working loads at corresponding inclinations of the jib or corresponding radii of the load.

(5) No lifting machine shall, except for the purpose of a test, be loaded beyond the safe working load as marked or indicated under the last foregoing subsection.

(6) No lifting machine shall be taken into use in any factory for the first time in that factory unless it has been tested and all such parts and working gear of the machine as are specified in subsection (1) of this section have been thoroughly examined by a competent person and a certificate of such a test and examination specifying the safe working load or loads of the machine and signed by the person making the test and examination has been obtained and is kept available for inspection.

(7) If any person is employed or working on or near the wheel-track of an overhead travelling crane in any place where he would be liable to be struck by the crane, effective measures shall be taken by warning the driver of the crane or otherwise to ensure that the crane does not approach within twenty feet of that place.

(8) In this section the expression " lifting machine " means a crane, crab, winch, teagle, pulley block, gin wheel, transporter or runway.

25 Construction and maintenance of floors, passages and stairs

(1) All floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained.

(2) For every staircase in a building or affording a means of exit from a building, a substantial handrail shall be provided and maintained, which, if the staircase has an open side shall be on that side, and, in the case of a staircase having two open sides, or in the case of a staircase which, owing to the nature of the construction thereof or the condition of the surface of the steps or other special circumstances, is specially liable to cause accidents, such a hand-rail shall be provided and maintained on both sides. Any open side of a staircase shall also be guarded by the provision and maintenance of a lower rail or other effective means.

(3) All openings in floors shall be securely fenced, except in so far as the nature of the work renders such fencing impracticable.

(4) All ladders shall be soundly constructed and properly maintained.

26 Safe means of access and safe place of employment

(1) There shall, so far as is reasonably practicable, be provided and maintained safe means of access to every place at which any person has at any time to work.

(2) Where any person is to work at a place from which he will be liable to fall a distance more than ten feet, then, unless the place is one which affords secure foothold and, where necessary, secure hand-hold, means shall be provided, so far as is reasonably practicable, by fencing or otherwise for ensuring his safety.

27 Precautions in places where dangerous fumes are liable to be present

(1) Where work has to be done inside any chamber, tank, vat, pit, pipe, flue or similar confined space, in which dangerous fumes are liable to be present to such an extent as to involve risk of persons being overcome thereby—

(a) the confined space shall, unless there is other adequate means of egress, be provided with a manhole, which may be rectangular, oval, or circular in shape,

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and shall be not less than eighteen inches long and sixteen inches wide or (if circular) not less than eighteen inches in diameter, or in the case of tank wagons and other mobile plant not less than sixteen inches long and fourteen inches wide or (if circular) not less than sixteen inches in diameter; and

(b) no person shall enter the confined space for any purpose unless the following requirements are complied with:—

(i) all practicable steps shall be taken to remove any fumes which may be present and to prevent any ingress of fumes and, unless it has been ascertained by a suitable test that the space is free from dangerous fumes, the person entering shall wear a belt to which there is securely attached a rope of which the free end is held by a person outside; or

(ii) the person entering shall wear a suitable breathing apparatus;

(c) suitable breathing apparatus and a suitable reviving apparatus and suitable belts and ropes shall be provided and maintained so as to be readily accessible, and shall be periodically inspected in the prescribed manner; and

(d) a sufficient number of the persons employed shall be trained and practised in the use of such apparatus and in the method of restoring respiration:

Provided that the chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the aforesaid requirements in any case where he is satisfied that compliance with those requirements is unnecessary or impracticable.

(2) No work shall be permitted in any boiler-furnace or boiler-flue until it has been sufficiently cooled by ventilation or otherwise to make work safe for the persons employed.

28 Precautions with respect to explosive or inflammable dust, gas, vapour or substance

(1) Where, in connection with any finding, sieving, or other process giving rise to dust, there may escape into any workroom dust of such a character and to such an extent as to be liable to explode on ignition, all practicable steps shall be taken to prevent such an explosion by enclosure of the plant used in the process, and by removal or prevention of accumulation of the dust, and by exclusion or effective enclosure of possible sources of ignition.

(2) Where there is present in any plant used in any such process as aforesaid dust of such a character and to such an extent as to be liable to explode on ignition, then, unless the plant is so constructed as to withstand the pressure likely to be produced by any such explosion, all practicable steps shall be taken to restrict the spread and effects of such an explosion by the provision, in connection with the plant, of chokes, baffles and vents, or other equally effective appliances.

(3) Where any part of a plant contains any explosive or inflammable gas or vapour under pressure greater than atmospheric pressure, that part shall not be opened, except in accordance with the following provisions:—

(a) before the fastening of any joint of any pipe connected with the part of the plant or the fastening of the cover of any opening into the part is loosened, any flow of the gas or vapour into the part or into any such pipe shall be effectively stopped by a stop-valve or otherwise;

(b) before any such fastening as aforesaid is removed, all practicable steps shall be taken to reduce the pressure of the gas or vapour in the pipe or part of the plant to atmospheric pressure;

and if any such fastening has been loosened or removed as aforesaid, no explosive or inflammable gas or vapour shall be allowed to enter the pipe or part of the plant until the fastening has been secured, or, as the case may be, securely replaced:

Provided that this subsection shall not apply to plant installed in the open air.

(4) No plant, tank or vessel which contains or has contained any explosive or inflammable substance shall be subjected to any welding, brazing or soldering operation or to any cutting operation which involves the application of heat, until all practicable steps have been taken to remove the substance and any fumes arising therefrom, or to render them non-explosive or non-inflammable; and if any plant, tank, or vessel has been subjected to any such an operation as aforesaid, no explosive or inflammable substance shall be allowed to enter the plant, tank or vessel until the metal has cooled sufficiently to prevent any risk of igniting the substance.

(5) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the last two foregoing subsections in any case where he is satisfied that compliance with the requirement is unnecessary or impracticable.

29 Steam boilers

(1) Every steam boiler, whether separate or one of a range—

(a) shall have attached to it—

(i) a suitable safety valve, separate from any stop-valve, which shall be so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure and shall be fixed directly to, or as close as practicable to, the boiler;

(ii) a suitable stop-valve connecting the boiler to the steam pipe;

(iii) a correct steam pressure gauge connected to the steam space and easily visible by the boiler attendant, which shall indicate the pressure of steam in the boiler in pounds per square inch, and have marked upon it in a distinctive colour the maximum permissible working pressure;

(iv) at least one water gauge of transparent material or other type approved by the chief inspector to show the water level in the boiler, and, if the gauge is of the glass tubular type and the working pressure in the boiler normally exceeds forty pounds per square inch, the gauge shall be provided with an efficient guard but not so as to obstruct the reading of the gauge;

(v) where it is one of two or more boilers, a plate bearing a distinctive number which shall be easily visible; and

(b) shall be provided with means for attaching a test pressure guage; and

(c) unless externally fired, shall be provided with a suitable fusible plug or an efficient low-water alarm device :

Provided that sub-paragraph (ii) of paragraph (a) of this subsection shall not apply with respect to economisers, and sub-paragraphs (iii), (iv) and (v) of paragraph (a), and paragraphs (b) and (c) of this subsection shall not apply with respect to either economisers or superheaters.

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(2) For the purposes of the last foregoing subsection, a lever-valve shall not be deemed a suitable safety valve unless the weight is secured on the lever in the correct position.

(3) No person shall enter or be in any steam boiler which is one of a range of two or more steam boilers unless—

(a) all inlets through which steam or hot water might otherwise enter the boiler from any other part of the range are disconnected from that part; or

(b) all valves or taps controlling such entry are closed and securely locked, and, where the boiler has a blow-off pipe in common with one or more other boilers or delivering into a common blow-off vessel or sump, the blow-off valve or tap on each such boiler is so constructed that it can only be opened by a key which cannot be removed until the valve or tap is closed and is the only key in use for that set of blow-off valves or taps.

(4) Every part of every steam boiler shall be of good construction, sound material, adequate strength, and free from patent defect.

(5) Every steam boiler and all its fittings and attachments shall be properly maintained.

(6) Every steam boiler and all its fittings and attachments shall be thoroughly examined by a competent person at least once in every period of fourteen months, and also after any extensive repairs:

Provided that, in the case of any range of boilers used at the date of the passing of this Act for the purposes of a process requiring a continuous supply of steam, any stop-valve on the range which cannot be isolated from steam under pressure need only be examined so far as is practicable without such isolation, but this proviso shall cease to have effect as soon as a reasonable opportunity arises for installing devices to enable the valve to be so isolated and, in any case, at the expiration of a period of three years from the passing of this Act.

(7) Any examination in accordance with the requirements of the last foregoing subsection shall consist, in the first place, of an examination of the boiler when it is cold and the interior and exterior have been prepared in the prescribed manner, and secondly, except in the case of an economiser or superheater, of an examination when it is under normal steam pressure, and the two parts of the examination may be carried out by different persons; the examination under steam pressure shall be made on the first occasion when steam is raised after the examination of the boiler when cold, or as soon as possible thereafter, and the person making the examination shall see that the safety valve is so adjusted as to prevent the boiler being worked at a pressure greater than the maximum permissible working pressure.

(8) A report of the result of every such examination in the prescribed form and containing the prescribed particulars (including the maximum permissible working pressure) shall, as soon as practicable and in any case within twenty-eight days of the completion of the examination, be entered in or attached to the general register, and the report shall be signed by the person making the examination, and if that person is an inspector of a boiler-inspecting company or association, countersigned by the chief engineer of the company or association or by such other responsible officer of the company or association as may be authorised in writing in that behalf by the chief engineer. For the purposes of this subsection and the succeeding provisions of this section relating to reports of examinations, the examination of a boiler when it is cold and its examination when it is under steam pressure shall be treated as separate examinations.

(9) No steam boiler which has previously been used shall be taken into use in any factory for the first time in that factory until it has been examined and reported on in accordance with the last three foregoing subsections; and no new steam boiler shall be taken into use unless there has been obtained from the manufacturer of the boiler, or from a boiler-inspecting company or association, a certificate specifying the maximum permissible working pressure thereof, and stating the nature of the tests to which the boiler and fittings have been submitted, and the certificate is kept available for inspection, and the boiler is so marked as to enable it to be identified as the boiler to which the certificate relates.

(10) Where the report of any examination under this section specifies conditions for securing the safe working of a steam boiler, the boiler shall not be used except in accordance with those conditions.

(11) The person making the report of any examination under this section, or, in the case of a boiler-inspecting company or association, the chief engineer thereof, shall within twenty-eight days of the completion of the examination send to the inspector for the district a copy of the report in every case where the maximum permissible working pressure is reduced, or the examination shows that the boiler cannot continue to be used with safety unless certain repairs are carried out immediately or within a specified time.

(12) If the person employed to make any such examination fails to make a thorough examination as required by this section or makes a report which is false or deficient in any material particular, or if the chief engineer of any boiler-inspecting company or association permits any such report to be made, he shall be guilty of an offence and liable to a fine not exceeding fifty pounds, and if any such person or chief engineer fails to send to the inspector for the district a copy of any report as required by the preceding subsection, he shall be guilty of an offence.

(13) If the chief inspector is not satisfied as to the competency of the person employed to make the examination or as to the thoroughness of the examination, he may require the boiler to be re-examined by a person nominated by him, and the occupier shall give the necessary facilities for such re-examination. If as a result of such re-examination it appears that the report of the examination was inadequate or inaccurate in any material particular, the cost of the re-examination shall be recoverable from the occupier summarily as a civil debt, and the report of the re-examination purporting to be signed by the person making it shall be admissible in evidence of the facts stated therein.

(14) In this Part of this Act, the expression " maximum permissible working pressure" means, in the case of a new steam boiler, that specified in the certificate referred to in subsection (9) of this section and in the case of a steam boiler which has been examined in accordance with the provisions of this section, that specified in the report of the last examination; and the expression " steam boiler " means any closed vessel in which for any purpose steam is generated under pressure greater than atmospheric pressure, and includes any economiser used to heat water being fed to any such vessel, and any superheater used for heating steam.

(15) This section shall not apply to any boiler belonging to or exclusively used in the service of His Majesty, or to the boiler of any ship or of any locomotive which belongs to and is used by any railway company.

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30 Steam receivers and steam containers

(1) Every steam receiver, not so constructed and maintained as to withstand with safety the maximum permissible working pressure of the boiler or the maximum pressure which can be obtained in the pipe connecting the receiver with any other source of supply, shall be fitted with—

(a) a suitable reducing valve or other suitable automatic appliance to prevent the safe working pressure being exceeded; and

(b) a suitable safety valve so adjusted as to permit the steam to escape as soon as the safe working pressure is exceeded, or a suitable appliance for cutting off automatically the supply of steam as soon as the safe working pressure is exceeded; and

(c) a correct steam pressure gauge, which must indicate the pressure of steam in the receiver in pounds per square inch; and

(d) a suitable stop valve; and

(e) except where only one steam receiver is in use, a plate bearing a distinctive number which shall be easily visible. The safety valve and pressure gauge shall be fitted either on the steam receiver or on the supply pipe between the receiver and the reducing valve or other appliance to prevent the safe working pressure being exceeded.

(2) For the purpose of the provisions of the foregoing subsection, except paragraph (e), any set of receivers supplied with steam through a single pipe and forming part of a single machine may be treated as one receiver, and for the purpose of the said provisions, except paragraphs (d) and (e), any other set of receivers supplied with steam through a single pipe may be treated as one receiver:

Provided that this subsection shall not apply to any such set of receivers unless the reducing valve or other appliance to prevent the safe working pressure being exceeded is fitted on the said single pipe.

(3) Every part of every steam receiver shall be of good construction, sound material, adequate strength, and free from patent defect.

(4) Every steam receiver and its fittings shall be properly maintained, and shall be thoroughly examined by a competent person, so far as the construction of the receiver permits, at least once in every period of twenty-six months.

(5) A report of the result of every such examination containing the prescribed particulars (including particulars of the safe working pressure) shall be entered in or attached to the general register.

(6) Every steam container shall be so maintained as to secure that the outlet is at all times kept open and free from obstruction.

(7) In this section the following expressions have the meanings hereby respectively assigned to them, that is to say :—

" safe working pressure " means, in the case of a new steam receiver, that specified by the maker, and in the case of a steam receiver which has been examined in accordance with the provisions of this section, that specified in the report of the last examination;

" steam receiver " means any vessel or apparatus (other than a steam boiler, steam container, a steam pipe or coil, or a part of a prime mover) used for containing steam under pressure greater than atmospheric pressure ;

" steam container " means any vessel (other than a steam pipe or coil) constructed with a permanent outlet into the atmosphere or into a space where the pressure does not exceed atmospheric pressure, and through which steam is passed at atmospheric pressure or at approximately that pressure for the purpose of heating, boiling, drying, evaporating or other similar purpose.

31 Air receivers

(1) Every air receiver shall—

(a) have marked upon it so as to be plainly visible the safe working pressure; and

(b) in the case of a receiver connected with an air compressing plant either be so constructed as to withstand with safety the maximum pressure which can be obtained in the compressor, or be fitted with a suitable reducing valve or other suitable appliance to prevent the safe working pressure of the receiver being exceeded; and

(c) be fitted with a suitable safety valve so adjusted as to permit the air to escape as soon as the safe working pressure is exceeded; and

(d) be fitted with a correct pressure gauge indicating the pressure in the receiver in pounds per square inch; and

(e) be fitted with a suitable appliance for draining the receiver; and

(f) be provided with a suitable manhole, handhole, or other means which will allow the interior to be thoroughly cleaned; and

(g) in a case where more than one receiver is in use in the factory, bear a distinguishing mark which shall be easily visible.

(2) For the purpose of the provisions of the foregoing subsection relating to safety valves and pressure gauges, any set of air receivers supplied with air through a single pipe may be treated as one receiver:

Provided that, in a case where a suitable reducing valve or other suitable appliance to prevent the safe working pressure being exceeded is required to be fitted, this subsection shall not apply unless the valve or appliance is fitted on the said single pipe.

(3) Every air receiver and its fittings shall be of sound construction and properly maintained.

(4) Every air receiver shall be thoroughly cleaned and examined at least once in every period of twenty-six months :

Provided that in the case of a receiver of solid drawn construction—

(a) the person making any such examination may specify in writing a period exceeding twenty-six months but not exceeding four years within which the next examination is to be made; and

(b) if it is so constructed that the internal surface cannot be thoroughly examined, a suitable hydraulic test of the receiver shall be carried out in lieu of internal examination. Every such examination and test shall be carried out by a competent person, and a report of the result of every such examination and test, containing the prescribed particulars (including particulars of the safe working pressure), shall be entered in or attached to the general register.

(5) In this section the expression " air receiver" means—

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(a) any vessel (other than a pipe or coil, or an accessory, fitting or part of a compressor) for containing compressed air and connected with an air compressing plant;

(b) any fixed vessel for containing compressed air or compressed exhaust gases and used for the purpose of starting an internal combustion engine; or

(c) any fixed or portable vessel (not being part of a spraying pistol) used for the purpose of spraying by means of compressed air any paint, varnish, lacquer or similar material; or

(d) any vessel in which oil is stored and from which it is forced by compressed air:

Provided that the provisions of paragraph (e) of subsection (1) of this section shall not apply to any such vessel as is mentioned in paragraph (c) or paragraph (d) of this subsection.

32 Exceptions as to steam boilers, steam receivers and containers, and air receivers

The chief inspector may by certificate except from any of the provisions of the last three preceding sections of this Act any class or type of steam boiler, steam receiver, steam container or air receiver to which he is satisfied that such provision cannot reasonably be applied. Any such exception may be unqualified or may be subject to such conditions as may be contained in the certificate.

33 Precautions as respects water-sealed gasholders

(1) Every gasholder shall be of sound construction and shall be properly maintained.

(2) Every gasholder shall be thoroughly examined externally by a competent person at least once in every period of two years, and a record containing the prescribed particulars of every such examination shall be entered in or attached to the general register.

(3) In the case of a gasholder of which any lift has been in use for more than twenty years, the internal state of the sheeting shall, within two years of the coming into operation of this section and thereafter at least once in every period of ten years, be examined by a competent person by cutting samples from the crown and sides of the holder or by other sufficient means, and all samples so cut and a report on every such examination signed by the person making it shall be kept available for inspection.

(4) A record signed by the occupier of the factory or by a responsible official authorised in that behalf showing the date of the construction, as nearly as it can be ascertained, of the oldest lift of every gasholder in the factory shall be kept available for inspection.

(5) Where there is more than one gasholder in the factory, every gasholder shall be marked in a conspicuous position with a distinguishing number or letter.

(6) No gasholder shall be repaired or demolished except under the direct supervision of a person who, by his training and experience and his knowledge of the necessary precautions against risks of explosion and of persons being overcome by gas, is competent to supervise such work.

(7) In this section the expression " gasholder " means a water-sealed gasholder which has a storage capacity of not less than five thousand cubic feet.

34 Means of escape in case of fire

(1) Every factory to which this section applies shall be certified by the district council as being provided with such means of escape in case of fire for the persons employed therein as may reasonably be required in the circumstances of each case and, if any premises with respect to which no such certificate is in force are used as a factory, the occupier shall be guilty of an offence and liable on conviction thereof to a fine not exceeding fifty pounds, and if the contravention in respect of which he was so convicted is continued after the conviction, he shall (subject to the provisions of section one hundred and thirty-two of this Act) be guilty of a further offence and liable in respect thereof to a fine not exceeding five pounds for each day on which the offence was so continued. It shall be the duty of the council to examine every such factory and, on being satisfied that the factory is so provided as aforesaid, to give such a certificate accordingly. The certificate shall specify precisely and in detail the means of escape provided, and shall contain particulars as to the maximum number of persons employed or proposed to be employed in the factory as a whole and, if the council think fit, in any specified part thereof, and as to any explosive or highly inflammable material stored or used and as to other matters taken into account in granting the certificate. The certificate shall be attached by the occupier to the general register and a copy of it shall be sent by the council to the inspector for the district.

(2) All means of escape specified in the certificate as aforesaid shall be properly maintained and kept free from obstruction.

(3) A factory which has been furnished with a certificate in pursuance of subsection(1) of section fourteen of the Factory and Workshop Act, 1901, and a factory in respect of which a notice issued in pursuance of subsection (2) of that section has been complied with, or in respect of which an award has been made under subsection (3) of that section and has been complied with, shall be entitled to receive a certificate from the district council and, pending the receipt of the certificate, no offence shall be deemed to be committed by reason of the use of the factory while no certificate under this section is in force in respect thereto :

Provided that this subsection shall only apply to any such factory if and so long as the means of escape provided therein are properly maintained and shall not apply to any such factory if, since the certificate was furnished or the notice or award was complied with in pursuance of the said section fourteen, any action has been taken of which notice would, if this section had been in force and a certificate had been granted thereunder, have been required to be given to the council.

(4) In the case of any factory constructed or converted for use as a factory before the coming into operation of this section (not being a factory to which the last foregoing subsection applies), no offence shall be deemed to be committed under this section by reason of the use of the factory during any period that may elapse between the coming into operation of this section and the grant or refusal of a certificate by the district council after examining the factory under this section, and if the council refuse to grant a certificate in respect of the factory unless alterations are made, no such offence shall be deemed to be committed while the alterations are being carried out in accordance with the requirements of the council.

(5) If, after the grant of a certificate, it is proposed to make any material extension or material structural alteration of the factory premises or to increase materially the number of persons employed in the factory or in any part specified in the certificate, or to begin to store or use explosive or highly inflammable material in the factory or

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materially to increase the extent of such storage or use, the occupier shall give notice in writing to the council of the proposal.

(6) If the council on receipt of the notice mentioned in the last foregoing subsection are of opinion that the conditions in regard to escape in case of fire will be affected, or if at any time they are satisfied that by reason of changed conditions the existing means of escape have become insufficient, they may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.

(7) If it appears to an inspector that dangerous conditions in regard to escape in case of fire exist in any factory to which this section applies he may give notice thereof in writing to the district council, and it shall be the duty of the council forthwith to examine the factory, and they may by notice in writing require the occupier to make such alterations, within such period, as may be specified in the notice.

(8) The occupier shall, within the period specified in any notice of the district council under this section, carry out any alterations required by the notice, and upon their being earned out the council shall amend the certificate or issue a new certificate, and shall send a copy of the amended or new certificate to the inspector for the district; and if the alterations are not so carried out, the council shall, without prejudice to the taking of other proceedings, cancel the certificate.

(9) When notice is given by an inspector to a district council under this section, the council shall inform the inspector of any action taken for remedying the dangerous conditions, and, if no such action is taken by the council within one month of the receipt of the notice, the inspector may take the like action as the council might have taken and shall be entitled to recover from the district council summarily as a civil debt all such expenses as the inspector may incur in so doing, and as are not recovered from any other person, and are not expenses incurred in or about any unsuccessful legal proceedings.

(10) If the occupier of any factory is aggrieved by the refusal of a district council to grant a certificate under this section or by being required by a district council or by an inspector under this section to carry out any alterations at the factory or by the cancellation of a certificate, he may appeal by way of complaint, within twenty-one days of the refusal, notice of requirement, or cancellation, to a court of summary jurisdiction, and, pending the final determination of the appeal, no offence shall be deemed to be committed under this section by reason that the premises to which the appeal relates are used as a factory without a certificate being in force with respect thereto; and the decision of the court shall be binding on the occupier and the council or inspector.

(11) If it appears to an inspector that the conditions in regard to escape in case of fire in any factory to which this section applies are so dangerous that the factory or any part thereof ought not to be used, or ought not be used for a particular process or work, until steps have been taken to remedy the danger, he may, in lieu of serving a notice on the district council under the foregoing provisions of this section, make a complaint to a court of summary jurisdiction, and the court may, on being satisfied of the matters aforesaid, by order prohibit the use of the factory or part thereof, or its use for the particular process or work, until such works have been executed as are in the opinion of the court necessary to remedy the danger. When any works have been executed in pursuance of such an order as aforesaid, the inspector shall give notice thereof to the district council, who shall amend any certificate in force under this section in respect of the factory, or issue a new certificate, as the case may require.

(12) An examination by a district council under this section shall only be carried out by officers of the council authorised in writing either to carry out that examination or generally to carry out examinations under this section.

(13) This section applies to every factory—

(a) in which more than twenty persons are employed; or

(b) which is being constructed or converted for use as a factory at the date of the passing of this Act, or is constructed or so converted after that date, and in which more than ten persons are employed in the same building on any floor above the ground floor of the building; or

(c) of which the construction has been completed before the passing of this Act and in which more than ten persons are employed in the same building above the first floor of the building or more than twenty feet above the ground level; or

(d) in or under which explosive or highly inflammable materials are stored or used.

(14) In the application of this section to the administrative county of London—

(a) the section shall have effect as if references to the London County Council were therein substituted for references to the district council; and

(b) any factory or part thereof forming part of a building from all parts of which means of escape in case of fire have been provided in accordance with the requirements of Part VIII of the London Building Act, 1930, and are maintained, shall be entitled to receive from the London County Council a certificate for the purposes of this section, and pending the receipt of the certificate, no offence shall be deemed to be committed by reason of the use of the factory while no certificate under this section is in force with respect thereto :

Provided that this paragraph shall not apply to any such factory or part thereof if, since the means of escape were provided, any action has been taken of which notice would, if this section had been in force and a certificate had been granted thereunder, have been required to be given to the council.

35 Regulations and byelaws as to means of escape in case of fire

(1) The Secretary of State may make regulations as to the means of escape in case of fire to be provided in factories or any class or description of factory. It shall be the duty of the district council to see that the regulations are complied with, and the provisions of Part I of this Act as to the power to act in default of a district council shall apply in the case of any default of the district council under this subsection.

(2) If a certificate has been issued under the last foregoing section in respect of a factory which is not in conformity with the regulations under this section, the district council shall serve a notice on the occupier of the factory requiring him to make, within a specified period, such alterations as they consider necessary to bring the factory into conformity with the regulations, and the provisions of the last foregoing section shall apply in relation to any such notice as they apply to a notice of the district council under that section.

(3) Every district council shall, in addition to any powers which they possess with reference to the prevention of fire, have power to make byelaws as to the means of escape in case of fire to be provided in factories or any class or description of factory,

but such byelaws shall be void in so far as they contain any provisions inconsistent with any regulations made by the Secretary of State under this section.

(4) The Minister of Health shall be the confirming authority for any byelaws made by a district council under this section.

(5) This section shall in its application to the administrative county of London have effect as if references to the London County Council were therein substituted for references to the district council, except in the last foregoing subsection which shall not apply to London, and as if the matters with respect to which byelaws may be made under this section were included in the matters with respect to which the London County Council may make byelaws under section four of the London Building Act (Amendment) Act, 1935, and as if any byelaws made under this section were made under the said section four.

36 Safety provisions in case of fire

(1) While any person is within a factory for the purpose of employment or meals, the doors of the factory, and of any room therein in which the person is, and any doors which afford a means of exit for persons employed in the factory from any building or from any enclosure in which the factory is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside.

(2) Any doors opening on to any staircase or corridor from any room in which more than ten persons are employed, and in the case of any factory constructed or converted for use as a factory after the coming into operation of this section, all other doors affording a means of exit from the factory for persons employed therein, shall, except in the case of sliding doors, be constructed to open outwards.

(3) In any factory constructed or converted for use as a factory before the coming into operation of this section, in which more than ten persons are employed in the same building above the ground floor, any door, which is not kept continuously open, at the foot of a staircase affording a means of exit from the building shall, except in the case of sliding doors, be constructed to open outwards.

(4) Every hoistway or liftway inside a building constructed after the coming into operation of this section shall, subject as hereinafter provided, be completely enclosed with fire-resisting materials, and all means of access to the hoist or lift shall be fitted with doors of fire-resisting materials :

Provided that any such hoistway or liftway shall be enclosed at the top only by some material easily broken by fire, or be provided with a vent at the top.

(5) The chief inspector may by certificate grant, subject to any conditions specified in the certificate, exemption from compliance with any of the requirements of the last foregoing subsection in any case where he is satisfied that compliance with those requirements is inappropriate or undesirable.

(6) Every window, door, or other exit affording means of escape in case of fire or giving access thereto other than the means of exit in ordinary use, shall be distinctively and conspicuously marked by a notice printed in red letters of an adequate size.

(7) Where in any factory more than twenty persons are employed in the same building, or explosive or highly inflammable materials are stored or used in any building in which persons are employed, effective provision shall be made for giving warning in case of fire, which shall be clearly audible throughout the building.

(8) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire.

37 Instruction as to use of means of escape in case of fire

(1) Where in any factory more than twenty persons are employed in the same building above the first floor or more than twenty feet above the ground level, or explosive or highly inflammable materials are stored or used in any building where persons are employed, effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and their use and with the routine to be followed in case of fire.

(2) The Secretary of State may make regulations as to the steps to be taken for the said purposes in such factories as aforesaid, or any class or description thereof.

38 Power of Secretary of State to require special safety arrangements for the prevention of accidents

Where it appears to the Secretary of State that, in view of the number and nature of accidents occurring in any factory or class or description of factory, special provision ought to be made at that factory or at factories of that class or description to secure the safety of persons employed therein, he may make special regulations requiring the occupier to make such reasonable provision by arrangements for special supervision in regard to safety, investigation of the circumstances and causes of accidents, and otherwise as may be specified in the regulations.

39 Power of court of summary jurisdiction to make orders as to dangerous conditions and practices

(1) If on complaint by an inspector a court of summary jurisdiction is satisfied either—

(a) that any part of the ways, works, machinery, or plant used in a factory is in such a condition or is so constructed or is so placed that it cannot be used without risk of bodily injury ; or

(b) that any process or work is carried on or anything is or has been done in any factory in such a manner as to cause risk of bodily injury;

the court shall, as the case may require, by order—

(i) prohibit the use of that part of the ways, works, machinery or plant, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered; or

(ii) require the occupier to take such steps as may be specified in the order for remedying the danger complained of.

(2) Where a complaint is or has been made under the last foregoing subsection, the court or a justice may, on application ex parte by the inspector, and on receiving evidence that the use of any such part of the ways, works, machinery, or plant, or, as the case may be, the carrying on of any process or work or the doing of anything in such a manner as aforesaid, involves imminent risk of serious bodily injury, make an interim order prohibiting, either absolutely or subject to conditions, the use, carrying on or doing thereof until the earliest opportunity for hearing and determining the complaint.

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40 Power of court of summary jurisdiction to make orders as to dangerous factory

A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any factory or part of a factory is in such a condition that any process or work carried on therein cannot be so carried on without risk of bodily injury, by order prohibit the use thereof for the purpose of that process or work, until such works have been executed as are in the opinion of the court necessary to remove the danger.

PART III

WELFARE (GENERAL PROVISIONS)

41 Supply of drinking water

(1) There shall be provided and maintained at suitable points conveniently accessible to all persons employed an adequate supply of wholesome drinking water from a public main or from some other source approved in writing by the district council, such approval not to be withheld except on the ground of the un-wholesomeness of the water.

(2) A supply of drinking water which is not laid on shall be contained in suitable vessels, and shall be renewed at least daily, and all practicable steps shall be taken to preserve the water and vessels from contamination; and a drinking water supply (whether laid on or not) shall, in such cases as the inspector for the district may direct, be clearly marked " Drinking Water."

(3) Except where the water is delivered in an upward jet from which the employed persons can conveniently drink, one or more suitable cups or drinking vessels shall be provided at each point of supply with facilities for rinsing them in drinking water.

42 Washing facilities

(1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing which shall include soap and clean towels or other suitable means of cleaning or drying, and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

(2) The Secretary of State may by regulations prescribe, either generally or as respects any class or description of factory or as respects the persons employed in any process, a standard of adequate and suitable washing facilities.

(3) The Secretary of State may by regulations provide for the exemption of factories from any of the requirements of this section in cases where by reason of the difficulty of obtaining an adequate supply of water, or the fact that accommodation is restricted and adequate and suitable washing facilities are otherwise conveniently available, or such other special circumstances as may be specified in the regulations, the application of the requirement would in his opinion be unreasonable.

(4) This section shall come into operation on the first day of July, nineteen hundred and thirty-nine :

Provided that, as respects persons employed in any process in which lead, arsenic or any other poisonous substance is used, or any process prescribed by the Secretary of

State, being a process liable to cause dermatitis or any other affection of the skin, this section shall come into operation at the commencement of this Act.

43 Accommodation for clothing

(1) There shall be provided and maintained for the use of employed persons adequate and suitable accommodation for clothing not worn during working hours; and such arrangements as are reasonably practicable or, when a standard is prescribed, such arrangements as are laid down thereby shall be made for drying such clothing.

(2) The Secretary of State may by regulations prescribe, either generally or as respects any class or description of factory, a standard of suitable accommodation for such clothing and of arrangements for drying such clothing.

(3) The Secretary of State may by regulations provide for the exemption of factories from any of the requirements of this section in cases where by reason of such special circumstances as may be specified in the regulations the application of the requirement would in his opinion be unreasonable.

44 Facilities for sitting

There shall be provided and maintained, for the use of all female workers whose work is done standing, suitable facilities for sitting sufficient to enable them to take advantage of any opportunities for resting which may occur in the course of their employment.

45 First-aid

(1) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of the prescribed standard, and where more than one hundred and fifty persons are employed an additional box or cupboard for every additional one hundred and fifty persons. For the purposes of this provision the number of persons employed in a factory shall be taken to be the largest number of persons employed therein at any one time, and any fraction of one hundred and fifty shall be reckoned as one hundred and fifty. Where the persons employed are employed in shifts, the calculation of the number employed shall be according to the largest number at work at any one time.

(2) Nothing except appliances or requisites for first-aid shall be kept in a first-aid box or cupboard.

(3) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall, in the case of a factory where more than fifty persons are employed, be trained in first-aid treatment, and the person in charge shall always be readily available during working hours. A notice shall be affixed in every workroom stating the name of the person in charge of the first-aid box or cupboard provided, in respect of that room.

(4) If an ambulance room is provided at the factory and such arrangements are made as to ensure the immediate treatment there of all injuries occurring in the factory, the chief inspector may by certificate exempt the factory from the requirements of this section to such extent and. subject to such conditions as he may specify in the certificate.

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46 Welfare regulations

(1) Where it appears to the Secretary of State that owing to the conditions and circumstances of employment or the nature of the processes carried on, provision requires to be made in relation to any of the matters to which this section applies for securing the welfare of the persons employed or any class of them, he may make special regulations requiring such reasonable steps to be taken in connection therewith as may be specified in the regulations, either in addition to, or in substitution for, or by way of extension or variation of, any of the foregoing provisions of this Part of this Act.

(2) This section applies to the matters dealt with in the foregoing provisions of this Part of this Act; to arrangements for preparing or heating, and taking, meals ; to the supply of protective clothing; to ambulance and first-aid arrangements; to the supply and use of seats in workrooms; to rest rooms; and to arrangements for the supervision of persons employed.

(3) This section shall not apply to factories in which the only persons employed are members of the same family dwelling there.

(4) Special regulations under this section are in this Act referred to as " welfare regulations " and any such regulations may—

(a) be made for a particular factory or for factories of any class or description;

(b) be made contingent in respect of particular requirements upon application being made by a specified number or proportion of the employed persons concerned, and prescribe the manner in which the views of the persons employed are to be ascertained;

(c) provide for the employed persons concerned being associated in the management of the arrangements, accommodation or other facilities for which provision is made, in any case where a portion of the cost is contributed by the persons employed; but no contribution shall be required from the persons employed in any factory, except for the purpose of providing additional or special benefits which, in the opinion of the Secretary of State, could not reasonably be required to be provided by the employer alone, and unless two-thirds at least of the employed persons affected in that factory, on their views being ascertained in the prescribed manner, assent.

(5) Welfare regulations may impose duties on owners and, so far as relates to the use of any facilities provided, on employed persons.

(6) The Secretary of State may by regulations extend the matters to which this section applies so as to include other matters affecting the welfare of employed persons or any class of them.

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PART IV

HEALTH, SAFETY AND WELFARE (SPECIAL PROVISIONS AND REGULATIONS)

Special Provisions

47 Removal of dust or fumes

(1) In every factory in which, in connection with any process carried on, there is given off any dust or fume or other impurity of such a character and to such extent as to be likely to be injurious or offensive to the persons employed, or any substantial quantity of dust of any kind, all practicable measures shall be taken to protect the persons employed against inhalation of the dust or fume or other impurity and to prevent its accumulating in any workroom, and in particular, where the nature of the process makes it practicable, exhaust appliances shall be provided and maintained, as near as possible to the point of origin of the dust or fume or other impurity, so as to prevent it entering the air of any workroom.

(2) No stationary internal combustion engine shall be used unless—

(a) provision is made for conducting the exhaust gases from the engine into the open air; and

(b) the engine (except when used for the purpose of being tested) is so partitioned off from any workroom or part of a workroom, in which persons are employed other than persons attending to the engine, as to prevent any injurious fumes from the engine entering the air of the room or part of the room.

48 Meals in certain dangerous trades

(1) Where in any room lead, arsenic or other poisonous substance is so used as to give rise to any dust or fume, a person shall not be permitted to partake of food or drink in that room or to remain in that room during the intervals allowed to him for meals or rest other than intervals allowed in the course of a spell of continuous employment.

(2) Where in any room a process prescribed by regulations made by the Secretary of State is carried on being a process which gives rise to siliceous dust or asbestos dust, a person shall not be permitted to remain in that room during the intervals allowed to him for meals or rest other than intervals allowed in the course of a spell of continuous employment.

(3) Suitable provision shall be made for enabling the persons employed in any such room as is mentioned in the last two foregoing subsections to take their meals elsewhere in the factory.

(4) Where it appears to the Secretary of State that, by reason of the nature of any process, it is injurious to health or otherwise undesirable to take meals in rooms where that process is carried on or to remain therein during the intervals allowed for meals or rest, he may, if he thinks fit, by regulations extend all or any of the provisions of subsections (1) and (3) of this section to rooms where that process is carried on.

49 Protection of eyes in certain processes

In the case of any such process as may be specified by regulations of the Secretary of State, being a process which involves a special risk of injury to the eyes from particles

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or fragments thrown off in the course of the process, suitable goggles or effective screens shall, in accordance with any directions given by the regulations, be provided to protect the eyes of the persons employed in the process.

50 Shuttle threading by mouth suction

The Secretary of State may make such special regulations as appear to him to be reasonably practicable for extending the provision and use in factories, in which the weaving of cotton or other cloth is carried on, of shuttles which are not capable of being threaded or readily threaded by suction of the mouth, and any such regulations may impose duties on persons employed as well as on occupiers.

51 Prohibition of use of white phosphorus in manufacture of matches

(1) No person shall use white phosphorus in the manufacture of matches.

(2) For the purposes of this Part of this Act the expression " white phosphorus" means the substance usually known as white or yellow phosphorus.

52 Humid factories

(1) The occupier of every humid factory shall, on or before the first occasion on which artificial humidity is produced at that factory, give notice thereof in writing to the inspector for the district.

(2) In every humid factory in which regulations made under this Act or under the enactments thereby repealed, with respect to humidity, are not for the time being in force, the provisions of this subsection shall have effect:—

(a) subject to the provisions of this section, there shall be provided and maintained in every room in which artificial humidity is produced, two hygrometers, conforming to such conditions, as regards construction and maintenance, as may be prescribed, and the following requirements with respect thereto shall be complied with :—

(i) one hygrometer shall be fixed in the centre and one at the side of each room, or in such other position as may be directed or sanctioned by an inspector, so as to be plainly visible to the persons employed;

(ii) a copy of the table of humidity set out in the First Schedule to this Act, or such other table as may be substituted therefor by regulations of the Secretary of State, shall be kept hung up near to each hygrometer;

(iii) the occupier or other person authorised for the purpose shall read the hygrometers twice daily, namely, between ten and eleven o'clock in the morning and between three and four o'clock in the afternoon on every day on which any persons are employed in the room in the morning or afternoon as the case may be, and when persons are employed before six o'clock in the morning or after eight o'clock in the evening, at such other times as may be directed by the inspector for the district, and shall enter the readings on a record which shall be provided for each hygrometer in the prescribed form;

(iv) the forms on which the readings of each hygrometer are recorded shall be kept hung up near the hygrometer, and when filled up shall be preserved at the factory for reference. The entries recorded in the form

shall be prima facie evidence of the humidity of the atmosphere and temperature in the factory :

(b) there shall be no artificial humidification in any room at any time when the reading of the wet bulb thermometer exceeds seventy-two and a half degrees, or, in the case of a room in which the spinning of cotton or in which the spinning of merino or cashmere by the French or dry process or the spinning or combing of wool by that process is carried on, eighty degrees :

(c) there shall be no artificial humidification in any room at any time when the difference between the readings of the dry and wet bulb thermometers is less than that indicated in the table of humidity :

(d) no water which is liable to cause injury to the health of the persons employed, or to yield effluvia, shall be used for artificial humidification, and for the purpose of this provision any water which absorbs from acid solution of permanganate of potash in four hours at sixty degrees more than half a grain of oxygen per gallon of water, shall be deemed to be liable to cause injury to the health of the persons employed.

(3) The chief inspector may direct in writing, in the case of any factory or any room in a factory, that the provision and maintenance of one hygrometer shall be sufficient instead of two, the hygrometer to be fixed in such position as may be directed by an inspector, and the last foregoing subsection shall have effect accordingly.

(4) Where as respects any room notice has been given in the prescribed manner to the inspector for the district that it is intended that the humidity of the atmosphere should never be greater than will maintain a difference of at least four degrees between the readings of the dry and wet bulb thermometers, the provisions of sub-paragraphs (iii) and (iv) of paragraph (a) of this section shall not apply as respects that room so long as at least that difference is maintained and a copy of the said notice is kept posted in the room.

53 Underground rooms

(1) No work shall be carried on in any underground room (not being an underground room used only for the purpose of storage or for some purpose excepted by order of the Secretary of State) which is certified by the inspector for the district to be unsuitable for the purpose as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided:

Provided that, where the inspector certifies as unsuitable any room which is in actual use, he shall suspend the operation of the certificate for such period as he considers reasonable with a view to enabling the occupier to render the room suitable or to obtain other premises.

(2) In the case of any underground room which at the commencement of this Act does not form part of a factory or is not used as a workroom in a factory or is used only for the purpose of storage or for some purpose excepted as aforesaid—

(a) the occupier shall, before the room is used for work for which it may be certified as unsuitable under this section, give notice in the prescribed form and containing the prescribed particulars to the inspector for the district; and

(b) shall not use the room for any such process as may be prescribed, being a process of a hot, wet, or dusty nature, or which is liable to give off any fume, without the consent in writing of the inspector for the district.

(3) If the occupier is aggrieved by any decision of an inspector under this section, he may, within twenty-one days of the date of issue of the certificate or the refusal of the consent, as the case may be, appeal by way of complaint to a court of summary jurisdiction, and, pending the final determination of an appeal against a decision under subsection (1) of this section in the case of a room in actual use, no offence shall be deemed to be committed under that subsection in respect of the room to which the appeal relates, and the decision of the court shall in all cases be binding on the occupier and the inspector.

(4) In this section the expression " underground room " means any room which or any part of which is so situate that half or more than half the whole height thereof, measured from the floor to the ceiling, is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room.

(5) Any certificate issued under this section may be withdrawn by the inspector for the district if such alterations are made as in his opinion to render the room suitable.

54 Basement bakehouses

(1) Without prejudice to the provisions of the last foregoing section, a basement bakehouse shall not be used as a bakehouse unless it was so used at the date of the passing of this Act and a certificate of suitability had been issued by the district council under an enactment repealed by this Act in respect thereof, and any basement bakehouse which, for a period exceeding twelve months, is not used as a bakehouse shall not be so used again.

(2) It shall be the duty of every district council to carry out, in the year beginning at the date of the commencement of this Act and in every fifth succeeding year after that year, an examination of every basement bakehouse in respect of which a certificate of suitability has been issued and—

(a) if as the result of the examination the council are not satisfied that the bakehouse is suitable for use as such as regards construction, height, light, ventilation, and any hygienic respect, they shall give notice in writing that the certificate shall cease to have effect after the expiration of such period, being not less than one month, as may be specified in the notice, and the basement bakehouse shall not be used as a bakehouse after the expiration of that period; or

(b) if the council are satisfied that the bakehouse is suitable as regards the matters aforesaid, they shall give notice in writing that the certificate shall continue to operate so long as the bakehouse may otherwise lawfully be used, but without prejudice to the power of the council to revoke the certificate as the result of a subsequent examination under this subsection.

(3) Where the district council give notice that a certificate of a basement bakehouse is to cease to have effect, the occupier may, within twenty-one days of the notice, appeal by way of complaint to a court of summary jurisdiction, and the court may, if it is satisfied that the bakehouse is suitable as regards the matters aforesaid, by order direct that the certificate shall continue to operate as if a notice had been given under paragraph (b) of the last foregoing subsection or may by order extend the period at the expiration of which the certificate is to cease to have effect, and pending the final determination of the appeal the certificate shall continue to operate.

(4) For the purpose of this section " basement bakehouse " means a bakehouse any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room; and "baking room" means any room used for baking, or for any process incidental thereto.

(5) The prohibition of the use of basement bakehouses under this section shall be enforced by the district council, and the provisions of Part I of this Act as to the power to act in default of a district council shall apply in the case of any default of the district council under this section.

55 Laundries

In every laundry—

(a) effective steps shall he taken by means of a fan or otherwise to regulate the temperature in every ironing room, and to carry away the steam in every washhouse;

(b) all stoves for heating irons shall be so separated from any ironing room or ironing table as to protect the workers from the heat thereof;

(c) no gas iron emitting any noxious fumes shall be used.

56 Lifting excessive weights

(1) A young person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.

(2) The Secretary of State may make special regulations prescribing the maximum weights which may be lifted, carried or moved by persons employed in factories; and any such regulations may prescribe different weights in different circumstances and may relate either to persons generally or to any class of persons or to persons employed in any class or description of factory or in any process.

57 Prohibition of employment of female young persons where certain processes are carried on

(1) Where in any part of a factory—

(a) the process of melting, or of blowing glass other than lamp blown glass; or

(b) the process of annealing glass other than plate or sheet glass; or

(c) the evaporating of brine in open pans, or the stoving of salt, is carried on, a female young person shall not be employed in that part of the factory.

(2) The Secretary of State may by regulations extend this section to any process in which, on account of the special circumstances, it appears to him undesirable that female young persons should be employed, and, if he is satisfied that owing to a change in the circumstances in which any process specified in subsection (1) of this section is carried on the provisions of this section ought not to apply or ought to be relaxed with respect to that process, he may by regulations direct that this section shall, to such extent and subject to such conditions as may be specified in the regulations, cease to apply to that process.

58 Prohibition of employment of women and young persons in certain processes connected with lead manufacture

A woman or young person shall not be employed in any factory in any of the following operations :—

(a) work at a furnace where the reduction or treatment of zinc or lead ores is carried on :

(b) the manipulation, treatment or reduction of ashes containing lead, the desilverising of lead, or the melting of scrap lead or zinc :

(c) the manufacture of solder or alloys containing more than ten per cent. of lead :

(d) the manufacture of any oxide, carbonate, sulphate, chromate, acetate, nitrate, or silicate of lead:

(e) mixing or pasting in connection with the manufacture or repair of electric accumulators :

(f) the cleaning of workrooms where any of the processes aforesaid are carried on.

59 Provisions as to employment of women and young persons in processes involving use of lead compounds

(1) A woman or young person shall not be employed in any factory in any process involving the use of lead compounds if the process is such that dust or fume from a lead compound is produced therein, or the persons employed therein are liable to be splashed with any lead compound in the course of their employment, unless the folio whig provisions are complied with as respects all women and young persons employed :—

(a) where dust or fume from a lead compound is produced in the process, provision shall be made for drawing the dust or fume away from the persons employed by means of an efficient exhaust draught so contrived as to operate on the dust or fume as nearly as may be at its point of origin:

(b) the persons employed shall undergo the prescribed medical examination at the prescribed intervals, and the prescribed record shall be kept with respect to their health:

(c) no food, drink or tobacco shall be brought into or consumed in any room in which the process is carried on, and no person shall be allowed to remain in any such room during meal times :

(d) suitable protective clothing in a clean condition shall be provided by the occupier and worn by the persons employed:

(e) such suitable cloak-room, mess-room, and washing accommodation as may be prescribed shall be provided for the use of the persons employed :

(f) the rooms in which the persons are employed, and all tools and apparatus used by them, shall be kept in a clean state.

(2) It shall not be lawful to employ in any process involving the use of lead compounds any woman or young person who has been suspended after medical examination from employment in any such process on the ground that continuance therein would involve special danger to health.

(3) The method of ascertaining whether any compound or mixture is a lead compound within the meaning of this section shall be such as may be prescribed.

(4) In this section " prescribed " means prescribed by regulations made by the Secretary of State, and the expression " lead compound " means any soluble compound of lead which is declared by regulations of the Secretary of State to be a lead compound for the purposes of this section, and includes a mixture containing any such compound, but does not include an alloy containing lead.

Special Regulations for Safety and Health

60 Power to make special regulations for safety and health

(1) Where the Secretary of State is satisfied that any manufacture, machinery, plant, process, or description of manual labour, used in factories is of such a nature as to cause risk of bodily injury to persons employed in connection therewith, or any class of those persons, he may, subject to the provisions of this Act, make such special regulations as appear to him to be reasonably practicable and to meet the necessity of the case.

(2) Special regulations so made may, among other things,—

(a) prohibit the employment of, or modify or limit the hours of employment of, all persons or any class of persons in connection with any manufacture, machinery, plant, process, or description of manual labour; or

(b) prohibit, limit, or control the use of any material, or process; or

(c) modify or extend with respect to any class or description of factory any provisions of Part I, Part II or this Part of this Act, being provisions imposing requirements as to health or safety; and may impose duties on owners, employed persons and other persons, as well as on occupiers.

(3) Special regulations so made may apply to all factories in which the manufacture, machinery, plant, process, or description of manual labour is used or to any specified class or description of such factories, and may provide for the exemption of any specified class or description of factory either absolutely or subject to conditions.

Supplementary Provisions

61 Prohibition of importation and sale of articles made with prohibited materials

(1) It shall not be lawful to import into the United Kingdom matches made with white phosphorus.

(2) Where by any regulations made under this Act the use of any material or process is prohibited, His Majesty may by Order in Council prohibit the importation into the United Kingdom of any articles in the manufacture of which the material or process has been employed, and any such Order in Council may be varied or revoked by a subsequent Order in Council.

(3) Any article the importation of which is prohibited by or under this section shall be deemed to be included amongst the goods enumerated and described in the table of prohibitions and restrictions contained in section forty-two of the Customs Consolidation Act, 1876.

(4) Any person who sells or offers or exposes for sale, or has in his possession for purposes of sale, any article the importation of which is prohibited by or under this section, shall be guilty of an offence and shall, in addition to his liability in respect of the offence,

forfeit any such article in his possession, and any article so forfeited shall be destroyed or otherwise dealt with as the court may think fit.

62 Power to take samples

(1) An inspector may at any time after informing the occupier or, if the occupier is not readily available, a foreman or other responsible person in the factory, take for analysis sufficient samples of any material in use or mixed for use in the manufacture of matches or of any substance used or intended to be used in a factory being a substance in respect of which he suspects a contravention of any regulation made under this Part of this Act, or which in his opinion is likely to cause bodily injury to the persons employed.

(2) The occupier or the foreman or other responsible person aforesaid may, at the time when a sample is taken under this section, and on providing the necessary appliances, require the inspector to divide the sample into three parts, to mark and seal or fasten up each part in such manner as its nature permits, and—

(a) to deliver one part to the occupier, or the fore man or other responsible person aforesaid;

(b) to retain one part for future comparison ;

(c) to submit one part to the analyst;

and any analysis under this section shall, if so required, be carried out by a Government department.

(3) A certificate purporting to be a certificate by the Government Chemist as to the result of an analysis of a sample under this section shall in any proceedings under this Act be admissible as evidence of the matters stated therein, but either party may require the person by whom the analysis was made to be called as a witness.

(4) It shall not be lawful for any person, except in so far as is necessary for the purposes of a prosecution for an offence under this Act, to publish or disclose to any person the results of an analysis made under this section, and if any person acts in contravention of this subsection, he shall be liable to a fine not exceeding fifty pounds.

63 Certificates required before approval of building plans relating to cotton cloth factories

No plans or sections relating to the erection or conversion of a building proposed to be used as a cotton cloth factory shall be approved by any local authority to whom they have been submitted in pursuance of any Act or of any byelaw made under any Act unless they are accompanied by a certificate in writing, issued by the superintending inspector of factories for the division in which the building is proposed to be erected or converted, certifying that the building to which the plans and sections relate would not, if erected or converted in accordance therewith, contravene or fail to comply with the regulations made under the Factory and Workshop (Cotton Cloth Factories) Act, 1929.

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PART V

NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES

64 Notification of accidents

(1) Where any accident occurs in a factory which either—

(a) causes loss of life to a person employed in that factory; or

(b) disables any such person for more than three days from earning full wages at the work at which he was employed;

written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the inspector for the district:

Provided that a notice of any accident of which notice is sent in accordance with the requirements of the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928, need not be sent in accordance with the requirements of this section.

(2) Where any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the inspector for the district by the occupier of the factory as soon as the death comes to his knowledge.

(3) Where any accident to which this section applies occurs to a person employed and the occupier of the factory is not the actual employer of the person killed or injured, the actual employer shall, if he fails to report the accident to the occupier immediately, be guilty of an offence and liable to a fine not exceeding five pounds.

65 Power to extend to dangerous occurrences provisions as to notice of accidents

(1) If the Secretary of State considers that, by reason of the risk of serious bodily injury to persons employed, it is expedient that notice should be given under the foregoing section of this Act in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant, or other occurrences in a factory, he may by regulations extend the provisions of that section to any such class of occurrences, whether death or disablement is caused or not.

(2) The Secretary of State may by any such regulations allow the required notice of any occurrence to which the regulations relate, instead of being sent forthwith, to be sent within the time limited by the regulations.

66 Notification of industrial diseases

(1) Every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning, or anthrax, contracted in any factory, shall (unless such a notice has been previously sent) forthwith send addressed to " The Chief Inspector of Factories, 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 the name and address of the factory in which he is or was last employed, 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 this Act.

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(2) If, in contravention of the provisions of this section, any medical practitioner fails to send any notice' in accordance with the requirements thereof, he shall be liable to a fine not exceeding forty shillings.

(3) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning, or anthrax, occurring in a factory shall forthwith be sent by the occupier in the prescribed form and accompanied by the prescribed particulars to the inspector for the district and to the examining surgeon; and. the provisions of this Act with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.

(4) The Secretary of State may, as respects all factories or any class or description of factory, by regulations apply the provisions of this section to any disease other than those mentioned in this section.

67 Inquest in case of death by accident or industrial disease

(1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Act to be given, the coroner shall adjourn the inquest unless an inspector or some person on behalf of the Secretary of State is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, send to the inspector for the district notice in writing of the time and place of holding the adjourned inquest:

Provided that—

(a) the coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof; and

(b) if the inquest relates to the death of not 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 to reach the inspector not less than twenty-four hours before the time of holding the inquest, 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.

(2) The following provisions shall have effect with respect to any such inquest as aforesaid :—

(a) no person having a personal interest in or employed in or about or in the management of the factory in or about which the accident or disease occurred or was contracted shall be qualified to serve on the jury empanelled on the inquest; it shall be the duty of the constable or other officer not to summon any person disqualified under this provision, and it shall be the duty of the coroner not to allow any such person to be sworn or to sit on the jury:

(b) the following persons shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by counsel, solicitor or agent, that is to say, an inspector, any relation of the person in respect of whose death the inquest is being held, the occupier of the factory in which the accident or disease occurred or was contracted, any person appointed by the order in writing of the majority of the persons employed in the factory, and any person appointed in writing by any trade union, friendly society or other association of persons to which the deceased at the time of his death belonged or to which any person employed in the factory belongs, or by any association of employers of which the occupier is a member.

(3) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident or disease, or of any defect in or about the factory appearing to the coroner or jury to require a remedy, the coroner shall send to the inspector for the district notice in writing of the neglect or defect.

68 Power to direct formal investigation of accidents and cases of disease

(1) The Secretary of State may, where he considers it expedient so to do, direct a formal investigation to be held into any accident occurring or case of disease contracted or suspected to have been contracted in a factory and of its causes and circumstances, and with respect to any such investigation the following provisions shall have effect:—

(a) the Secretary of State may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding the investigation :

(b) the person or persons so appointed (hereinafter in this section referred to as "the court") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident or case of disease, and for enabling the court to make the report in this section mentioned :

(c) the court shall have for the purposes of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences under this Act, and all the powers of an inspector under this Act, and, in addition, power—

(i) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes;

(ii) by summons signed by the court to require the attendance of all such persons as it thinks fit to call before it and examine for the said purposes, and to require answers or returns to such inquiries as it thinks fit to make;

(iii) to require the production of all books, papers, and documents which it considers important for the said purposes;

(iv) to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination :

(d) persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record; and in case of dispute as to the amount to be allowed, the dispute shall be referred by the court to a master of the Supreme Court, who, on request, signed by the court, shall ascertain and certify the proper amount of the expenses :

(e) the court shall make a report to the Secretary of State stating the causes and circumstances of the accident or case of disease and its circumstances, and adding any observations which the court thinks right to make :

(f) the court may require the expenses incurred in and about an investigation under this section (including the remuneration of any persons appointed to act as assessors) to be paid in whole or part by any person summoned before it who appears to the court to be, by reason of any act or default on his part or on the part of any servant or agent of his, responsible in any degree for the occurrence of the accident or case of disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act :

(g) any person who without reasonable excuse (proof whereof shall He on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the court, or prevents or impedes the court in the execution of its duty, shall be guilty of an offence, and liable to a fine not exceeding ten pounds, and, in the case of a failure to comply with a requisition for making any return or producing any document, if the failure in respect of which a person was so convicted is continued after the conviction, he shall (subject to the provisions of section one hundred and thirty-two of this Act) be guilty of a further offence and liable in respect thereof to a fine not exceeding ten pounds for every day on which the failure was so continued.

(2) The Secretary of State may cause the report of the court to be made public at such time and in such manner as he thinks fit.

69 Duty of examining surgeon to investigate and report in certain cases

(1) It shall be the duty of the examining surgeon to investigate and report—

(a) upon cases of death or injury caused by exposure in a factory to fumes or other noxious substances, or due to any other special cause specified in instructions of the Secretary of State as requiring investigation; and

(b) upon any case of death or injury which the inspector for the district in pursuance of any general or special instructions of the Secretary of State may refer to him for that purpose; and

(c) upon any case of disease of which he receives notice under this Act.

(2) The examining surgeon, for the purpose of an investigation under this section, shall have the like powers as an inspector, including power to enter any room in a building to which the person killed, injured, or affected has been removed.

PART VI

EMPLOYMENT OF WOMEN AND YOUNG PERSONS

Hours and Holidays

70 General conditions as to hours of employment of women and young persons

Subject to the provisions of this Part of this Act, the hours worked, the period of employment, and the intervals for meals and rest, for every woman or young person employed in a factory shall conform to the following conditions, namely :—

(a) the total hours worked, exclusive of intervals allowed for meals and rest, shall neither exceed nine in any day nor exceed forty-eight in any week;

(b) the period of employment shall not exceed eleven hours in any day and shall neither begin earlier than seven o'clock in the morning nor end later than six o'clock in the evening in the case of young persons who have not attained the age of sixteen, or in other cases eight o'clock in the evening, or, on Saturday, one o'clock in the afternoon;

(c) a woman or young person shall not be employed continuously for a spell of more than four and a half hours without an interval of at least half an hour for

a meal or rest, so, however, that where an interval of not less than ten minutes is allowed in the course of a spell, the spell may be increased to five hours ;

(d) the period of employment and intervals allowed for meals and rest in accordance with the foregoing provisions of this section shall be the same for all women and young persons employed in the factory, except that the period of employment may end at an earlier hour for young persons who have not attained the age of sixteen;

(e) no woman or young person shall be employed during any such interval allowed for meals or rest.

71 Reduction of weekly hours of work of young persons under sixteen

(1) Subject to the provisions of this section, as from the expiration of a period of one year after the commencement of this Act, the foregoing provision of this Part of this Act limiting the hours worked in any week, exclusive of intervals allowed for meals and rest, shall have effect, in the case of young persons who have not attained the age of sixteen, as if for the reference to forty-eight hours there were substituted a reference to forty-four hours.

(2) If representations are made to the Secretary of State with respect to any class or description of factory—

(a) that the industry carried on in that class or description of factory is, either generally or as respects a particular process, so dependent on the employment of such young persons and so organised that the carrying on of the industry would be seriously prejudiced unless the number of hours worked in a week by such young persons employed in that industry or in that process were permitted to exceed forty-four;

(b) that such increased hours would not be likely to be injurious to the health of the young persons; and

(c) that the work in which the young persons would be employed in that industry or process is particularly suitable for young persons, and that their employment would familiarise them with, and help to train them for employment in, processes in which older persons are employed in the industry, and be likely to lead to their permanent employment in the industry;

the Secretary of State may direct an inquiry to be held, and if, as a result of the inquiry, he is satisfied with respect to all the matters aforesaid, he may make regulations increasing the total hours, exclusive of intervals allowed for meals and rest, that may be worked by such young persons in any week in that class or description of factory, or, as the case may be, in a particular process carried on therein, to such figure, not exceeding forty-eight, as may be specified in the regulations. Paragraph 5 of the Second Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this subsection.

(3) If, at the expiration of a period of one year after the commencement of this Act, an inquiry under the last foregoing subsection has been directed but has not been held, or the decision of the Secretary of State after any such inquiry has not been given, this section shall not have effect as respects any class or description of factory or any process to which the inquiry relates until such date as may be appointed by order of the Secretary of State and the date shall, in a case where regulations are made as a result of the inquiry, be the date of the coming into operation of those regulations.

(4) The Secretary of State may, as respects factories, or any class or description of factory, in which the number of hours permitted to be worked in any week by young persons

who have not attained the age of sixteen is less than forty-eight, by regulations make such modifications of this Part of this Act, and make such provision as to the period of employment of such young persons and the intervals allowed to them for meals and rest, as appear or appears to him to be necessary or expedient for regulating the arrangement of the hours to be worked by such young persons.

72 Notice fixing hours of employment

(1) The occupier shall fix within the limits allowed by the foregoing provisions of this Part of this Act and shall specify in a notice in the prescribed form which shall be posted in the factory—

(a) the period of employment for each day of the week for the women and young persons employed in the factory;

(b) the intervals allowed for meals or rest to such women and young persons;

and, subject to the provisions of this Part of this Act with respect to overtime and to the special exceptions allowed under this Part of this Act, no woman or young person shall be employed otherwise than in accordance with the notice.

(2) Different periods of employment and different intervals may be fixed for different days of the week.

(3) A change in the said periods or intervals shall not be made until the occupier has served on the inspector for the district, and posted in the factory, notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector.

(4) Where an inspector, by notice in writing, names a public clock, or some other clock open to public view, for the purpose, the period of employment and the intervals allowed for meals or rest in that factory shall be regulated by that clock.

73 Overtime employment of women and young persons over sixteen

(1) Notwithstanding the provisions of this Part of this Act relating to hours worked and periods of employment, pressure of work in any factory may be dealt with by the overtime employment of women and young persons who have attained the age of sixteen :

Provided that the overtime for the factory shall not exceed in the aggregate one hundred hours in any calendar year or six hours in any week and shall not take place in the factory in more than twenty-five weeks in any calendar year.

(2) The overtime employment of a woman or young person shall be subject to the following conditions :—

(a) the total hours worked by the woman or young person, exclusive of intervals allowed for meals and rest, shall not exceed ten on any day;

(b) the period of employment for the woman or young person shall not exceed twelve hours in any day and shall not extend outside the hours specified in this Part of this Act for the beginning and end of the period of employment, except that in the case of women it may extend to nine o'clock in the evening on weekdays other than Saturday.

(3) Where the occupier of a factory allows to any women or young persons who are to be employed overtime on any day an interval for a meal or rest in addition to any interval fixed for the day by a notice under this Part of this Act, he may employ during that

interval any women or young persons who are not to be employed overtime on that day, but save as aforesaid the provisions of this Part of this Act relating to continuous employment and intervals for meals or rest shall apply to overtime employment in like manner as they apply to other employment.

(4) If the Secretary of State is satisfied that overtime employment of young persons, in accordance with the foregoing provisions of this section, in any process will prejudicially affect the health of the young persons, or any class of them, he may by regulations either prohibit the overtime employment in that process of those young persons, or that class of them, or make such further restrictions as to the amount of such overtime employment or otherwise as he thinks fit.

(5) If representations are made to the Secretary of State with respect to any class or description of factory that, having regard to the particular circumstances and conditions affecting the industry carried on therein, the overtime employment allowed under this section can be reduced without serious detriment to that industry, the Secretary of State may, after consultation with any such association of occupiers or employed persons and any such joint industrial council, trade board, or similar body as appears to him to be affected, direct an inquiry to be held, and if he is satisfied, as the result of the inquiry, that the overtime employment can be reduced without serious detriment to the industry, he may by regulations make such modifications in the provisions of this section, in their application to the class or description of factory aforesaid, as will secure the reduction of the amount of overtime employment of women and young persons, or of young persons, employed therein. Paragraph 5 of the Second Schedule to this Act shall apply, with such adaptations as may be prescribed, to any inquiry held under this subsection.

(6) Where the Secretary of State is satisfied that work in any class or description of factory is subject to seasonal or other special pressure, he may by regulations as respects that class or description of factory—

(a) increase for women, or for women employed in any specified process, during any period of such pressure, the hours of work and the period of employment allowed in a day under this section, so, however, that the increase shall only take place in such number of weeks, not exceeding eight in any year, as may be specified in the regulations;

(b) increase the hours of overtime employment allowed for a factory under this section in a calendar year to an aggregate not exceeding one hundred and fifty hours, subject to the condition that young persons shall not be employed during more than one hundred of the hours of overtime employment allowed for the factory.

(7) The Secretary of State may increase the aggregate number of hours of overtime employment allowed for a factory under this section in any week or the number of weeks in any calendar year in which overtime employment can take place—

(a) by regulations as respects any class or description of factory, if he is satisfied that owing to the exigencies of the trade carried on the increase is necessary;

(b) by order as respects any factory, if he is satisfied that the increase is necessary by reason of unforeseen pressure of work due to sudden orders, or by reason of a breakdown of machinery or plant or other unforeseen emergency.

(8) For the purposes of this section, the employment of persons in different parts of a factory or the employment of different sets of persons in different processes may, subject to such conditions as the Secretary of State may by regulations prescribe, be treated, for the purpose of reckoning hours of overtime employment or the number

of weeks in which overtime employment can take place, as if it were employment in different factories.

(9) If the Secretary of State is satisfied that the nature of the business carried on in any class or description of factory involves the overtime employment of different persons on different occasions to such an extent that the provisions of this section limiting overtime employment by reference to the factory would, as respects a substantial number of factories of that class or description, be unreasonable or inappropriate, he may by regulations provide that any factory of that class or description may, in lieu of complying with the said provisions, comply with such provisions limiting overtime employment by reference to the individual as may be specified in the regulations, and such provisions shall secure—

(a) that no woman shall be employed overtime in the factory for more than seventy-five hours, and no young person for more than fifty hours, in any calendar year; and

(b) that no woman or young person shall, except as otherwise provided in regulations, be employed overtime in the factory for more than six hours in any week or in more than twenty-five weeks in any calendar year.

(10) For the purposes of this Part of this Act—

(a) the expression "overtime employment" means, in relation to any woman or young person, any period during which that woman or young person is at work in the factory outside the period of employment fixed for the day for that woman or young person by a notice under this Part of this Act;

(b) in calculating hours of overtime employment any fraction of an hour less than half an hour shall be treated as half an hour and any fraction of an hour greater than half an hour shall be treated as an hour; and

(c) in reckoning for any factory, part of a factory, or set of persons, the aggregate hours of overtime employment or the number of weeks in which overtime employment can take place, account shall be taken of every period during which any woman or young person is employed overtime in that factory, part or set.

74 Supplementary provisions as to overtime

(1) Before employing any woman or young person in overtime on any day, the occupier of the factory shall send in writing to the inspector for the district and enter in the prescribed register such particulars of the overtime employment as may be prescribed including particulars of any interval for a meal or rest to be allowed under subsection (3) of the last foregoing section.

(2) The occupier of any factory in which women or young persons are employed overtime shall cause a notice containing the prescribed particulars to be kept posted in the factory during such time as may be prescribed.

75 Restriction of employment inside and outside factory on same day

(1) A woman or young person shall not, during any interval allowed to that woman or young person for a meal or rest, or any time not included in the period of employment fixed by a notice under this Part of this Act, be employed outside the factory, in the business of the factory or in any other business carried on by the occupier, on any day during which the woman or young person is employed in the factory :

Provided that a woman or young person who has attained the age of sixteen may be so employed in a shop outside the period of employment, but any such employment shall be treated for the purposes of this Part of this Act (including the provisions relating to overtime employment) as employment in the factory.

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

76 Prohibition of use of rooms during intervals

Subject to the special exceptions allowed under this Part of this Act, a woman or young person shall not during any part of the intervals allowed to that woman or young person for meals or rest be allowed to remain in a room in which a process is then being carried on.

77 Prohibition of Sunday employment

Subject to the special exceptions allowed under this Part of this Act, a woman or young person shall not be employed on Sunday in a factory nor shall a woman or young person employed in any factory on any other day of the week, be employed on Sunday about the business of the factory or in any other business carried on by the occupier.

78 Annual holidays

(1) Subject to the special exceptions allowed under this Part of this Act, the occupier of a factory shall allow in each year to every woman and young person employed in the factory the following whole holidays :—

In England—

the whole of Christmas Day, Good Friday, and every bank holiday, unless the occupier throughout not less than three weeks before any one of those days posts in the factory a notice that he intends to substitute for that day some other weekday specified in the notice as a whole holiday;

In Scotland—

six weekdays which shall, subject as hereinafter provided, be fixed by the occupier and notified by means of a notice posted in the factory throughout not less than three weeks before the holiday:

Provided that in burghs two of the said weekdays, which shall not be less than three months apart, shall be fixed by the town council.

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

(3) If default is made in complying with the requirements of this section as to the notice to be given of any day substituted or fixed by the occupier as a whole holiday, a whole holiday allowed on that day shall not be deemed to be a whole holiday allowed in compliance with this section.

(4) Subject to the special exceptions allowed under this Part of this Act, a woman or young person shall not be employed in a factory on a whole holiday fixed by or in pursuance

of this section for that factory, and a woman or young person employed in any factory shall not be employed on such a whole holiday about the business of the factory or in any other business carried on by the occupier.

79 Exception as to women holding positions of management

The foregoing provisions of this Part of this Act shall not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

80 Power to suspend certain provisions of Part VI in emergency

The Secretary of State may, in the event of accident, or breakdown of machinery or plant, or other unforeseen emergency, by order suspend, as respects any factory, any of the provisions of this Part of this Act as to hours and holidays for such period as may be specified in the order, but so far only as may be necessary to avoid serious interference with the ordinary working of the factory and not so as to conflict with any enactment which gives effect to an international convention restricting the employment of women or young persons in factories.

Special Exceptions

81 Exception as to male young persons employed in shifts

(1) Male young persons who have attained the age of sixteen may, in the industries and processes to which this section applies, be employed on a system of shifts outside the hours specified in this Part of this Act for the beginning and end of the period of employment, subject to the conditions hereinafter specified, and such other conditions as the Secretary of State may, for the purpose of safeguarding their welfare and interests, by regulations direct, on work which is by reason of the nature of the process required to be carried on continuously day and night. The period of employment for any such shift as aforesaid may end on Sunday morning not later than six o'clock or begin on Sunday evening not earlier than ten o'clock, and where the young persons are employed on a system of four shifts with turns of not more than eight hours for each shift, they may be employed in such shifts between six o'clock in the morning and. ten o'clock in the evening on Sundays.

(2) The conditions referred to in the last foregoing subsection are as follows :—

(a) the number of turns worked by any such young person shall not exceed six in any week;

(b) the interval between successive turns of any such young person shall not be less than fourteen hours;

(c) no such young person shall, in two consecutive weeks, be employed between twelve midnight and six o'clock in the morning:

Provided that, as respects young persons employed in a system of four shifts and any young persons employed in the manufacture of glass, the conditions contained in this subsection shall be subject to such modifications as the Secretary of State may by regulations direct.

(3) The total hours worked by young persons employed in accordance with the foregoing provisions of this section may exceed forty-eight in any week, but shall not exceed fifty-six in any week or one hundred and forty-four in any continuous period of three weeks.

(4) A young person who is taken into employment in accordance with the foregoing provisions of this section in any factory shall not continue to be so employed after the expiration of such period, not being less than seven days, as may be prescribed by regulations of the Secretary of State unless he has, in accordance with those regulations, been examined by the examining surgeon and certified by him to be fit for such employment, and the regulations shall provide for the re-examination of young persons so employed at intervals not exceeding six months.

(5) Male young persons who have attained the age of sixteen may, in the industries and processes to which this section applies, be employed on weekdays between six o'clock in the morning and ten o'clock in the evening on a system of shifts, subject to the conditions specified in subsection (2) of this section and such other conditions as the Secretary of State may, for the purpose of safeguarding their welfare and interests, by regulations direct; and the total hours worked by those young persons may exceed forty-eight in any week, but shall not exceed the limits specified in subsection (3) of this section.

(6) The provisions of this Part of this Act with respect to the overtime employment of women and young persons, shall not apply to any young persons employed in accordance with the foregoing provisions of this section.

(7) The industries and processes to which this section applies are—

the smelting of iron ore;

the manufacture of wrought iron, steel or tin-plate;

processes in which reverberatory or regenerative furnaces, necessarily kept in operation day and night in order to avoid waste of material and fuel, are used in connection with the smelting of ores, metal rolling, forges, or the manufacture of metal tubes or rods, or in connection with such other classes of work as may be specified by regulations of the Secretary of State;

the galvanising of sheet metal or wire (except the pickling process);

the manufacture of paper;

the manufacture of glass.

82 Exception for factories operating the five-day week

(1) In any factory conducted on the system of employing women and young persons on not more than five days in the week, the total hours worked in any day may extend to ten and the period of employment in any day may extend to twelve hours and, in the case of women and young persons who have attained the age of sixteen, the total hours worked in any day may be further extended by overtime employment to ten and a half.

(2) An occupier may, notwithstanding that he avails himself of this exception, employ women and young persons who have attained the age of sixteen on a sixth day in any week, subject to the following conditions:—

(a) the total hours worked on that day shall not exceed four and a half; and

(b) no woman or young person shall be employed overtime on any other day in that week;

and any such employment as aforesaid on a sixth day shall be deemed for the purposes of the foregoing provisions of this Part of this Act to be overtime employment, and this exception shall not cease to apply to the factory by reason only of such employment.

Status: *This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

83 Exception as to hour of commencement of period of employment

Where the Secretary of State is satisfied that the exigencies of the trade carried on in any factory or class or description of factory or the convenience of the persons employed therein so require, he may—

(a) in the case of any class or description of factory, by regulations; or

(b) in the case of any factory, by order;

allow the period of employment for women and young persons as respects either the whole factory or any part thereof or any set of persons employed therein and either for the whole year or for any part of the year to begin at an hour earlier than seven o'clock in the morning but not earlier than six o'clock in the morning.

84 Exception as to simultaneous hours for meals and rest

(1) Subject to such conditions as the Secretary of State may by regulations prescribe, the provisions of this Part of this Act which require that all the women and young persons employed in a factory shall have the intervals allowed for meals or rest at the same hour of the day shall not apply—

(a) to persons employed in any process on which by reason of the nature thereof work requires to be carried on continuously; or

(b) to different sets of persons employed on different processes, or to different sets of persons necessarily divided into sets for the purpose of taking meals in a mess room or canteen provided and maintained by the occupier to the satisfaction of the inspector for the district, or to such different sets of persons as may be approved by the said inspector.

(2) The Secretary of State may by regulations except any class or description of factory or parts of factories from the provisions aforesaid on being satisfied that it is necessary by reason of any special circumstances to except factories of that class or description or those parts thereof from those provisions.

85 Exception as to employment during intervals

The provisions of this Part of this Act with respect to the prohibition of employment during any interval allowed for meals or rest and the prohibition of the use of certain rooms during such intervals shall not apply to any male young persons employed in the manufacture of wrought iron, steel or tinplate, or in the manufacture of paper or in the manufacture of glass.

86 Exception as to use of rooms during intervals

(1) Subject to such conditions as the Secretary of State may by regulations prescribe, the provisions of this Part of this Act with respect to the prohibition of the use of rooms during intervals allowed for meals or rest shall not apply—

(a) where persons are employed in any process on which by reason of the nature thereof work requires to be carried on continuously; or

(b) where different sets of persons have different intervals for meals or rest; or

(c) as respects any interval allowed in the course of a spell of continuous employment.

(2) The Secretary of State may by regulations except any class or description of factory or parts of factories from the provisions aforesaid on being satisfied that it is necessary

by reason of any special circumstances to except factories of that class or description or those parts thereof from those provisions.

87 Exception as to continuous employment of male young persons employed with men

The provisions of this Part of this Act forbidding the continuous employment of a young person for a spell of more than four-and-a-half hours without an interval of at least half-an-hour shall, in the case of male young persons who have attained the age of sixteen and are employed with men and whose continuous employment is necessary to enable the men to carry on their work, have effect, as respects any spell commencing in the morning, as if five hours were substituted for four-and-a-half hours as the length of the spell for which they may be employed continuously.

88 Exception as to male young persons employed on repairing work

(1) Subject to such conditions as the Secretary of State may by regulations prescribe, the provisions of this Part of this Act with respect to general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays, shall not apply to male young persons employed as part of the regular maintenance staff of a factory or by a contractor, in repairing any part of the factory or any machinery or plant therein.

(2) No notice shall be required to be served or posted by any occupier availing himself of this exception.

89 Exception as to Saturday

(1) 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 or description of factories require some other day in the week to be substituted for Saturday as the short day, he may, by regulations, grant to factories of that class or description a special exception authorising the occupier of every such factory to substitute some other day for Saturday, and in that case this Part of this Act shall apply in the factory as if the substituted day were Saturday, and Saturday were an ordinary work day.

(2) Regulations made under this section as respects newspaper printing offices, or as respects factories in which the work by reason of the nature thereof requires to be carried on on six full working days in the week, may authorise the substitution of some other day for Saturday in respect of some of the women and young persons employed therein.

90 Exception as to holidays on different days for different sets

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 or description of factories so require, he may by regulations grant to factories of that class or description a special exception authorising the occupier of every such factory to allow all or any of the annual whole holidays on different days to any of the women and young persons employed therein, or to any sets of those women and young persons, instead of on the same days.

91 Exception as to Sundays and Saturdays in Jewish factories

(1) Where the occupier of a factory is a person of the Jewish religion, or a member of any religious body regularly observing the Jewish Sabbath, a woman or young person who is a person of the Jewish religion or a member of such a religious body as aforesaid may be employed on Sunday, subject to the condition that the factory must be closed on Saturday and must not be open for business on Sunday. Where the occupier avails himself of this exception, this Part of this Act shall, as respects women and young persons who are persons of the Jewish religion or members of such a religious body as aforesaid, apply to the factory in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday the word Sunday, or, if the occupier so elects, the word Friday, were substituted for Saturday.

(2) For the purposes of this section, a factory occupied by a partnership or company shall be deemed to be occupied by a person of the Jewish religion or a member of a religious body regularly observing the Jewish Sabbath, if the majority of the partners or of the directors of the company are persons of the Jewish religion or, as the case may be, members of any such religious body as aforesaid, but not otherwise.

92 Exception as to laundries

(1) For the purpose of meeting without overtime employment pressure of work recurring on particular days of the week, the total hours worked in a day by women in laundries may, on two week days other than Saturday in any week, extend to ten hours, and the period of employment on those days may extend to twelve hours and may begin at any time not earlier than six o'clock in the morning and end at any time not later than nine o'clock in the evening :

Provided that nothing in this subsection shall affect the provisions of this Part of this Act with respect to the total hours worked in a week.

(2) The Secretary of State may, as regards factories of which the occupiers avail themselves of this exception, by regulations make such modifications in the provisions of this Part of the Act which require that the period of employment and intervals allowed for meals and rest shall be the same for all women and young persons, and that no woman or young person shall be employed during any such interval, as appear to him to be necessary or expedient.

93 Exception as to manufacture of bread or flour confectionery or sausages

(1) For the purpose of meeting without overtime employment pressure of work recurring on particular days of the week, the total hours worked in a day by women in the manufacture of bread or flour confectionery (including meat and fruit pies) or sausages may on two days other than Saturday in any week extend to ten hours, and the period of employment on those days may extend to twelve hours and may begin at any time not earlier than six o'clock in the morning and end at any time not later than nine o'clock in the evening:

Provided that nothing in this subsection shall affect the provisions of this Part of this Act with respect to the total hours worked in a week.

(2) The Secretary of State may, as regards factories of which the occupiers avail themselves of this exception, by regulations make such modifications in the provisions

of this Part of the Act which require that the period of employment and intervals allowed for meals and rest shall be the same for all women and young persons, and that no women or young persons shall be employed during any such interval, as appear to him to be necessary or expedient.

94 Exception as to the preserving of fish, fruit and vegetables

(1) Subject to such conditions as the Secretary of State may by regulations prescribe, the provisions of this Part of this Act with respect to the general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, and annual holidays shall not apply to the employment of women and young persons who have attained the age of sixteen in processes connected with—

(a) the preserving, canning or curing of fish or the preparing of fish for sale; or

(b) the preserving or canning of fruit or vegetables during the months of June, July, August and September;

where such processes require to be carried out without delay in order to prevent goods from being spoiled.

(2) Where an occupier avails himself of this exception, the notice required to be served and posted by an occupier availing himself of any special exception need not, except in so far as regulations made under this section so require, specify the period of employment or the intervals to be allowed for meals or rest.

95 Exception as to factories where milk is treated

In the case of factories, or any class or description of factory, in which cream, butter or cheese is made or fresh milk or cream is sterilised or otherwise treated before being sold as such, the Secretary of State may make regulations varying the provisions of this Part of this Act with respect to the general conditions as to hours of employment of women and young persons, notices fixing hours of employment, overtime employment of women and young persons, prohibition of use of rooms during intervals, prohibition of Sunday employment, and annual holidays, so far as they relate to women and young persons who have attained the age of sixteen, and any such regulations may make different provision in respect of different processes or different periods of the year :

Provided that the hours worked in any week by any such woman or young person shall not exceed fifty-four, except that in such factories as may be specified in regulations of the Secretary of State, being factories in which cheese is made, and during such period of the year as may be so specified, the hours worked in any week as aforesaid may extend to sixty.

96 Provision for protection of women and young persons employed under exceptions

Where it appears to the Secretary of State that the adoption of any special provision is required for the protection of the health or welfare of women or young persons employed overtime or in pursuance of a special exception under this Part of this Act, he may by regulations direct that the adoption of the provision shall be a condition of such employment in addition to any other conditions specified in this Part of this Act.

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97 Notices, registers, &c, relating to special exceptions

(1) An occupier of a factory, not less than seven days before he avails himself of any special exception under this Part of this Act, shall serve on the inspector for the district and post in his factory notice in the prescribed form of his intention so to avail himself, as from a date specified in the notice, and whilst he so avails himself shall keep the notice so posted.

(2) Before the service of the notice on the inspector, the special exception shall not be deemed to apply to the factory, and as from the date specified in the notice it shall not be competent in any proceeding under this Act for the occupier to prove that the exception does not apply to his factory, unless, before the event in respect of which the proceedings are taken, he had previously served on the inspector for the district notice that he no longer intended to avail himself of the exception.

(3) The notice so served and posted must, except as otherwise provided by this Part of this Act, specify the period of employment, and the intervals to be allowed for meals or rest, and the annual holidays, where they differ from the ordinary hours or intervals or holidays, and, subject to the provisions of this Part of this Act with respect to overtime, no person employed in pursuance of the special exception shall be employed otherwise than in accordance with the notice.

(4) A change in the said period of employment or intervals shall not be made until the occupier has served on the inspector for the district, and posted in the factory, notice of his intention to make the change, and shall not be made oftener than once in three months, unless for special cause allowed in writing by the inspector.

(5) The Secretary of State may by order direct that every occupier of a factory availing himself of such special exception as may be specified in the order shall enter in the prescribed register and report to the inspector for the district such particulars as may be so specified respecting the employment of women and young persons in pursuance of that special exception.

Regulation of Employment of Young Persons in certain occupations

98 Regulation of employment of young persons in certain occupations

(1) This section applies to young persons—

(a) employed in collecting, carrying or delivering goods, carrying messages or running errands, being employed in the business of a factory wholly or mainly outside the factory or being employed in connection with any business carried on at a dock, wharf, or quay to which section one hundred and five of this Act applies, or any warehouse (except a warehouse which forms part of a factory or to which the Shops Act, 1934, applies), and by a person having the use or occupation of the dock, wharf, quay, or warehouse, or of premises within it or forming part of it; or

(b) employed in or in connection with any process (not being a process to which section one hundred and six of this Act applies) carried on at any such dock, wharf, quay, or warehouse and by a person having such use or occupation as aforesaid, or in or in connection with the processes of loading, unloading or coaling any ship in any dock, harbour or canal.

(2) The employment of all such young persons as aforesaid shall, subject as hereinafter provided, conform to the following conditions, that is to say :—

(a) the total hours worked, exclusive of intervals allowed for meals and rest, shall, subject to the provisions hereinafter contained relating to overtime, not exceed forty-eight in any week;

(b) the young person shall not be employed continuously for a spell of more than five hours without an interval of at least half an hour for a meal or rest, and where the hours of employment include the hours from half-past eleven in the morning to half-past two in the afternoon, an interval of not less than three-quarters of an hour shall be allowed between these hours for dinner;

(c) on at least one weekday in each week, to be notified in the prescribed form and manner, the young person shall not be employed after one o'clock in the afternoon;

(d) the young person, if he has attained the age of sixteen, may, on occasions of seasonal or other special pressure or in cases of emergency, work overtime, that is to say, in excess of the permitted weekly hours, but his hours of overtime work shall not exceed six in any week or fifty in any calendar year, and where any employer has employed overtime any young persons to whom this section applies in twelve weeks (whether consecutive or not) in any calendar year, neither he nor any person succeeding to his business shall employ young persons to whom this section applies overtime during the remainder of that year ;

(e) the young person shall in every period of twenty four hours between midday on one day and midday on the next day be allowed an interval of at least eleven consecutive hours which shall include the hours from ten o'clock in the evening until six o'clock in the morning;

(f) the employer of any young persons to whom this section applies shall keep in the prescribed form and manner a record of the prescribed particulars as to the young persons, including particulars of the hours worked by them and of the intervals allowed to them for meals and rest, and particulars of all overtime employment shall be separately entered in the record;

(g) section seventy-one of this Act (which provides for the reduction of weekly hours of work of young persons under sixteen to forty-four hours), section seventy-seven of this Act (which prohibits Sunday employment), section seventy-eight (which relates to annual holidays), and section ninety-one (which relates to employment on Sundays and Saturdays in Jewish factories) shall apply, subject to the prescribed adaptations, to the employment of young persons to whom this section applies;

(h) any further conditions, which may include conditions with respect to the daily period of employment, prescribed by regulations of the Secretary of State, for the purpose of safeguarding the welfare and interests of the young persons or any class of them, shall be complied with.

(3) Where a young person to whom this section applies is, in addition to being employed in employment mentioned in subsection (1) of this section, also employed by the same employer in any other employment, any reference in the last foregoing subsection to employment shall, in relation to that young person, include a reference to that other employment.

(4) The employer of any young person to whom this section applies may give notice to the inspector for the district that he wishes to substitute for the provisions of this section the foregoing provisions of this Part of this Act, and, unless and until the notice is withdrawn by another notice, those provisions shall apply accordingly, subject to the prescribed adaptations, to all such young persons employed by him. Any notice given

under this subsection (including a notice of withdrawal) shall be in the prescribed form and shall take effect from such date after it is given as may be prescribed.

(5) For the purposes of this section, a young person shall be deemed to be employed by the person for whom he works, whether or not he receives any wages for his work.

(6) Subsection (3) of section one of the Shops Act, 1934, shall have effect as if the reference therein to employment in a factory or workshop included a reference to any such employment as is mentioned in subsection (1) of this section.

Certificate of fitness for Employment of Young Persons

99 Certificate of fitness for employment of young persons

(1) Subject to the provisions of this section, a young person who has not attained the age of sixteen and is taken into any employment in a factory shall not remain in that employment after the expiration of such period, not being less than seven days, as may be prescribed, unless he has been examined by the examining surgeon and certified by him to be fit for that employment.

(2) Where the examining surgeon after examining a young person requires further information or further time for consideration before deciding whether or not to certify him as fit for employment or as to the conditions subject to which the certificate is to be issued, he may issue a provisional certificate authorising the employment of the young person for such period as may be specified in the certificate, not exceeding twenty-one days from the date on which it was issued.

(3) Any certificate by the examining surgeon may be issued—

(a) in respect of employment in all factories in the occupation of the same occupier and in the district of the examining surgeon, or such of them as may be specified in the certificate;

(b) subject to conditions as respects the nature of the work in which the person concerned is to be employed; and

(c) subject to a condition that he shall be re-examined after an interval specified in the certificate.

(4) Where a certificate under this section in respect of any young person is issued by the examining surgeon upon any such condition as aforesaid, the young person shall not be employed except in accordance with the condition.

(5) Where the examining surgeon so directs in the certificate, any such condition as aforesaid shall, so far as relates to the employment in respect of which the certificate was issued or other employment in a factory in the occupation of the same occupier, continue to have effect after the young person has attained the age of sixteen; but unless such a direction is made, the condition shall cease to have effect when the young person attains the age of sixteen, and shall in any case cease to have effect when the young person attains the age of eighteen.

(6) Where a certificate under this section is subject to a condition requiring re-examination after an interval specified in the certificate, the examining surgeon on such re-examination may vary the certificate or may revoke the certificate as from such date as he may direct; and, if the certificate of a young person is revoked before he attains the a'ge of sixteen, he shall not remain in any employment to which the certificate relates,

and subsection (1) of this section shall thereafter have effect as if no certificate had been issued in respect of that young person.

(7) Where a certificate under this section in respect of any young person is refused or revoked, the examining surgeon shall, if requested to do so by the parent of the young person, give to the parent in writing the reasons for the refusal or revocation.

(8) The Secretary of State may make rules prescribing—

(a) the manner in which and the place at which examinations under this section shall be conducted;

(b) the form of certificates under this section;

(c) the facilities to be afforded by occupiers of factories for the purpose of examinations under this section, including facilities for an examining surgeon to inspect any process in which a young person is to be employed;

(d) any other matter which the Secretary of State may consider desirable for the purpose of giving effect to this section.

(9) It shall be the duty of every local education authority under the Education Act, 1921, to arrange for their officers to furnish, on the application of the examining surgeon for his confidential information, such particulars as to the school medical record of a young person and such other information in their possession relating to the medical history of a young person as he may require to assist him to carry out effectively his duties under this section; and the Minister of Health may make rules for the purpose of securing the observance of the foregoing provisions of this subsection or may arrange that the Board of Education may make such rules on his behalf; and the examining surgeon shall, in any case where he is doubtful whether or not to issue a certificate under this section, make such an application as aforesaid.

(10) The Secretary of State may by regulations exempt from the operation of this section any class or description of factory in which mechanical power is not used.

100 Power of inspector to require certificate of fitness for work

Where an inspector is of opinion that the employment of any young person in a factory or in any particular process or kind of work in a factory is prejudicial to his health or the health of other persons, he may serve written notice thereof on the occupier of the factory requiring that the employment of that young person in the factory or in the process or kind of work, as the case may be, be discontinued after the period named therein, not being less than one nor more than seven days after the service of the notice, and the occupier shall not continue after the period named in the notice to employ that young person (notwithstanding that a certificate of fitness has been previously obtained for the young person), unless the examining surgeon has, after the service of the notice, personally examined the young person, and certified that he is fit for employment in the factory or in the process or kind of work as the case may be.

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PART VII

SPECIAL APPLICATIONS AND EXTENSIONS

Premises in respect of which Owner is liable

101 Tenement factories

(1) The owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be responsible for any contravention of the provisions of this Act hereinafter in this subsection mentioned, that is to say:—

(i) the provisions of Part I with respect to the drainage of floors, sanitary conveniences, and (except in the case of any room which is occupied by not more than one tenant) cleanliness, overcrowding, temperature, ventilation and lighting;

(ii) the provisions of Part II with respect to the provision and maintenance of fencing and safety appliances, except in so far as they relate to machinery or plant belonging to or supplied by the occupier of the tenement, the construction, maintenance, testing and examination of machinery or plant, except such machinery or plant as aforesaid, the construction and maintenance of floors, passages and stairs, means of escape in case of fire, safety provisions in case of fire and the power of a court of summary jurisdiction to make orders as to dangerous factories;

(iii) the provisions of Part III;

(iv) the provisions of Part IV with respect to removal of dust or fumes except in the case of any room which is occupied by not more than one tenant;

(v) the provisions of Part V, except in the case of any such room as aforesaid;

(vi) the provisions of Part VI as to notices fixing the hours of employment and notices relating to special exceptions; and

(vii) the provisions of Part X as to posting an abstract and notices;

and for the purpose of the foregoing provisions the whole of a tenement factory or, as the case may be, the whole of such factory except rooms occupied by not more than one tenant shall be deemed to be one factory in the occupation of the owner :

Provided that—

(a) the owner of the tenement factory shall not be responsible for any contravention of the foregoing provisions arising from the use in a tenement of any fencing, appliances, machinery or plant if the use thereof is a matter outside his control, and the occupier of the tenement shall be responsible for any such contravention; and

(b) the owner of the tenement factory shall be responsible, instead of the occupier, for any contravention in rooms occupied by not more than one tenant of the provisions of Part I with respect to cleanliness, overcrowding, temperature, ventilation and lighting, or the provisions of Part IV with respect to removal of dust or fumes, where the contravention arises from a failure to carry out any necessary structural work or any defect in any machinery, plant or fixtures belonging to him, and shall only be so responsible for any contravention of the provisions of Part II with respect to safety provisions in case of fire or the provisions of Part III, where the contravention arises from any such failure or defect as aforesaid; and

(c) any occupier may post in his own tenement the notice with respect to the period of employment, and the intervals for meals or rest or any notice relating to a special exception, and thereupon that notice shall, with respect to persons employed by that occupier, have effect in substitution for the corresponding notice posted by the owner.

(2) The provisions of this Act shall, so far as they are applicable and have not been applied by the foregoing provisions of this section, apply to any part of a tenement factory, which is not comprised within any of the separate factories as if that part were a factory and the owner were the occupier thereof.

(3) The Secretary of State may by special regulations modify the provisions of this section in their application to any class or description of tenement factory, and those provisions shall also be subject to any regulations made under any enactment repealed by this Act.

102 Premises where part of building is separate factory

Where a part of a building not being a part of a tenement factory is let off separate factory, the provisions of Part I of this Act with respect to cleanliness and lighting, and the provisions of Part II of this Act with respect to prime movers, transmission machinery, hoists and lifts, steam boilers, and the construction and maintenance of floors, passages and stairs, shall apply to any part of the building used for the purposes of the factory but not comprised therein, and the owner of the building shall be responsible for any contravention of the said provisions and shall also be responsible, instead of the occupier of the factory, for any contravention as respects the factory of the provisions of Part I of this Act with respect to sanitary conveniences and the provisions of Part II of this Act with respect to hoists and lifts, steam boilers, means of escape in case of fire, and safety provisions in case of fire, and for the purposes of the last named provisions with respect to means of escape in case of fire and safety provisions in case of fire, the factory shall be deemed to include any part of the building used for the purpose of the factory:

Provided that the owner shall be responsible for the cleanliness of sanitary conveniences only when used in common by several tenants, and shall be responsible for any contravention of the provisions relating to hoists and lifts, steam boilers, means of escape in case of fire, and safety provisions in case of fire, only in so far as the said provisions relate to matters within his control.

Electrical Stations

103 Application of Act to electrical stations

(1) The provisions of this Act shall apply to any premises in which persons are regularly employed in or in connection with the processes or operations of generating, transforming or converting, or of switching, controlling or otherwise regulating, electrical energy for supply by way of trade, or for supply for the purposes of any transport undertaking or other industrial or commercial undertaking or of any public building or public institution, or for supply to streets or other public places, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory.

(2) The provisions of this Act hereinafter in this subsection mentioned shall apply to any other premises in which any such processes or operations as aforesaid are carried on or performed for such supply as aforesaid, being premises large enough to admit

the entrance of a person after the machinery or plant therein is in position, as if the premises were a factory and the employer of any person employed in the premises in or in connection with any such process or operation were the occupier of a factory, that is to say :—

(a) the provisions of Part IV with respect to special regulations for safety and health;

(b) Part V;

(c) the provisions of Part XI with respect to powers and duties of inspectors and regulations and orders of the Secretary of State;

(d) Part XII;

(e) Part XIII;

(f) Part XIV.

(3) The Secretary of State may by special regulations apply any of the provisions of this Act mentioned in the last foregoing subsection to any machinery or plant used elsewhere than in premises mentioned in that subsection or in subsection (1) hereof, being machinery or plant used in the aforesaid processes or operations and for such supply as aforesaid, as if the machinery or plant were machinery or plant in a factory, and the employer of any person employed in connection with any such use of the machinery or plant were the occupier of a factory.

(4) Subsections (1) and (2) of this section shall not, except in so far as the Secretary of State may by special regulations direct, apply to any premises where the aforesaid processes or operations are only carried on or performed for the immediate purpose of working an electric motor or working any apparatus which consumes electrical energy for lighting, heating, transmitting or receiving messages or communications, or other purposes.

(5) For the purposes of the definition in section one hundred and fifty-one of this Act of the expression " factory ", electrical energy shall not be deemed to be an article, but save as aforesaid nothing in this section shall affect the application of this Act to factories within the meaning of that definition.

Institutions

104 Institutions

(1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, then, nevertheless, the provisions of this Act shall, subject as hereinafter in this section provided, apply to those premises.

(2) If in any such institution to which this Act applies the persons having the control of the institution (hereinafter referred to as the managers) satisfy the Secretary of State that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that such work as aforesaid is carried on in good faith for the purposes of the support, education, training, or reformation of persons engaged in it, the Secretary of State may by order direct that so long as the order is in force this Act shall apply to the institution subject to the following modifications :—

(a) the managers may submit for the approval of the Secretary of State a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the inmates, and if the Secretary of State is satisfied that the provisions of the scheme are not less favourable to the inmates than the corresponding provisions of this Act, the Secretary of State may approve the scheme, and upon the scheme being so approved this Act shall, until the approval is revoked, apply as if the provisions of the scheme were substituted for the corresponding provisions of this Act:

(b) the medical officer of the institution (if any) may, on the application of the managers, be appointed to be the examining surgeon for the institution:

(c) the provisions of Part X of this Act as to the posting of an abstract and notices shall not apply, but among the particulars required to be shown in the general register there shall be included the prescribed particulars of the scheme, or where no scheme is in force the prescribed particulars as to hours of employment, intervals for meals or rest, and holidays, and other matters dealt with in this Act:

(d) in the case of premises forming part of an institution carried on for reformatory purposes, if the managers of the institution give notice to the chief inspector to that effect, an inspector shall not, without the consent of the managers or of the person having charge of the institution under the managers, examine an inmate of the institution save in the presence of one of the managers or of such person as aforesaid :

Provided that the Secretary of State, on being satisfied that there is reason to believe that a contravention of the provisions of this Act, or of any regulation or order made thereunder, is taking place in any such institution, may suspend the operation of this paragraph as respects that institution to such extent as he may consider necessary :

(e) the managers shall, not later than the fifteenth day of January in every year, send to the Secretary of State a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex, and employment of the inmates and other persons employed in the work carried on in the institution as may be prescribed, and shall, if they fail to do so, be guilty of an offence and liable to a fine not exceeding five pounds.

(3) This Act shall not except in so far as the Secretary of State may by order direct apply to any premises which do not constitute a factory if the premises are subject to inspection by or under the authority of a Government department.

Docks, Wharves, Quays, Warehouses and Ships

105 Docks, &c

(1) The provisions of this Act hereinafter in this subsection mentioned shall apply to every dock, wharf or quay (including any warehouse belonging to the owners, trustees or conservators of the dock, wharf or quay and any line or siding used in connection with and for the purposes of the dock, wharf or quay and not forming part of a railway or tramway) and every other warehouse (not forming part of a factory) in or for the purposes of which mechanical power is used, as if it were a factory; and as if the person having the actual use or occupation of it or of any premises within it or forming part of it, were the occupier of a factory, that is to say :—

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(a) the provisions of Part II with respect to steam boilers (including the provisions as to exceptions as to steam boilers) so, however, that the owner of the boiler shall, instead of the person deemed to be the occupier, be responsible for any contravention of the said provisions;

(b) the provisions of Part II with respect to the power of the Secretary of State to require special safety arrangements for the prevention of accidents and to the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices ;

(c) the provisions of Part III with respect to welfare regulations;

(d) the provisions of Part IV with respect to special regulations for safety and health;

(e) Part V;

(f) the provisions of Part VII with respect to premises where part of a building is a separate factory, subject to such modifications as may be made by regulations of the Secretary of State;

(g) the provisions of Part X with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, subject to such modifications as may be made by regulations of the Secretary of State, and the provisions of the said Part X with respect to duties of persons employed, and the prohibition of deductions from wages and with respect to weights, measures and weighing and measuring instruments used in ascertaining wages;

(h) the provisions of Part XI with respect to powers and duties of inspectors and to regulations and orders of the Secretary of State;

(i) Part XII;

(j) Part XIV.

(2) Subject as hereinafter in this subsection provided, the provisions of this Act mentioned in paragraph (a) (subject to the modification mentioned in that paragraph) and in paragraphs (b), (d), (e), (g), (h) and (i) of the foregoing subsection shall apply to the processes of loading, unloading or coaling of any ship in any dock, harbour or canal, and to all machinery or plant used in those processes, as if the processes were carried on in a factory and the machinery or plant were machinery or plant in a factory, and the person who carries on those processes were the occupier of a factory :

Provided that the provisions of this Act mentioned in the said paragraphs (a) and (b) shall not apply in relation to any such machinery or plant which is on board a ship and is the property of the ship owner. For the purposes of this subsection, the expression " plant" includes any gangway or ladder used by any person employed to load or unload or coal a ship.

(3) The provisions of Part II of this Act with respect to prime movers, transmission machinery, other machinery, provisions as to unfenced machinery, construction and maintenance of fencing, construction and sale of new machinery, cleaning of machinery by women and young persons, training and supervision of young persons working at dangerous machines, hoists and lifts, chains, ropes and lifting tackle, cranes and other lifting machines, construction and maintenance of floors, passages and stairs, and the power of a court of summary jurisdiction to make orders as to dangerous factories shall apply to every warehouse mentioned in subsection (1) of this section as if the warehouse were a factory and as if the person having the actual use or occupation thereof were the occupier of a factory.

106 Ships

(1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this section mentioned shall apply to any work carried out in a harbour or wet dock in constructing, reconstructing, repairing, refitting, painting, finishing or breaking up a ship or in scaling, scurfing or cleaning boilers (including combustion chambers and smoke boxes) in a ship, or in cleaning oil-fuel tanks or bilges in a ship, that is to say :—

(a) the provisions of Part III with respect to welfare regulations;

(b) the provisions of Part IV with respect to special regulations for safety and health;

(c) Part V;

(d) the provisions of Part VI with respect to hours of employment (but not with respect to Sunday employment and annual holidays), subject to such modifications as may be made by regulations of the Secretary of State to meet special circumstances;

(e) the provisions of Part X with respect to general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages;

(f) the provisions of Part XI with respect to powers and duties of inspectors and to regulations and orders of the Secretary of State;

(g) Part XII;

(h) Part XIV;

and for the purpose of such provisions the ship shall be deemed to be a factory, and any person undertaking such work shall be deemed to be the occupier of a factory.

(2) Nothing in this Act shall apply to any such work as aforesaid done by the master or crew of a ship or done on board a ship during a trial run.

Works of Building and Engineering Construction

107 Building operations

(1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this subsection mentioned shall apply to building operations undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway, that is to say:—

(a) the provisions of Part I, with respect to sanitary conveniences;

(b) the provisions of Part II, with respect to steam boilers and air receivers (including the provisions as to exceptions as to steam boilers and air receivers), and the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices;

(c) the provisions of Part III, with respect to welfare regulations;

(d) the provisions of Part IV, with respect to special regulations for safety and health;

(e) Part V;

(f) the provisions of Part X, with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, duties of persons employed, and the prohibition of deductions from wages;

(g) the provisions of Part XI, with respect to powers and duties of inspectors and district councils and to regulations and orders of the Secretary of State;

(h) Part XII;

(i) Part XIII;

(j) Part XIV.

(2) The provisions of this Act in their application to building operations shall have effect as if any place where such operations are carried on were a factory, and any person undertaking any such operations to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Secretary of State :

Provided that such of the provisions of this Act as require general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept posted up on the premises shall be deemed to be complied with as respects building operations if the general register is kept at an office of the person undertaking the building operations and copies of the abstract of this Act and of the regulations or abstract thereof are kept posted up at each office, yard, or shop of the person undertaking the operations at which persons employed by him on the operations attend, and in a position where they can easily be read by such persons.

(3) Any person undertaking any building operations to which this Act applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of the person so undertaking the operations, the place and nature of the operations, whether any mechanical power is used and, if so, its nature, the name of the district council within whose district the operations are situated and such other particulars as may be prescribed:

Provided that—

(a) this subsection shall not apply to any operations which the person undertaking them has reasonable grounds for believing will be completed in a period of less than six weeks, except in such cases as the chief inspector may direct; and

(b) where a person undertakes any building operations in a place where such operations are in progress, he shall not be required to give such a notice as aforesaid if a notice was given in respect of the operations in progress.

108 Works of engineering construction

(1) Subject as hereinafter in this section provided, the provisions of this Act hereinafter in this subsection mentioned shall apply to works of engineering construction undertaken by way of trade or business, or for the purpose of any industrial or commercial undertaking, and to any line or siding which is used in connection therewith and for the purposes thereof and is not part of a railway or tramway, that is to say :—

(a) the provisions of Part I, with respect to sanitary conveniences;

(b) the provisions of Part II, with respect to steam boilers and air receivers (including the provisions as to exceptions as to steam boilers and air receivers), and the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices;

(c) the provisions of Part III, with respect to welfare regulations;

(d) the provisions of Part IV, with respect to special regulations for safety and health;

(e) Part V;

(f) the provisions of Part X, with respect to the abstract of this Act and notices, special regulations, general registers (so far as applicable), preservation of registers and records, duties of persons employed and the prohibition of deductions from wages ;

(g) the provisions of Part XI, with respect to powers and duties of inspectors and district councils and to regulations and orders of the Secretary of State;

(h) Part XII;

(i) Part XIII;

(j) Part XIV:

Provided that no order made under the provisions of this Act with respect to the power of a court of summary jurisdiction to make orders as to dangerous conditions and practices and no special regulations made under Part IV of this Act shall operate so as to interfere with the design of any works of engineering construction or with the adoption in the execution of those works of any method prescribed in the specification or in any signed plans issued, or written directions given, by the consulting engineer or the engineer in charge being a method which is not inconsistent with the safety of the works or of the persons employed.

(2) The provisions of this Act in their application to works of engineering construction shall have effect as if any place where such works are carried on were a factory, and any person undertaking any such works to which this Act applies were the occupier of a factory, and with such other adaptations and modifications as may be made by regulations made by the Secretary of State :

Provided that such of the provisions of this Act as require general registers to be kept and copies of the prescribed abstract of this Act and of special regulations or the prescribed abstract of such regulations to be kept posted up on the premises shall be deemed to be complied with as respects works of engineering construction if the general register is kept at an office of the person undertaking the works and copies of the abstract of this Act and of the regulations or abstract thereof are kept posted up at each office, yard or shop of the person undertaking the works at which persons employed by him on the works attend, and in a position where they can easily be read by such persons.

(3) Any person undertaking any works of engineering construction to which this Act applies shall, not later than seven days after the beginning thereof, serve on the inspector for the district a written notice stating the name and postal address of the person so undertaking the works, the place and nature of the works, whether any mechanical power is used, and, if so, its nature, the name of the district council within whose district the works are situate and such other particulars as may be prescribed :

Provided that—

(a) this subsection shall not apply to any works which the person undertaking them has reasonable ground for believing will be completed in a period of less than six weeks, except in such cases as the chief inspector may direct; and

(b) if a person undertakes any works of engineering construction in a place where such works are in progress, he shall not be required to give such a notice as aforesaid if a notice was given in respect of the works in progress.

Lead Processes carried on in Places other than Factories

109 Employment of women and young persons in places other than factories in processes connected with lead manufacture or involving the use of lead compounds

The following provisions of this Act, that is to say:—

(a) the provisions relating to the employment of women and young persons in certain processes connected with lead manufacture and in processes involving the use of lead compounds;

(b) the provisions requiring notification to be sent to the chief inspector, or to the inspector for the district, of lead poisoning contracted or occurring in factories; and

(c) any provision relating to powers and duties of inspectors and to offences, penalties and legal proceedings;

shall apply to employment in any such processes as aforesaid in any place other than a factory, as if the place were a factory and the employer were the occupier of the factory, and as if the references to young persons included references to all persons who had not attained the age of eighteen.

PART VIII

HOME WORK

110 Lists of outworkers to be kept in certain trades

(1) In the case of persons employed in such classes of work as may from time to time be specified by regulations of the Secretary of State, the occupier of every factory and every contractor employed by any such occupier in the business of the factory shall—

(a) keep in the prescribed form and manner, and with the prescribed particulars, lists showing the names and addresses of all persons (hereinafter referred to as outworkers) directly employed by him, either as workmen or as contractors, in the business of the factory, outside the factory, and of the places where they are employed; and

(b) send to an inspector such copies of or extracts from those lists as the inspector may from time to time require; and

(c) send to the district council during the month of February and the month of August in each year copies of those lists, showing all outworkers so employed by him during the preceding six months.

(2) Every district council shall cause the lists received by the council in pursuance of this section to be examined, and shall furnish the name and place of employment of every outworker included in any such list whose place of employment is outside the district of the council to the council in whose district his place of employment is.

(3) The lists kept by the occupier or contractor shall be open to inspection by any inspector, and by any officer duly authorised by the district council, and the copies sent to the council and the particulars furnished by one council to another shall be open to inspection by any inspector or officer of any Government department.

(4) This section shall apply to any place from which any work is given out in connection with the business of a factory (whether the materials for the work are supplied by the occupier or not), and to the occupier of that place, and to every contractor employed by the occupier in connection with the said work, as if that place were a factory.

(5) In the event of a contravention of this section by the occupier of a factory or place, or by a contractor, the occupier or contractor shall be guilty of an offence and liable to a fine not exceeding ten pounds.

111 Employment of person in unwholesome premises

(1) Where work in respect of which this section applies is carried on for the purpose of or in connection with the business of a factory in any place which is in the opinion of the district council injurious or dangerous to the health of the persons employed therein, the district council may give notice in writing to the occupier of the factory or to any contractor employed by him setting forth particulars of the respects in which the place is, in their opinion, so injurious or dangerous, and the reasons for that opinion and, if the occupier or contractor after the expiration of ten days from the receipt of such notice gives out work to be done in that place, he shall, unless it is proved to the satisfaction of the court dealing with the case that the place is not injurious or dangerous in the respects set forth in the notice, be guilty of an offence.

(2) For the purpose of this section, any place from which work is given out shall be deemed to be a factory.

(3) This section shall apply in respect of such classes of work as may be specified in regulations made by the Secretary of State.

PART IX

PARTICULARS OF PIECE WORK AND WAGES

112 Particulars of work and wages to be given to piece-workers

(1) In every textile factory the occupier shall, for the purpose of enabling each person employed who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause 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, to be published as follows:—

(a) in the case of weavers in the worsted and woollen, other than the hosiery, trades, the particulars of the rate of wages applicable to the work done by each weaver 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) in the case of weavers in the cotton trade, the particulars of the rate of wages applicable to the work to be done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and the basis and conditions by which the prices are regulated and fixed shall also be exhibited in each room on a placard not containing any other matter, and posted in a position where it is easily legible;

(c) in the case of other persons employed, the particulars of the rate of wages applicable to the work to be done by each person 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 persons employed 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;

(d) such particulars of the work to be done by each person employed 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;

(e) where such particulars of the work as affect the amount of wages 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 persons employed, and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with the foregoing provisions of this section;

(f) the particulars either as to rate of wages or as to work shall not be expressed by means of symbols;

(g) where an automatic indicator is used for ascertaining work, the indicator shall have marked on its case the number of teeth in each wheel and the diameter of the driving roller or such other particulars as will enable the accuracy of the indicator to be checked, so, however, 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 instead of the diameter of the driving roller.

(2) If the occupier fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any person employed fraudulently alters an automatic indicator, the occupier or person employed, as the case may be, shall be guilty of an offence.

(3) If any person employed in a factory, having received any 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 guilty of an offence.

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

(5) 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 factories other than textile factories, may, if he thinks fit, by regulations 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. He may also by regulations apply those provisions, subject to such modifications as may in his opinion be necessary for adapting them to the circumstances of the case, to any class of persons of whom lists may be required to be kept under the provisions of this Act relating to outworkers, and to the employers of those persons.

(6) In this section the expression " textile factory " means any factory in which mechanical power is used in the spinning, weaving or knitting of cotton, wool, hair, silk (including

artificial silk), flax, hemp, jute, tow, china-grass, cocoanut fibre, asbestos, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof or in any process preparatory or incidental thereto, whether or not carried on in the same premises.

PART X

MISCELLANEOUS

113 Notice of occupation of factory, and use of mechanical power

(1) Every person shall, within one month after he begins to occupy, or to use any premises as, a factory, serve on the inspector for the district a written notice stating the name of the occupier or the title of the firm, the postal address of the factory, the nature of the work, whether mechanical power is used and, if so, its nature, the name of the district council within whose district the factory is situated and such other particulars as may be prescribed, and if he fails to do so, he shall be guilty of an offence and liable on conviction thereof to a fine not exceeding twenty pounds or one pound for each day since the expiration of the month aforesaid, whichever is the greater.

(2) Within one month of the date upon which mechanical power is, after the commencement of this Act, first used in any factory, the occupier shall serve on the inspector for the district a written notice stating the nature of such mechanical power.

114 Posting of abstract of Act and notices

(1) There shall be kept posted at the principal entrances of a factory at which employed persons enter—

(a) the prescribed abstract of this Act; and

(b) a notice of the address of the inspector for the district and the superintending inspector for the division; and

(c) a notice of the name and address of the examining surgeon for the factory; and

(d) a notice specifying the clock (if any) by which the period of employment and intervals for meals and rest in the factory are regulated; and

(e) every notice and document required by this Act to be posted in the factory:

Provided that an inspector may direct that all or any of the aforesaid documents shall be posted in such parts of the factory, either in addition to or in substitution for the said principal entrances, as he may direct.

(2) All such documents shall be posted in such characters and in such positions as to be conveniently read by the persons employed in the factory and, if a form has been prescribed for any document, it shall be posted in that form.

(3) If any person pulls down, injures or defaces any abstract, notice, regulations or other document posted in pursuance of this Act, he shall be guilty of an offence and liable to a fine not exceeding five pounds.

115 Provisions as to special regulations

(1) Printed copies of all special regulations for the time being in force in any factory or the prescribed abstract of such regulations shall be kept posted in the factory in such

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characters and in such positions as to be conveniently read by the persons employed in the factory.

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

116 General registers

(1) There shall be kept in every factory, or in such place outside the factory as may be approved by the inspector for the district, a register, in the prescribed form, called the general register, and there shall be entered in or attached to that register—

(a) the prescribed particulars as to the young persons employed in the factory; and

(b) the prescribed particulars as to the washing, whitewashing or colour washing, painting or varnishing, of the factory; and

(c) the prescribed particulars as to every accident and case of industrial disease occurring in the factory of which notice is required to be sent to an inspector; and

(d) particulars showing every special exception of which the occupier of the factory avails himself ; and

(e) all reports and particulars required by any other provision of this Act to be entered in or attached to the general register; and

(f) such other matters as may be prescribed.

(2) There shall be attached to the general register a copy of the certificate of the district council relating to means of escape in the case of fire.

(3) The occupier of a factory shall send to an inspector such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his duties under this Act.

117 Preservation of registers and records

The general register and every other register or record kept in pursuance of this Act shall be preserved and shall be kept available for inspection by any inspector or by the examining surgeon for at least two years, or such other period as may be prescribed for any class or description of register or record, after the date of the last entry in the register or record.

118 Periodical return of persons employed

(1) The occupier of every factory shall, at intervals of not less than one year, on or before such days as the Secretary of State may direct, send to the chief inspector a correct return specifying, with respect to such day or days, or such period as the Secretary of State may direct, the number of persons employed in the factory, and giving such particulars as may be prescribed, as to the hours of employment of women and young persons employed, as to the age, sex, and occupation of all persons employed, and as to such other matters, if any, as the Secretary of State may direct.

(2) The occupier of any place to which any of the provisions of this Act apply shall, if so required by the Secretary of State, make a like return to the chief inspector.

(3) The Secretary of State may, for the purpose of facilitating the rendering of the returns under this section by occupiers, arrange for the consolidation of those returns with

any other returns which any Government department is empowered to call for from occupiers.

119 Duties of persons employed

(1) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully interfere with or misuse any means, appliance, convenience or other thing provided in pursuance of this Act for securing the health, safety or welfare of the persons employed in the factory or place, and where any means or appliance for securing health or safety is provided for the use of any such person under this Act, he shall use the means or appliance.

(2) No person employed in a factory or in any other place to which any provisions of this Act apply shall wilfully and without reasonable cause do anything likely to endanger himself or others.

120 Prohibition of deductions from wages

Save as otherwise expressly provided under this Act, the occupier of a factory shall not in respect of anything to be done or provided by him in pursuance of this Act, make any deduction from the sum contracted to be paid by him to any person employed or receive or allow any person in his employment to receive any payment from any such person.

121 Weights, measures and weighing and measuring instruments used in ascertaining wages

(1) Every enactment for the time being in force relating to weights and measures or weighing or measuring instruments shall extend to weights, measures, and weighing instruments used in a factory for the purpose of checking or ascertaining the wages of any person employed therein, in like manner as if they were used for trade, and the power of the Board of Trade to make general regulations under section five of the Weights and Measures Act, 1904, shall include power to extend any of the provisions of any such enactment to such measuring instruments used in factories for the purposes aforesaid as may be specified in the regulations.

(2) Every inspector or other person authorised under the Acts relating to weights and measures or weighing or measuring instruments to inspect or examine weights and measures shall inspect, stamp, mark, search for, and examine the weights and measures and weighing and measuring instruments to which those Acts are extended by or under this section, and for that purpose shall have the same powers and duties as he has with respect to weights, measures and instruments used for trade.

PART XI

ADMINISTRATION

122 Appointment and duties of inspectors and clerks and servants

(1) The Secretary of State, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time determine) and such clerks and servants as he thinks necessary for the execution of this Act, and

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may assign to them their duties and award them their salaries, and may appoint a chief inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

(2) 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.

(3) Notice of the appointment of every inspector shall be published in the London Gazette.

(4) The salaries of the inspectors, clerks, and servants, and the expenses incurred by them shall be deemed to be expenses of the Secretary of State in carrying this Act into effect.

(5) A person who is the occupier of a factory, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith, or is employed in or about a factory, shall not act as an inspector.

(6) An inspector shall not be liable to serve on any jury.

(7) Such annual report of the proceedings of the inspectors as the Secretary of State directs shall be laid before both Houses of Parliament.

(8) Any notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as the Secretary of State directs by declaration published in the London Gazette or otherwise as he thinks expedient for making the direction known to all persons interested.

123 Powers of inspectors

(1) An inspector shall, for the purpose of the execution of this Act, have power to do all or any of the following things, that is to say:—

(a) to enter, inspect, and examine at all reasonable times, by day and night, a factory, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory and any part of any building of which a factory forms part and in which he has reasonable cause to believe that explosive or highly inflammable materials are stored or used;

(b) to take with him a constable if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;

(c) to require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy any of them;

(d) to make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act and the enactments for the time being in force relating to public health are complied with, so far as respects a factory and any persons employed in a factory and any young persons to whom section ninety-eight of this Act applies;

(e) to require any person whom he finds in a factory to give such information as it is in his power to give as to who is the occupier of the factory;

(f) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or in any employment mentioned in subsection (1) of the said section ninety-eight, and to require

every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined; so, however, that no one shall be required under this provision to answer any question or to give any evidence tending to criminate himself;

(g) in the case of an inspector who is a duly qualified medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under this Act;

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

(2) The occupier of every factory, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, the taking of samples, or otherwise for the exercise of his powers under this Act in relation to that factory.

(3) If any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any register, certificate, notice or document which he is required by or in pursuance of this Act to produce, or wilfully withholds any information as to who is the occupier of any factory, or conceals or prevents, or attempts to conceal or prevent, a person from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under this Act.

(4) Where an inspector is obstructed in the execution of his powers or duties under this Act, the person obstructing him shall be guilty of an offence, and liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory, the occupier of that factory shall be guilty of an offence.

(5) Any certificate issued by a chief inspector, superintending inspector for a division, or an inspector for a district may be issued for a limited period or without limit of period and may be varied or revoked by that inspector or his successor in office.

124 Power of inspector to conduct proceedings before magistrates

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

125 Certificate of appointment of inspector

Every inspector shall be furnished with the prescribed certificate of his appointment, and when visiting a factory or place to which any of the provisions of this Act apply shall, if so required, produce the said certificate to the occupier or other person holding a responsible position of management at the factory.

126 Appointment and duties of examining surgeons

(1) Subject to any general directions of the Secretary of State, the chief inspector or, in cases where the Secretary of State so directs, a superintending inspector for a division may appoint a sufficient number of duly qualified medical practitioners to

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be examining surgeons for any of the purposes of this Act, and may revoke any such appointment.

(2) Every appointment and revocation of appointment of an examining surgeon may be annulled by the Secretary of State upon appeal to him for that purpose.

(3) A medical practitioner who is the occupier of a factory, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, shall not act as examining surgeon for that factory :

Provided that the Secretary of State may authorise a medical practitioner who is employed by the occupier of the factory in connection with the medical supervision of persons employed in the factory, but is not otherwise interested in the factory, to act as examining surgeon for that factory for the purpose of examining and certifying the fitness of young persons.

(4) The examining surgeon for any factory shall have power at all reasonable times to inspect the general register of that factory.

(5) The Secretary of State may make rules regulating the duties of examining surgeons.

(6) An examining surgeon shall, if so directed by the Secretary of State, make such special inquiry and examination of employed persons as may be directed.

(7) Every examining surgeon shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to examinations made and other duties performed by him in pursuance of this Act.

(8) If and so long as there is no examining surgeon for a factory, the poor law medical officer for the district in which the factory is situate shall act as the examining surgeon for that factory.

(9) References in the Workmen's Compensation Act, 1925, to a certifying surgeon shall be construed as references to an examining surgeon appointed under this section, and references to the certifying surgeon for the district in which the workman is employed shall, in a case where a workman is employed in a district for which no examining surgeon is appointed, be construed as references to the medical practitioner (if any) appointed by the Secretary of State to have the powers and duties of a certifying surgeon under Part II of the Workmen's Compensation Act, 1925, in such a case or, if no such appointment has been made, to the poor law medical officer for the district in which the workman is employed.

127 Fees of examining surgeons

The fees to be paid to examining surgeons for carrying out their duties under this Act shall, so far as they relate to any examination or certificate with respect to the fitness of a young person for employment in a factory or to any examination or medical supervision of persons employed in a factory carried out in pursuance of regulations or an order under this Act, be paid by the occupier of that factory, and in any other case shall be defrayed as an expense of carrying this Act into effect, and the fees shall, subject to any agreement between the examining surgeon and the occupier of a factory as respects the fees payable by the occupier, be of such amount as may be determined by the Secretary of State.

128 Provisions as to county and district councils

(1) The expenses of the London County Council under this Act shall be defrayed as expenses for general county purposes.

(2) The expenses under this Act of the common council of the City of London and of the council of a metropolitan borough shall be defrayed as part of their general expenses.

(3) The medical officer of health of every district council shall—

(a) in his annual report to the council report specifically on the administration of, and furnish the prescribed particulars with respect to, the matters under Part I and Part VIII of this Act which are administered by the district council, and shall send a copy of his annual report or so much of it as deals with those matters to the Secretary of State; and

(b) give written notice to the inspector for the district of any factory coming to his knowledge in which no abstract of this Act is affixed in accordance with this Act.

(4) An officer of any district council appointed for the purpose of inspection of factories shall give a written notice to the inspector for the district of any factory coming to his knowledge in which no abstract of this Act is affixed in accordance with this Act.

(5) For the purpose of their duties under this Act, a county council and a district council 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 has, and accordingly in relation to their said duties the provisions of this Act as to furnishing means required by an inspector, and delaying or obstructing an inspector, shall be construed as including references to such officers; but no such powers of entry or inspection shall be exercised except by officers of the council authorised by them in writing in that behalf, either generally or specially, and any such officer shall if so required produce his authority to the occupier or other person holding a responsible position of management at the factory.

(6) If any person who, in pursuance of powers conferred by the last foregoing subsection, is admitted into any factory or place discloses to any person any information obtained by him in the factory or place with regard to any manufacturing process or trade secret, he shall, unless such disclosure was made in the performance of his duty, be guilty of an offence and liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

129 Provisions as to regulations and orders of Secretary of State

(1) The following provisions shall apply to regulations and orders made by the Secretary of State under this Act:—

(a) all regulations made under this Act shall be laid as soon as may be before Parliament, and if either House within the next twenty-eight days on which that House has sat after the regulations have been laid before it, resolves that the regulations be annulled, the regulations shall be of no effect, but without prejudice to the validity of anything done in the meantime thereunder or to the making of new regulations :

(b) the provisions contained in the Second Schedule to this Act shall apply to all such regulations as are in this Act referred to as " special regulations " :

(c) section one of the Rules Publication Act, 1893, c.66 shall not apply to any instrument made under this Act except regulations other than special regulations.

(2) Any regulations or order made by the Secretary of State under this Act may be made for a limited period or without limit of period and may be made subject to such conditions as he thinks fit, and may contain such supplemental and consequential provisions as he considers necessary for giving full effect to the regulations or order and may, except as herein otherwise expressly provided, be varied or revoked by subsequent regulations or by a subsequent order made in like manner as the original regulations or order.

PART XII

SUPPLEMENTARY

Offences, Penalties and Legal Proceedings

130 Offences

(1) In the event of any contravention in or in connection with or in relation to a factory of the provisions of this Act, or of any regulation or order made thereunder, the occupier, or (if the contravention is one in respect of which the owner is by or under this Act made responsible) the owner, of the factory shall, subject as hereinafter in this Act provided, be guilty of an offence.

(2) In the event of a contravention by an employed person of the provisions of Part X of this Act with respect to duties of persons employed or of a contravention by any person of any regulation or order made under this Act which expressly imposes any duty upon him, that person shall be guilty of an offence and the occupier or owner, as the case may be, shall not be guilty of an offence in respect of that contravention unless it is proved that he failed to take all reasonable steps to prevent the contravention.

(3) If the occupier of a factory avails himself of any special exception allowed by or under this Act and fails to comply with any of the conditions attached to the exception, he shall be deemed to have contravened the provisions of this Act.

(4) If any persons are employed in a factory otherwise than in accordance with the provisions of this Act or of any regulation or order made thereunder, there shall be deemed to be a separate contravention in respect of each person so employed.

(5) Where an offence under this Act committed by a company is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the company, he, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

131 Fines for offences for which no express penalty provided

Subject as hereinafter in this Act provided, any person guilty of an offence under this Act for which no express penalty is provided by this Act shall be liable to a fine not exceeding twenty pounds, and, if the contravention in respect of which he was so convicted is continued after the conviction he shall (subject to the provisions of

section one hundred and thirty-two of this Act) be guilty of a further offence and liable in respect thereof to a fine not exceeding five pounds for each day on which the contravention was so continued.

132 Power of court to order cause of contravention to be remedied

Where the occupier or owner of a factory is convicted of an offence under this Act, the court may, in addition to or instead of inflicting a fine, order him, within the time specified in the order, to take such steps as may be so specified for remedying the matters in respect of which the contravention occurred, and may, on application, enlarge the time so specified, and where such an order is made, the occupier or owner shall not be liable under this Act in respect of the continuation of the contravention during the time allowed by the court, but if, after the expiration of that time as originally specified or enlarged by subsequent order, the order is not complied with, the occupier or owner, as the case may be, shall be liable to a fine not exceeding five pounds for each day on which the non-compliance continues.

133 Fines in case of death or injury

If any person is killed, or dies, or suffers any bodily injury, in consequence of the occupier or owner of a factory having contravened any provision of this Act or of any regulation or order made thereunder, the occupier or owner of the factory shall, without prejudice to any other penalty, be liable to a fine not exceeding one hundred pounds; and subject to the provisions of section five of the Criminal Justice Administration Act, 1914, the whole or any part of the fine may be applied for the benefit of the injured person or his family or otherwise as the Secretary of State determines :

Provided that—

(a) in the case of injury to health, the occupier or owner shall not be liable to a fine under this section unless the injury was caused directly by the contravention; and

(b) the occupier or owner shall not be liable to a fine under this section if an information against him under this Act in respect of the act or default by which the death or injury was caused, has been heard and dismissed before the death or injury occurred.

134 Fine for offence by parent

If a young person is employed in any factory in contravention of the provisions of this Act, the parent of the young person shall be guilty of an offence and liable to a fine not exceeding five pounds, unless it appears to the court that the contravention occurred without the consent, connivance, or wilful default of the parent.

135 Forgery of certificates, false entries, and false declarations

If any person—

(a) forges or counterfeits any certificate required by, under, or for the purposes of, this Act or any order or regulation made thereunder;

(b) gives or signs any such certificate knowing it to be false in any material particular ;

(c) knowingly utters or makes use of any such certificate so forged, counterfeited, or false as aforesaid;

(d) knowingly utters or makes use of as applying to any person any such certificate which does not so apply;

(e) personates any person named in any such certificate;

(f) falsely pretends to be an inspector;

(g) wilfully connives at any such forging, counterfeiting, giving, signing, uttering, making use, personating or pretending as aforesaid ;

(h) wilfully makes a false entry in any register, notice, certificate, or document required by under or for the purposes of this Act or any order or regulation made thereunder to be kept or served or sent;

(i) wilfully makes or signs a false declaration required by, under or for, the purposes of this Act or any order or regulation made thereunder;

(j) knowingly makes use of any such false entry or declaration as aforesaid ;

he shall, without prejudice to any other penalty, be guilty of an offence under this Act, and liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months.

136 Penalty on persons actually committing offence for which occupier is liable

Where an act or default for which an occupier or owner is liable under this Act is in fact the act or default of some agent, servant, worker or other person, that agent, servant, worker or other person shall be guilty of an offence and liable to the like fine as if he were the occupier or owner, as the case may be.

137 Power of occupier or owner to exempt himself from liability on conviction of the actual offender

(1) Where the occupier or owner of a factory is charged with an offence under this Act, he shall be entitled, upon information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or owner of the factory proves to the satisfaction of the court—

(a) that he has used all due diligence to enforce the execution of this Act and of any relevant order or regulation made thereunder; and

(b) that the said other person had committed the offence in question without his consent, connivance, or wilful default,

that other person shall be summarily convicted of the offence, and the occupier or owner shall not be guilty of the offence, and the person so convicted shall, in the discretion of the court, be also liable to pay any costs incidental to the proceedings. The prosecution shall have the right in any such case to cross-examine the occupier or owner if he gives evidence and any witnesses called by him in support of his charge, and to call rebutting evidence.

(2) When it is made to appear to the satisfaction of an inspector at the time of discovering an offence—

(a) that the occupier or owner (as the case may be) of the factory has used all due diligence to enforce the execution of this Act; and

(b) by what person the offence has been committed; and

(c) that it has been committed without the consent, connivance or wilful default of the occupier or owner and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or owner of the factory.

138 Proceedings against persons other than occupiers or owners

Where, under this Act, any person is substituted for the occupier or owner with respect to any provisions of this Act, any order, summons, notice, or proceeding, which for the purpose of any of those provisions is by or under this Act required or authorised to be served on or taken in relation to the occupier or owner, is hereby required or authorised (as the case may be) to be served on or taken in relation to that person.

139 Owner of machine liable in certain cases instead of occupier

Where in a factory the owner or hirer of a machine or implement moved by mechanical power is some person other than the occupier of the factory, the owner or hirer shall, so far as respects any offence under this Act committed in relation to a person who is employed in or about or in connection with that machine or implement, and is in the employment or pay of the owner or hirer, be deemed to be the occupier of the factory.

140 Prosecution of offences and recovery and application of fines

(1) All offences under this Act shall be prosecuted and all fines under this Act shall be recovered summarily.

(2) In any proceedings under this Act it shall be sufficient in the information to allege that the factory is a factory within the meaning of this Act and to state the name of the ostensible occupier of the factory, or, where the occupier is a firm, the title of the firm.

(3) The court shall in any proceedings under this Act, if required by either party, cause minutes of the evidence to be taken and preserved.

(4) Where, with respect to or in consequence of any accident in a factory, a report is made by the court appointed to hold a formal investigation under this Act or under the Boiler Explosions Acts, 1882 and 1890, or a coroner's inquest is held, and it appears from the report,

or from the proceedings at the inquest, that any of the provisions of this Act, or any orders or regulations made thereunder, were not complied with at or before the time of the accident, summary proceedings against any person liable to be proceeded against in respect, of such noncompliance may be commenced at any time within three months after the making of the report or the conclusion of the inquest.

(5) Where any offence is committed under this Act by reason of a failure to make an examination, enter a report, or do any other thing, at or within a time specified by this Act or any regulation or order made thereunder, the offence shall be deemed to continue until the examination is made, or the report entered, or the other thing done, as the case may be.

(6) Subject to the provisions of section five of the Criminal Justice Administration Act, 1914, all fines imposed under this Act shall, save as otherwise expressly provided for by this Act, be paid into the Exchequer.

(7) Where a proceeding is taken before a court of summary jurisdiction with respect to an offence under this Act alleged to be committed in or with reference to a factory,

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no person shall be qualified to act as a member of the court who is the occupier or owner of the factory, or the husband, wife, parent, son, daughter, brother, or sister of the occupier or owner of the factory, or a person engaged in, or an officer of any association of persons engaged in, the same trade or occupation as any person charged with the offence.

141 Appeal from orders made on complaint

Any person aggrieved by an order made by a court of summary jurisdiction on determining a complaint under this Act may appeal therefrom to a court of quarter sessions.

142 Special provisions as to evidence

(1) If a person is found in a factory at any time at which work is going on or the machinery is in motion, except during the intervals for meals or rest, he shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory:

Provided that this subsection shall not apply to a factory in which the only persons employed are members of the same family dwelling there.

(2) Where in any proceedings under this Act with respect to a young person it appears to the court that that young person is apparently of or below the age alleged by the informant, it shall lie on the defendant to prove that the young person is not of or below that age.

(3) Where any entry is required by this Act or by any order or regulations made thereunder to be made in the general register or in any other register or record, the entry made by the occupier of a factory or on his behalf shall, as against him, be admissible as evidence of the facts therein stated, and the fact that any entry so required with respect to the observance of any provision of this Act or of any order or regulation made thereunder has not been made, shall be admissible as evidence that that provision has not been observed.

143 Proceedings for offences in respect of the employment of children

For the purposes of any proceedings under this Act in respect of the employment of children in contravention of section fourteen of the Education Act, 1918, or section one of the Employment of Women, Young Persons, and Children Act, 1920, or any other enactment prohibiting the employment of children which is incorporated with this Act, references in this Part of this Act to young persons shall be construed as including references to children within the meaning of any such enactment.

144 Service and sending of documents, &c

(1) Any document (including any summons or order) required or authorised to be served under this Act may be served—

(a) on any person by delivering it to him, or by leaving it at, or sending it by post to, his residence;

(b) on any firm by delivering it to any partner of the firm, or by leaving it at, or sending it by post to, the office of the firm;

(c) on the owner or occupier of a factory (including any such owner or occupier being a company to which the Companies Act, 1929, applies), in any such manner as aforesaid, or by delivering it, or a true copy thereof, to any person apparently not under the age of sixteen years at the factory.

(2) Any such document may be addressed for the purpose of the service thereof on the occupier of a factory, to " the occupier " at the proper postal address of the factory, without further name or description.

(3) The foregoing provisions of this section shall apply with the necessary modifications to documents required or authorised under this Act to be sent to any person, firm, owner or occupier, and to the sending, addressing, and delivery of such documents.

145 Certificates of birth

Where the age of any person is required to be ascertained or proved for the purposes of this Act 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 Minister of Health and on payment of a fee of sixpence, be entitled to obtain a certified extract under the hand of a registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1929, of the birth of that person; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths and marriages.

146 Power of county court to modify agreements

If by reason of an agreement between the owner and the occupier of premises the whole or any part of which has been let as a factory the said owner or occupier is prevented from carrying out any structural or other alterations in the premises which are necessary to enable him to comply with the provisions of this Act or of any regulation or order made under this Act or in order to conform with any standard or requirement imposed by or under this Act, he may apply in accordance with county court rules to the county court, and the court, after hearing the parties and any witnesses whom they desire to call, may make such an order setting aside or modifying the terms of the agreement as the court considers just and equitable in the circumstances of the case.

147 Power of county court to apportion expenses

Where in any premises the whole or any part of which has been let as a factory any structural or other alterations are required in order to comply with the provisions of this Act or of any regulation or order made under this Act or in order to conform with any standard or requirement imposed by or under this Act and the owner or occupier as the case may be alleges that the whole or part of the expenses of the alterations ought to be borne by the occupier or owner, the owner or occupier may apply in accordance with county court rules to the county court, and the court, after hearing the parties and any witnesses whom they may desire to call, may make such an order concerning the expenses or their apportionment as the court considers just and equitable in the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the court may at the request of the owner or occupier determine the lease.

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148 Application of Arbitration Acts

The Arbitration Acts, 1889 to 1934, shall not apply to proceedings under this Act except in so far as they may be applied by regulations made under this Act.

PART XIII

APPLICATION OP ACT

149 General application of Act

Save as in this Act otherwise expressly provided, the provisions of this Act shall apply only to factories, as denned by this Act, but shall, except where the contrary intention appears, apply to all such factories.

150 Application to factories belonging to the Crown

(1) This Act applies to factories belonging to or in the occupation of the Crown and to building operations and works of engineering construction undertaken by or on behalf of the Crown; but in case of any public emergency the Secretary of State may, by order, to the extent and during the period named in the order exempt from this Act any factory belonging to the Crown or any building operations or works of engineering construction undertaken by or on behalf of the Crown, or any factory in respect of work which is being done on behalf of the Crown.

(2) The powers conferred by this Act on a district council or other local authority shall, in the case of a factory belonging to or in the occupation of the Crown, or building operations or works of engineering construction undertaken by or on behalf of the Crown, be exercised by an inspector under this Act; and any notice required by this Act to be sent to a district council shall in any such case be sent to the inspector for the district.

PART XIV

INTERPRETATION AND GENERAL

Interpretation

151 Interpretation of expression "factory"

(1) Subject to the provisions of this section, the expression " factory " means any premises in which, or within the close or curtilage or precincts of which, persons are employed in manual labour in any process for or incidental to any of the following purposes, namely :—

(a) the making of any article or of part of any article; or

(b) the altering, repairing, ornamenting, finishing, cleaning, or washing, or the breaking up or demolition of any article; or

(c) the adapting for sale of any article;

being premises in which, or within the close or curtilage or precincts of which, the work is carried on by way of trade or for purposes of gain and to or over

which the employer of the persons employed therein has the right of access or control :

And (whether or not they are factories by reason of the foregoing definition) the expression " factory " also includes the following premises in which persons are employed in manual labour, that is to say :—

(i) any yard or dry dock (including the precincts thereof) in which ships or vessels are constructed, reconstructed, repaired, refitted, finished or broken up;

(ii) any premises in which the business of sorting any articles is carried on as a preliminary to the work carried on in any factory or incidentally to the purposes of any factory;

(iii) any premises in which the business of washing or filling bottles or containers or packing articles is carried on incidentally to the purposes of any factory;

(iv) any premises in which the business of hooking, plaiting, lapping, making-up or packing of yarn or cloth is carried on;

(v) any laundry carried on as ancillary to another business, or incidentally to the purposes of any public institution;

(vi) any premises in which the construction, reconstruction or repair of locomotives, vehicles or other plant for use for transport purposes is carried on as ancillary to a transport undertaking or other industrial or commercial undertaking, not being any premises used for the purpose of housing locomotives or vehicles where only cleaning, washing, running repairs or minor adjustments are carried out;

(vii) any premises in which printing by letterpress, lithography, photogravure, or other similar process, or bookbinding is carried on by way of trade or for purposes of gain or incidentally to another business so carried on;

(viii) any premises in which the making, adaptation or repair of dresses, scenery or properties is carried on incidentally to the production, exhibition or presentation by way of trade or for purposes of gain of cinematograph films or theatrical performances, not being a stage or dressing-room of a theatre in which only occasional adaptations or repairs are made;

(ix) any premises in which the business of making or mending nets is carried on incidentally to the fishing industry;

(x) any premises in which mechanical power is used in connection with the making or repair of articles of metal or wood incidentally to any business carried on by way of trade or for purposes of gain;

(xi) any premises in which the production of cinematograph films is carried on by way of trade or for purposes of gain, so, however, that the employment at any such premises of theatrical performers within the meaning of the Theatrical Employers Registration Act, 1925, and of attendants on such theatrical performers shall not be deemed to be employment in a factory;

(xii) any premises in which articles are made or prepared incidentally to the carrying on of building operations or works of engineering construction, not being premises in which such operations or works are being carried on;

(xiii) any premises used for the storage of gas in a gasholder having a storage capacity of not less than five thousand cubic feet.

(2) Any fine or siding (not being part of a railway or tramway) which is used in connection with and for the purposes of a factory, shall be deemed to be part of the factory; if any such line or siding is used in connection with more than one factory belonging to different occupiers, the line or siding shall be deemed to be a separate factory.

(3) A part of a factory may, with the approval in writing of the chief inspector, be taken to be a separate factory and two or more factories may, with the like approval, be taken to be a single factory.

(4) Any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a factory if the persons working therein were in the employment of the owner or occupier, shall be deemed to be a factory for the purposes of this Act, and, in the case of any such workplace not being a tenement factory or part of a tenement factory, the provisions of this Act shall apply as if the owner or occupier of the workplace were the occupier of the factory and the persons working therein were persons employed in the factory.

(5) No premises in or adjacent to and belonging to a quarry or mine being premises in which the only process carried on is a process ancillary to the getting, dressing or preparation for sale of minerals shall be deemed to be a factory.

(6) Where a place situate within the close, curtilage, or precincts forming a factory is solely used for some purpose other than the processes carried on in the factory, that place shall not be deemed to form part of the factory for the purposes of this Act, but shall, if otherwise it would be a factory, be deemed to be a separate factory.

(7) Premises shall not be excluded from the definition of a factory by reason only that they are open air premises.

(8) Where the Secretary of State by regulations so directs as respects all or any purposes of this Act, different branches or departments of work carried on in the same factory shall be deemed to be different factories.

(9) Any premises belonging to or in the occupation of the Crown or any municipal or other public authority shall not be deemed not to be a factory, and building operations or works of engineering construction undertaken by or on behalf of the Crown or any such authority shall not be excluded from the operation of this Act, by reason only that the work carried on thereat is not carried on by way of trade or for purposes of gain.

152 General interpretation

(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

" Bakehouse " means any place in which bread, biscuits or confectionery is or are baked by way of trade or for purposes of gain :

" Bank holiday " means a holiday under the Holidays Extension Act, 1875 :

" Bodily injury " includes injury to health :

" Building operation " means the construction, structural alteration, repair or maintenance of a building (including re-pointing, re-decoration and external cleaning of the structure), the demolition of a building, and the

preparation for, and laying the foundation of, an intended building, but does not include any operation which is a work of engineering construction within the meaning of this Act:

" Calendar year" means the period of twelve months beginning with the first day of January in any year:

"Chief inspector" means the chief inspector appointed under this Act, and includes a deputy chief inspector:

" Class or description", in relation to factories, includes a group of factories described by reference to locality:

" Contravention" includes, in relation to any provision, a failure to comply with that provision, and the expression " contravene " "shall be construed accordingly :

" Cotton cloth factory " means any room, shed or workshop, or part thereof, in which the weaving of cotton cloth is carried on :

" Degrees " means degrees Fahrenheit:

" District council " means the council of a borough or county district:

" Driving-belt " includes any driving strap or rope :

" Fume " includes gas or vapour :

" General register" means the register kept in accordance with the requirements of section one hundred and sixteen of this Act:

" Humid factory" means a factory in which atmospheric humidity is artificially produced by steaming or other means in connection with any textile process :

" Inspector" means, except where otherwise expressed, an inspector appointed under this Act, and a reference to the inspector for the district or to the supermtending inspector for the division refers, as respects any factory, to the inspector in charge of the district, or the superintending inspector in charge of the division, in which the factory is situate :

" Machinery " includes any driving-belt :

" Maintained" means maintained in an efficient state, in efficient working order, and in good repair :

" Owner" means the person for the time being receiving the rackrent of the premises in connection with which the word is used, whether on his own account or as agent or trustee for any-other person, or who would so receive the rackrent if the premises were let at a rackrent:

" Parent " means a parent or guardian of, or person having the legal custody of, or the control over a child or young person, and includes, in relation to any child or young person, any person having direct benefit from his wages :

" Period of employment " means the period (inclusive of the time allowed for meals and rest) within which persons may be employed on any day :

" Prescribed" means prescribed by order of the Secretary of State :

" Prime mover " means every engine, motor or other appliance which provides mechanical energy derived from steam, water, wind, electricity, the combustion of fuel or other source :

" Process " includes the use of any locomotive :

" Railway " means any railway used for the purposes of public traffic whether passenger, goods, or other traffic and includes any works of the railway company connected with the railway:

" Railway company " includes the London Passenger Transport Board and a company or person working a railway under lease or otherwise :

" Sanitary conveniences" includes urinals, water-closets, earthclosets, privies, ashpits, and any similar convenience:

"Ship," "vessel," and "harbour" have the same meaning as in the Merchant Shipping Act, 1894 :

" Tenement factory" means any premises where mechanical power from any prime mover within the close or curtilage of the premises is distributed for use in manufacturing processes to different parts of the same premises occupied by different persons in such manner that those parts constitute in law separate factories :

" Tramway" means a tramway authorised by or under any Act of Parliament and used for the purpose of public traffic :

"Transmission machinery" means every shaft, wheel, drum, pulley, system of fast and loose pulleys, coupling, clutch, driving-belt or other device by which the motion of a prime mover is transmitted to or received by any machine or appliance :

" Week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night:

" Woman " means a woman who has attained the age of eighteen :

" Work of engineering construction " means the construction of any railway line or siding otherwise than upon an existing railway, and the construction, structural alteration or repair (including re-pointing and re-painting) or the demolition of any dock, harbour, inland navigation, tunnel, bridge, viaduct, waterworks, reservoir, pipe-line, aqueduct, sewer, sewage works, or gasholder, except where carried on upon a railway or tramway, and shall include such other works as may be specified by regulations of the Secretary of State :

" Young person " means a person who has attained the age of fourteen and has not attained the age of eighteen but does not include any person whose parent is required under or by virtue of the Education Acts, 1921 to 1937, to cause him (unless there is some reasonable excuse) to attend school or to attend an alternative course within the meaning of the Education Act, 1936.

(2) For the purposes of this Act, machinery or plant shall be deemed to have been constructed or reconstructed before the passing of this Act or the making of regulations under this Act, and a factory or building shall be deemed to have been constructed, reconstructed, extended, added to, or converted for use as a factory, before the passing or commencement of this Act or the coming into operation of any provision of this Act, if the construction, reconstruction, extension, addition, or conversion was begun before the passing or commencement of this Act, or the making of regulations under this Act,

or the coming into operation of any provision of the Act, as the case may be.

(3) For the purposes of this Act, a factory shall not be deemed to be a factory in which mechanical power is used by reason only that mechanical power is used for the purpose of heating, ventilating or lighting the workrooms or other parts of the factory.

(4) A woman, young person, or child who works in a factory, whether for wages or not, either in a process or in cleaning any part of the factory used for any process, or in cleaning or oiling any part of the machinery or plant, or in any other kind of

work whatsoever incidental to or connected with the process, or connected with the article made or otherwise the subject of the process therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein for the purposes of this Act or of any proceedings thereunder :

Provided that any woman employed solely in cleaning a factory or any part thereof, otherwise than in cleaning which is incidental to or connected with any process, shall not be deemed for the purposes of Part VI of this Act to be employed in the factory.

(5) For the purposes of this Act, employment shall be deemed to be continuous unless interrupted by an interval of at least half an hour.

(6) For the purposes of this Act, an apprentice shall be deemed to be a person employed.

(7) This Act shall in its application to London have effect, except when otherwise expressly provided, as if for references to district councils there were substituted, as respects the City of London references to the common council, and as respects the remainder of the administrative county of London references to metropolitan borough councils.

(8) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment including this Act.

153 Application of Act to young persons employed in factories in certain occupations

A young person who works in a factory, whether for wages or not, in collecting, carrying or delivering goods, carrying messages or running errands shall be deemed to be employed in the factory for the purposes of this Act or of any proceedings thereunder :

Provided that the provisions of Part VI of this Act shall not apply, except as expressly provided, to any such young person who is employed mainly outside the factory.

General

154 Inspection of certain premises

Where in any premises which are subject to inspection by or under the authority of any Government department any manual labour is exercised, otherwise than for the purposes of instruction, in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of any article, and the premises do not constitute a factory, the Secretary of State may arrange with the department that the premises shall, as respects the matters dealt with by this Act, be inspected by an inspector appointed under this Act, and where such an arrangement is made, such inspectors shall have, as respects such matters as aforesaid, the like right of entry and inspection as is conferred on inspectors or other officers of the department concerned.

155 Expenses of Secretary of State

The expenses of the Secretary of State in carrying this Act into effect shall be defrayed out of moneys provided by Parliament.

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156 Application to Scotland

(1) The provisions of this section shall have effect for the purpose of the application of this Act to Scotland.

(2) (a) The Department of Health for Scotland shall be substituted for the Minister of Health and the Scottish Education Department shall be substituted for the Board of Education.

(b) The expressions " medical officer of health" and " sanitary inspector " have the like meanings as in the Public Health (Scotland) Act, 1897 , the expression "information" means complaint; the expression "informant " means prosecutor; the expression " defendant " means accused person; the expression "summons" means order; the expression " owner " means the person for the time entitled to receive or who would, if the same were let, be entitled to receive the rents of the premises, and includes a trustee, factor, tutor or curator, and in the case of public or municipal property, applies to the persons to whom the management thereof is entrusted and the expression " young person " means a person who has attained the age of fourteen and has not attained the age of eighteen, but does not include any person whose parent is required under or by virtue of the Education (Scotland) Acts, 1872 to 1936, to provide efficient education for him.

(c) For any reference to a local education authority under the Education Act, 1921, there shall be substituted a reference to an education authority for the purposes of the Education (Scotland) Acts, 1872 to 1936; for any reference to section fourteen of the Education Act, 1918, there shall be substituted a reference to section seventeen of the Education (Scotland) Act, 1918; for any reference to a county court there shall be substituted a reference to the sheriff; for any reference to county court rules there shall be substituted a reference to Act of Sederunt; for any reference to a witness attending before a court of record there shall be substituted a reference to a witness attending an inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895; for any reference to a master of the Supreme Court there shall be substituted a reference to the auditor of the sheriff court; for the reference in subsection (1) of section one hundred and fifty-seven of this Act to the Ministry of Health Act, 1919, there shall be substituted a reference to the Scottish Board of Health Act, 1919, and to the Reorganisation of Offices (Scotland) Act, 1928; for any reference to the Births and Deaths Registration Acts, 1836 to 1929, there shall be substituted a reference to the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1934.

(3) All matters required by this Act to be published in the London Gazette shall, if they relate to Scotland, be published in the Edinburgh Gazette, either in addition or in substitution, as the case may require.

(4) The powers and duties conferred and imposed by this Act on district councils shall be exercised and performed in a county by the county council, and in a burgh by the town council, save that, in so far as those powers and duties relate to the provisions contained in Part II of the Third Schedule to this Act, they shall be exercised and performed in a small burgh by the county council of the county in which such burgh is situate, and references in this Act to a district council and a district shall be construed accordingly.

(5) Any expenses incurred under this Act by a county or a town council shall be defrayed in like manner as expenditure for the purposes of the Public Health (Scotland) Act, 1897.

(6) The powers conferred by Part II or Part IV of this Act on a court of summary jurisdiction or a justice shall be exercisable only by the sheriff, and any reference in Part VII of this Act to the provisions of Part II with respect to the power of a court of summary jurisdiction shall be construed accordingly.

(7) Any offence against this Act for which the maximum penalty that may be imposed does not exceed ten pounds may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1908, having jurisdiction in the place where the offence was committed.

(8) An offence against any provision of this Act which is directed to be enforced by a county or town council may be prosecuted by the council of the county or town in which such offence was committed and any such council may appear in any proceedings instituted by them under this Act by their clerk or other officer duly authorised in that behalf.

(9) It shall not be an objection to the competency of an inspector or of any person prosecuting in pursuance of the power conferred by the last foregoing subsection to give evidence as a witness in any prosecution for an offence against this Act that the prosecution is brought at his instance, or conducted by him.

(10) Every person convicted of an offence against this Act may be found liable in expenses.

(11) Subsection (10) of section thirty-four, subsection (3) of section fifty-three and subsection (3) of section fifty-four of this Act shall have effect as if the words " by way of complaint " were omitted.

(12) Where, in pursuance of section sixty-eight of this Act, the Secretary of State directs a formal investigation to be held of any fatal accident, no inquiry into any death due to such accident shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895.

(13) For subsection (8) of section one hundred and twenty-six the following subsection shall be substituted:—

> "(8) If and so long as there is no examining surgeon for a factory, the medical officer of health for the county or burgh in which the factory is situate, or any medical officer of the council of such county or burgh designated for the purpose by the medical officer of health shall act as the examining surgeon for that factory. For the purposes of this subsection, ' burgh ' means large burgh, and a small burgh shall be included within the county in which it is situate."

(14) In subsection (9) of section one hundred and twenty-six for any reference to the poor law medical officer there shall be substituted a reference to such medical officer of health or medical officer as is referred to in the foregoing subsection.

(15) Subsection (4) of section one hundred and forty of this Act shall have effect as if for any reference to a coroner's inquest there were substituted a reference to a public inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895, or the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906.

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(16) Any provision of this Act with regard to the recovery of any money summarily as a civil debt shall have effect as if the word " summarily " were omitted therefrom.

(17) Section sixty-seven, subsection (5) of section one hundred and twenty-eight so far as it relates to legal proceedings, subsection (1) of section one hundred and thirty-seven, section one hundred and forty-one and section one hundred and forty-eight of this Act shall not apply.

(18) References to section five of the Criminal Justice Administration Act, 1914, shall not apply.

(19) Section twenty-nine of the Public Health (Scotland) Act, 1897, shall not apply in relation to any factory within the meaning of this Act.

(20) The powers conferred by this Act on county and town councils and their officers shall, for the purposes of their duties under the Public Health (Scotland) Acts, 1897 and 1907, extend to factories within the meaning of those Acts.

(21) In this section the expressions " large burgh " and " small burgh " have the like meanings as in the Local Government (Scotland) Act, 1929, and the expressions " county council " and " county " where occurring in any provision for the purposes of which a small burgh is included within a county or which directs that powers and duties shall be exercised and performed by a county council in a small burgh, shall mean respectively, in any case where two counties are combined under subsection (7) of section ten of the Local Government (Scotland) Act, 1929, the joint county council and the combined county.

157 Substitution of corresponding provisions for certain provisions of 1 Edw.7 c.22

(1) The provisions contained in Part I of the Third Schedule to this Act (being provisions of the Factory and Workshop Act, 1901, of which the administration was transferred under the Ministry of Health Act, 1919, to the Minister of Health, set out with the necessary modifications) shall have effect in lieu of the corresponding provisions repealed by this Act, and shall be enforced by the district council.

(2) The provisions contained in Part II of the Third Schedule to this Act (being provisions of the Factory and Workshop Act, 1901, of which the administration was transferred as aforesaid but which do not apply in England outside the administrative county of London, set out with the necessary modifications) shall have effect in Scotland and in the administrative county of London in lieu of the corresponding provisions repealed by this Act, and shall be enforced by the district council.

(3) The section of this Act relating to powers in case of default of a district council shall apply with respect to the provisions specified in the foregoing subsections of this section as it applies with respect to the provisions of Part I of this Act, except that references in that section to the Secretary of State and to an inspector shall, for the purposes of the application thereof under this section, be construed as references to the Minister of Health and to an officer appointed by him, and any such officer shall have the like powers as an inspector.

158 Provisions as to quarries and pit banks

(1) The provisions of the Quarries Act, 1894, shall apply to all quarries of whatever depth, but for the purposes of that Act the expression " quarry " shall not include any place

in which any manufacturing process, other than a process ancillary to the getting, dressing, or preparation for sale of minerals is carried on.

(2) The provisions of section nineteen of the Mining Industry Act, 1920 (which empowers the Board of Trade to make general and special regulations with respect to metalliferous mines) shall apply to quarries as they apply to metalliferous mines, but with this modification, that for the reference in that section to the general rules contained in section twenty-three of the Metalliferous Mines Regulation Act, 1872, there shall be substituted a reference to all the provisions of that Act which apply to quarries.

(3) Regulations made by the Board of Trade by virtue of the said section nineteen with respect to quarries and metalliferous mines shall apply the provisions of sections ninety-two, ninety-three and ninety-five of the Coal Mines Act, 1911, so far as they relate to employment above ground, to women and young persons employed in connection with any quarry or metalliferous mine, in like manner as the provisions apply to the employment of such persons in connection with the mines mentioned in section one of that Act.

(4) The Secretary of State may make arrangements with the Board of Trade, with respect to any premises or place in or adjacent to a quarry or mine, for the exercise and performance by the Board of Trade of any of the powers and duties of the Secretary of State under this Act and for the exercise and performance by the Secretary of State of any of the powers and duties of the Board of Trade relating to quarries and mines, and it shall be lawful for the Board of Trade and their officers and the Secretary of State and his officers respectively to exercise and perform the said powers and duties in accordance with the arrangements.

159 Repeals and exclusion of certain enactments

(1) Subject as hereinafter provided the enactments referred to in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule :

Provided that any order, regulation, byelaw, requirement, appointment, or agreement made or certificate (other than a certificate given under section fourteen of the Factory and Workshop Act, 1901) or notice given under any enactment repealed by this Act which is in force at the commencement of this Act shall continue in force and shall have effect as though it had been made or given under this Act, and, in so far as it could have been made or given under a particular provision of this Act, shall be deemed to have been made or given under that provision, and any such order or regulation made by the Secretary of State under a power which is exercisable under a corresponding provision of this Act by a different class of instrument, shall be deemed to be an instrument of that class, so, however, that any order or regulation of the Secretary of State which continues in force by virtue of this proviso may, in so far as may be necessary to bring it into conformity with this Act, be varied or revoked by an order made by him under this Act.

(2) References in any enactment to a special order made under section one hundred and twenty-six of the Factory and Workshop Act, 1901, shall be construed as references to regulations made under this Act.

(3) Nothing in this Act shall affect the definition of the expressions "factory" and " workshop " for the purposes of the Rating and Valuation (Apportionment) Act, 1928, but save as aforesaid references in any enactment to a factory or workshop within the

meaning of the Factory and Workshop Acts, 1901 to 1929, or any of those Acts, shall be construed as references to a factory within the meaning of this Act.

(4) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

(5) Section one hundred and six of the Public Health (London) Act, 1936 (which relates to sanitary conveniences for factories), section one hundred and twenty-eight of that Act (which relates to nuisances from certain factories, workshops and workplaces), and section one hundred and twenty-nine of that Act (which relates to the limewashing and washing of certain factories, workshops and workplaces) shall not apply to any factory to which this Act applies.

160 Short title, commencement, extent and saving

(1) This Act may be cited as the Factories Act, 1937.

(2) This Act shall, except as otherwise provided, come into operation on the first day of July, nineteen hundred and thirty-eight :

Provided that, if it is shown to the satisfaction of the Secretary of State as respects any particular requirement contained in Part II of this Act that by reason of substantial expenditure involved through the necessity of providing new, or altering existing, buildings or plant, or on account of other special difficulties, it would be right in the case either of factories generally or of any class or description of factory that the requirement should not come into operation on the date aforesaid, he may by order postpone the date of coming into operation of the said requirement, as respects factories generally or that class or description of factory, until such date as he may think fit but not later than the first day of January, nineteen hundred and forty; and any such order may direct that such corresponding provisions of any enactment repealed by this Act as may be specified in the order shall apply in lieu of the postponed requirement of this Act.

(3) This Act shall not, except where otherwise expressly provided, extend to Northern Ireland.

(4) Except where otherwise expressly provided, the provisions of this Act shall be in addition to and not in substitution for or diminution of the provisions of any other Act.

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FIRST SCHEDULE

TABLE OF HUMIDITY

I. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	II. Wet Bulb Thermometer Readings. Degrees Fahrenheit.
50	48
51	49
52	50
53	51
54	52
55	53
56	54
57	55
58	56
59	57
60	58
61	59
62	60
63	61
64	62
65	63
66	64
67	65
68	66
69	67
70	68
71	68.5
72	69
73	70
74	70.5
75	71.5
76	72
77	73
78	73.5

79	74.5	
80	75.5	
81	76	
82	76.5	
83	77.5	
84	78	
85	79	
86	80	

SECOND SCHEDULE

PROCEDURE FOR MAKING SPECIAL REGULATIONS

1 Before the Secretary of State makes any special regulations, he shall publish in the London Gazette, and in such other manner as he may think best adapted for informing persons affected, notice of the proposal to make the regulations, and of the place where copies of the draft regulations may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to the Secretary of State.

2 Every objection must be in writing and state—

(a) the specific grounds of objection; and

(b) the omissions, additions, or modifications asked for.

3 The Secretary of State shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft regulations, and, after doing so, he shall, unless an inquiry has been held under this Schedule, cause the amended draft to be dealt with in like manner as an original draft.

4 If after the publication of the notice with respect to any draft regulations (whether an original or amended draft) any general objection as hereinafter denned is made within the required time with respect to the draft and not withdrawn, then, unless a previous inquiry under this Schedule has been held with respect to the draft or some previous draft of the regulations or the Secretary of State withdraws the draft regulations, he shall before making the regulations direct an inquiry to be held in the manner hereinafter provided. The Secretary of State may, if he thinks fit, also direct such an inquiry to be held in regard to any objection, notwithstanding that no such general objection has been made or that such a previous inquiry has been held as aforesaid.

5 Where any such inquiry is to be held as to any draft regulations, the following provisions shall have effect with respect to the inquiry—

(a) the Secretary of State shah appoint a competent person or competent persons to hold the inquiry, and to report to him thereon;

(b) the inquiry shall be held in public, and the chief inspector and any objector and any other person who, in the opinion of the person holding the inquiry

or, if there is more than one such person, of the person presiding over the inquiry, is affected by the draft regulations, may appear at the inquiry either in person or by counsel, solicitor, or agent;

(c) the witnesses may, if the person holding or presiding over the inquiry thinks fit, be examined on oath;

(d) subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Secretary of State and the rules may make provision as to the costs of the inquiry and other proceedings, including the remuneration of the person or persons holding the inquiry.

6 For the purposes of this Schedule the expression " general objection" means, as respects any draft regulations, an objection made—

(a) by or on behalf of the majority of the occupiers of the factories affected by the draft regulations or by or on behalf of the occupier or occupiers employing a majority of the persons employed in those factories; or by any person who satisfies the Secretary of State that he or an association on behalf of which he acts, represents a majority of the persons employed in those factories; or

(b) by or on behalf of the majority of the occupiers of any class or description of factories affected as respects which it appears to the Secretary of State that, by reason of special conditions existing in connection therewith, there is reason to believe that any of the requirements of the draft regulations may be unnecessary or inappropriate in the case of that class or description, or by or on behalf of the occupier or occupiers employing a majority of the persons employed in any such class or description of factories as aforesaid; or by any person who satisfies the Secretary of State that he or an association on behalf of which he acts represents a majority of the persons employed in any such class or description of factories as aforesaid.

THIRD SCHEDULE

PROVISIONS OF THE FACTORY AND WORKSHOP ACT, 1901, TO BE ADMINISTERED BY DISTRICT COUNCILS

PART I

97 (1) It shall not be lawful to let or suffer to be occupied or to occupy any room or place as a bakehouse, unless the following regulations are complied with :—

(a) a watercloset, earthcloset, privy, or ashpit must not be within or communicate directly with the bakehouse;

(b) every cistern for supplying water to the bakehouse must be separate and distinct from any cistern for supplying water to a watercloset;

(c) a drain or pipe for carrying off faecal or sewage matter must not have an opening within the bakehouse.

(2) If any person lets or suffers to be occupied or occupies any room or place as a bakehouse in contravention of this section he shall be guilty of an offence, and liable to a fine not exceeding forty shillings, and to a further fine not exceeding five shillings

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for every day on which any room or place is so occupied after a conviction under this section in respect of the room or place.

98 (1) Where a court of summary jurisdiction is satisfied on the prosecution of a district council that any room or place used as a bakehouse is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable to a fine not exceeding, for the first offence, forty shillings, and for any subsequent offence five pounds.

(2) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, on application, enlarge the time so named, but if after the expiration of the time as originally named or enlarged by subsequent order the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day after the expiration of that time on which the non-compliance continues.

99 (1) All the inside walls of the rooms of a bakehouse, and all the ceilings or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a bakehouse, must either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed; and

(a) where the bakehouse is painted with oil or varnished, there must be three coats of paint or varnish, and the paint or varnish must be renewed once at least in every seven years, and must be washed with hot water and soap or other suitable detergent once at least in every six months; and

(b) where the bakehouse is lime washed, the limewashing must be renewed once at least in every six months.

(2) If a bakehouse is not kept in conformity with this section the occupier shall be liable to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction within two years from the last conviction for the same offence, not less than one pound for each offence.

(3) The court of summary jurisdiction, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court may, on application, enlarge the time so named, but if after the expiration of the time as originally named or enlarged by subsequent order the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day after the expiration of that time on which the non-compliance continues.

100 (1) A place on the same level with a bakehouse, and forming part of the same building, may not be used as a sleeping place, unless it—

(a) is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and

(b) has an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

(2) If any person lets or occupies or continues to let or knowingly suffers to be occupied any place for the purpose of its being used in contravention of the provisions of this section, he shall be guilty of an offence, and liable to a fine not exceeding, for the first offence, twenty shillings, and for any subsequent offence five pounds.

PART II

PROVISIONS APPLICABLE IN LONDON AND SCOTLAND ONLY

61 If the occupier of a factory knowingly allows a woman or girl to be employed therein within four weeks after she has given birth to a child, he shall be liable to a fine not exceeding three, or if the offence was committed during the night five, pounds for each person so employed, and in the case of a second or subsequent conviction within two years after the last conviction for the like offence not less than one pound for each offence.

109 If the occupier of a factory 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, while 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 disease in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

110 (1) If any inmate of a house is suffering from an infectious disease to which this section applies, the district council of the district in which the house is situate may make an order forbidding any work to which this section applies to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory, or any other place from which work is given out, or on the contractor employed by any such occupier.

(2) The order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order shall be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the medical officer of health, or that other reasonable precautions shall be adopted.

(3) In any case of urgency the powers conferred on the district council by this section may be exercised by any two or more members of the council acting on the advice of the medical officer of health.

(4) If any occupier or contractor on whom an order under this section has been served contravenes the provisions of the order, he shall be guilty of an offence and liable to a fine not exceeding ten pounds.

(5) The infectious diseases to which this section applies are the infectious diseases required to be notified under the law for the time being in force in relation to the notification of infectious diseases, and the work to which this section applies is the making, cleaning, washing, altering, ornamenting, finishing and repairing of wearing apparel and any work incidental thereto, and such other classes of work as may be specified by order of the Minister of Health.

FOURTH SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal

57 & 58 Vict. c. 28.	The Notice of Accidents Act, 1894.	In paragraph one of the schedule the words " use, working," the words " canal, bridge, tunnel," and the words " or other " work authorised by " any local or personal " Act of Parliament ".
57 & 58 Vict. c. 42.	The Quarries Act, 1894	In section one, the words " any part of which is " more than twenty feet " deep" ; and section three.
1 Edw.7.c.22	The Factory and Workshop Act, 1901.	The whole Act.
6 Edw.7.c.49	The Census of Production Act, 1906.	Section ten.
6 Edw.7.c.53	The Notice of Accidents Act, 1906.	Section four and section five so far as it relates to factories and workshops.
7 Edw.7.c.39	The Factory and Workshop Act, 1907.	The whole Act.
8 Edw.7.c.42	The White Phosphorus Matches Prohibition Act, 1908.	The whole Act.
6 & 7 Geo. 5. c. 31.	The Police, Factories, &c. (Miscellaneous Provisions) Act, 1916.	Sections seven, eight and nine.
10 & 11Geo.5. c. 62.	The Women and Young Persons (Employment in Lead Processes) Act, 1920.	The whole Act.
13 & 14 Geo. 5. c. 42.	The Workmen's Compensation Act, 1923.	Subsection (1) of section twenty-eight and section twenty-nine.
19 & 20Geo.5. c. 15.	The Factory and Workshop (Cotton Cloth Factories) Act, 1929.	The whole Act.
26 Geo. 5. & 1 Edw. 8. c. 22.	The Hours of Employment (Conventions) Act, 1936.	In section two the words " Sections twenty-three " to thirty-five of the " Factory and Workshop " Act, 1901,and "and the words " factories, workshops and ".
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	In subsection (3) of section forty-four the words " to " which section nine of " the Factory and

		Work -" shop Act, 1901, applies," in subsection (4) of section forty-five the words "to which section " nine of the Factory " and Workshop Act, " 1901, applies," in subsection (1) of section forty-six the words "factory, workshop, or", and subsection (5) of that section; in paragraph (e) of subsection (1) of section ninety-two the words " factory (not " being a factory to " which section one of " the Factory and" Workshop Act, 1901, applies), workshop, or" and subsection (4) of that section.
26 Geo. 5. & 1 Edw. 8. c. 50.	The Public Health (London) Act, 1936.	Sections one hundred and thirty and one hundred and thirty-one.