

FACTORIES.

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A BILL INTITULED

Title.

AN ACT to provide for supervising and regulating Factories and Work-rooms.

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.

1. The Short Title of this Act is "The Factories Act, 1891."

Date when Act comes into operation.

2. This Act shall come into operation on the _____ day of _____, one thousand eight hundred and ninety-one: Provided that at any time after the passing of this Act any appointment, regulation, order, notice, or recommendation which the Governor in Council, the Governor, the Minister, or the Board have power respectively thereunder to make or issue, and which appears necessary or proper to be made or issued for the purpose of bringing this Act into operation on the commencement thereof, may be made or issued.

Interpretation.

3. In this Act, unless inconsistent with the context,—
 "Board" means the Local Board of Health constituted under "The Public Health Act, 1876," having jurisdiction in the city or borough, county, or town district where any factory or work-room subject to this Act is situated:
 "Child" means a person under the age of fourteen years:
 "Court" means a Court held before a Resident Magistrate or two or more Justices of the Peace:
 "Factory or work-room" means any office, building, or place in which one or more persons are engaged, directly or indirectly, in working for hire or reward in any handicraft, or in preparing or manufacturing articles for trade or sale, and any office, building, or place in which steam or other mechanical power is used; but shall not include any office, building, or place in which the persons engaged in working are shown, to the satisfaction of an Inspector, to be all members of the same family, nearly related one to the others by blood or marriage, and in which steam or other mechanical power is not used, nor any dwelling, building, or place in which the employment is not carried on for more than three consecutive months in any year:

But where the operations of any manufacturer are carried on, for safety or convenience, in several adjacent buildings grouped together in one enclosure, these shall be classed and included as one factory for the purposes of registration and the computation of registration-fees :

5

“Inspector” means an Inspector of factories, and work-rooms, and shops appointed under this Act ; and where the expression “the Inspector” is used, it means any Inspector having authority in a district constituted under this Act :

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“Medical authority” means any legally qualified medical practitioner authorised under this Act to grant certificates in a district for the purposes of this Act :

15

“Minister” means any member of the Executive Council of New Zealand whom the Governor may from time to time appoint to have charge of the administration of this Act, or any member of the Executive Council who may be temporarily discharging the duties of such member :

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“Newspaper” means any paper containing public news, intelligence, or occurrences, or any remarks or observations therein, printed for sale and published in New Zealand periodically or in parts or numbers at intervals not exceeding twenty-six days between the publication of any two such papers, parts, or numbers :

25

“Occupier” means the person, company, or association employing persons in any factory or work-room, or occupying any office, building, or place intended as, or about to be used as, a factory or work-room, and includes any agent, manager, foreman, or other person acting, or apparently acting, in the general management or control of any such factory or work-room :

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“Regulations” mean regulations from time to time in force under this Act :

“This Act” includes regulations made under this Act.

PART I.

FACTORIES AND WORK-ROOMS.

35

(1.) *Inspectors, Medical Authority, and Registration.*

4. The Governor may from time to time divide New Zealand into districts, and every such district shall be coterminous with a Governor may declare districts.

city or borough, or with a city or borough and a county, or one or more town districts, as the Governor thinks fit, and notice of the constitution of every such district shall be given in the *Gazette* as occasion requires :

But in any case where a factory or work-room is situated beyond the limits of a city or borough, but so near thereto that, in the opinion of the Governor, such factory or work-room should be included in the district comprising such city or borough, the Governor may extend the limits of such district so as to include such factory or work-room :

If the boundaries of a city, borough, county, or town district are in any manner altered, such alteration shall, without further proceeding, take effect in respect of the district created under this section, unless the Governor shall otherwise determine.

Governor may
appoint Inspectors.

5. The Governor may from time to time appoint such and so many Inspectors, male or female, of factories and work-rooms and shops, as may appear to be necessary for carrying this Act into effect, and may assign one or more districts under this Act to one or more Inspectors. Any Inspector may hold such office in conjunction with any other office or employment which the Governor shall deem not incompatible with his duties as such Inspector.

Governor may
appoint medical
authorities.

6. The Governor may in like manner appoint any persons, being legally-qualified medical practitioners, to be medical authorities for the purposes of this Act, and may assign one or more districts under this Act to one or more such medical authorities, and may, by regulations gazetted from time to time, fix a scale of fees to be charged by and paid to such medical authorities.

Inspectors to be in
Civil Service.

7. Every Inspector may be so appointed, notwithstanding any provision in "The Civil Service Reform Act, 1886;" but, except as to appointment, shall be subject in all other respects to the provisions of the Acts for the time being in force relating to the Civil Service; and the Governor may from time to time remove any Inspector from his office.

Medical authority
not necessarily in
such service.

8. No medical authority appointed under this Act shall, by reason of such appointment, be deemed to be in the Civil Service of the colony; and the Governor may from time to time remove any such authority from his office.

Notice to be given
to Inspector, with
particulars of
factory or work-
room.

9. Every person

occupying a factory or work-room at the time of the commencement of this Act shall within fourteen days after such commencement,—or

going into occupation of any factory or workroom after the commencement of this Act shall within fourteen days of such going into occupation,—or

in occupation of any building or place which after the commencement of this Act becomes for the first time, or after a period of disuse again becomes, a factory or work-room shall, within fourteen days of such building or place becoming or again becoming a factory or work-room—

serve on the Inspector and on the Board a written notice in such form and in such manner as may be prescribed by regulations, and containing particulars of the name and a description of his factory or work-room, the place where it is situate, the nature of the work carried on or to be
 5 carried on therein, a description of the motive-power (if any) therein, and, in case of a copartnership or incorporated company, the name of the firm or company under which the business of the factory or work-room is carried on, together with such further or other particulars as may be required by the regulations.

10 In default of compliance with this section every such person shall be liable to a penalty not exceeding *fifty* pounds.

10. If it shall appear to the Inspector that all the requirements of this Act have been complied with, and on payment of the registration-fee as hereinafter provided, the Inspector shall issue under his
 15 hand a certificate of registration of such factory or work-room.

Inspector may issue certificate for registration of factory or work-room.

11. Every person who is in occupation of any building or place which after the commencement of this Act is about to become for the first time, or after a period of disuse is about to again become, a factory or work-room shall, before the same is used as such, forward
 20 to the office of the Board a complete plan of such building or place, together with particulars of the same, to the satisfaction of such Board, and such building or place shall not be registered as a factory or work-room until such Board has in writing approved of such building or place as suitable for a factory or work-room, or has within ten days
 25 after the receipt of such plan and particulars omitted to notify to such person any objection thereto.

Plans of buildings to be sent to Board.

The powers and authorities conferred by this section upon a Board shall be exercised under and subject to regulations to be made by the Board, and which regulations such Board is hereby authorised
 30 to make from time to time, and at any time to alter or repeal.

12. Every factory or work-room of which particulars are forwarded to the Inspector as hereinbefore provided shall, on payment by the occupier thereof of the registration-fee for the year in which the same is registered, be registered in a register to be kept for that purpose by the Inspector, and in such register shall also be entered all the particulars which by this Act are directed to be forwarded to the
 35 Inspector.

Factory or work-room to be registered on payment of fee.

13. The fee to be paid in respect of the registration of every factory or work-room shall be that prescribed by regulations to be
 40 made as hereinafter provided, and, until such regulations are made, shall be the fee mentioned in the *First* Schedule hereto.

Fee.

In the year one thousand eight hundred and ninety-one such fee shall be paid on or before the _____ day of _____, and shall in every succeeding year be paid on or before the thirty-first day of
 45 January in each year, and such fee shall be paid by the occupier of such factory or work-room.

Any occupier of a factory or work-room not registered as in this Act provided shall be liable to a penalty not exceeding *ten* pounds.

14. Every Inspector shall have power to do all or any of the following things, that is to say,—

Powers of Inspector.

(1.) To enter, inspect, and examine at all reasonable hours, by day and night, a factory or work-room, and every part

thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or work-room ;

- (2.) To take with him in either case a constable into a factory or work-room in the execution of his duty ; 5
- (3.) To require the production of the certificate of registration held by the occupier of any factory or work-room, or any other book, notice, record, list, or document which such occupier is by this Act required to keep, and to inspect, examine, and copy the same, or any notice or other document required to be kept or exhibited therein ; 10
- (4.) To make such examination and inquiry as may be necessary to ascertain whether the enactments relating to public health and of this Act are complied with so far as respects the factory or work-room and the persons employed therein ; 15
- (5.) 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 work-room, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or work-room, and to require such person to be so examined, and to sign a declaration of the truth of the matters respecting which he is so examined ; and 20
- (6.) To exercise such other powers and authorities as may be necessary for carrying this Act into effect. 25

Occupiers to allow entry and inspection.

15. The occupier of every factory or work-room, his agents and servants, shall at all times furnish the means required by an Inspector, or by an officer of the Board, necessary for an entry, inspection, examination, and inquiry, or the exercise of his powers under this Act in relation to such factory or work-room. 30

Delaying an Inspector deemed an obstruction.

16. Every person who wilfully delays an Inspector in the exercise of any power under this Act, or who fails to comply with a requisition of an Inspector made under any such power as aforesaid, or to produce any certificate of registration, book, record, certificate, notice, list, or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents any person from appearing before or being examined by an Inspector, or attempts so to conceal or prevent a person, shall be deemed to obstruct an Inspector in the execution of his duties under this Act : 40

Provided that no person shall be required under this or the *last two preceding* sections to answer any question or give any evidence tending to criminate himself.

Penalty for obstruction.

17. Where an Inspector is obstructed in the execution of his duties under this Act the person obstructing him shall be liable to a penalty not exceeding *five* pounds, and where an Inspector is so obstructed in or about a factory or work-room the occupier of that factory or work-room shall be liable to a penalty not exceeding *five* pounds, or when the offence is committed at night *twenty* pounds. 45

Inspector to have certificate of appointment.

18. Every Inspector shall be furnished with a certificate of his appointment, and on applying for admission to a factory or work- 50

room shall, if required, produce such certificate to the occupier.

19. Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the Inspector named in any such certificate, or falsely
5 pretends to be an Inspector under this Act, shall, on conviction thereof before a Resident Magistrate or two Justices of the Peace, be liable to be imprisoned for a period not exceeding *six* months, with or without hard labour.

Penalty for forging certificate.

(2.) Regulation.

10 20. In each factory or work-room the occupier shall keep or cause to be kept—

Records to be kept in factory or work-room.

(a.) A record of the names of all persons employed in such factory or work-room, together with the ages of all persons who are under *twenty* years of age; and

15 (b.) A record of the particular kind of work of each and every person employed in such factory or work-room; and such record shall be produced for inspection by the Inspector when demanded.

21. The occupier of every such factory shall also cause to be
20 affixed and maintained in some conspicuous place at or near the entrance of each factory or work-room, and in such other parts as an Inspector from time to time directs, and in such a position as to be easily read by the persons employed in such factory or work-room, a notice containing—

Notices to be affixed and maintained.

25 (a.) The name and address of the Inspector for the district;

(b.) The name and address of the medical authority for the district;

(c.) The official address of the Board;

(d.) The holidays and the working-hours of the factory.

30 22. In the event of a contravention of the provisions of the *last two immediately preceding* sections in any factory or work-room, the occupier thereof shall be liable to a penalty not exceeding *two* pounds for every day which elapses after a period of seven days from the registration of such factory or work-room, and during which the said
35 provisions are not complied with.

Penalty for contravention.

23. Every occupier of a factory or work-room who has work done for the purposes of his factory or work-room elsewhere than in such factory or work-room shall keep a record, and the same shall be kept so as to be a substantially correct record of the description and quality
40 of the work done outside of such factory or work-room, and of the name and address of the person by whom the same is done, together with the remuneration given for such work, and in default thereof shall be liable to a penalty not exceeding *ten* pounds. Such record shall be kept for the information of the Inspector, who alone shall
45 be entitled to inspect the same, and who may, at all reasonable hours, examine and inspect the same, and take extracts therefrom.

Records of work done elsewhere to be kept.

24. Any Inspector divulging the contents of any record of persons employed in or outside of any factory or work-room, or making use of his knowledge of the contents of such record, except for the
50 purposes of this Act or for enforcing the provisions thereof, shall be guilty of a misdemeanour.

Inspector not to divulge contents of records.

Reports by Inspectors.

Annual report by Colonial Secretary.

25. Every Inspector shall, at such times and in such manner as may be prescribed by regulations, prepare reports upon the operation of this Act; and the Minister shall, for the purpose of informing Parliament of the course and conditions of trade, prepare an annual report, which shall be of a general and comprehensive character. 5

Such report shall not refer by name to any particular occupier of a factory or work-room, or be so framed as to readily admit of the identification of any such occupier, and shall show as nearly as possible the whole number of persons engaged in factories or work-rooms in New Zealand subject to this Act, classifying them according to their sex, age, and average weekly earnings, whether in wages or by piecework, or both in wages and by piecework, in each branch, their hours of labour, the percentage of work done in the factories or work-rooms, and the percentage of work done outside thereof, together with the scale of pay for such work and such other particulars as he may think fit. 10 15

Annual report to be laid before Parliament.

26. Every such annual report shall be so prepared as to be laid before each House of the General Assembly in each session within thirty days of the commencement of such session; but if there shall be more than one session of the General Assembly in any year, then it shall be sufficient to lay such report before the General Assembly in one of such sessions. 20

(3.) Accidents.

Notice of accidents to be sent forthwith to Inspector and to medical authority.

27. Where there occurs in a factory or a workshop any accident which either (a) causes loss of life to a person employed in the factory or in the workshop, or (b) causes bodily injury to a person employed in a factory or in the workshop, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with solid, liquid, or molten metal, or other substance, or by explosion, or by escape of gas, steam, or metal, and is of such a nature as to prevent or be likely to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours of the occurrence of the accident, written notice of the accident shall forthwith be sent to the Inspector and to the medical authority for the district, stating the residence of the person killed or injured, or the place to which he may have been removed; and if any such notice is not sent within six hours after the occurrence of such accident the occupier of the factory or workshop shall be liable to a fine not exceeding ten pounds. 25 30 35 40

Medical authority to investigate and report upon accident.

28. Where a medical authority receives, in pursuance of this Act, notice of an accident in a factory or a workshop, he shall, with the least possible delay, proceed to the factory or workshop and make a full investigation as to the nature and cause of the death or injury caused by that accident, and within the next twenty-four hours send to the Inspector a report thereof. 45

The medical authority for the purpose only of an investigation under this section shall have the same powers as an Inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed. 50

There shall be paid to the said medical authority for the investigation such fee not exceeding _____, nor less than _____ as the Governor in Council shall by regulations prescribe, which fee shall be paid by the Board as expenses incurred in the execution of this Act.

(4.) *Sanitary Provisions.*

29. Every factory or work-room shall be kept in a cleanly state, and free from effluvia arising from any drain, privy, or other nuisance. Where members of both sexes are working in the same factory or work-room, then, if the number of workers exceeds five, there shall be a separate watercloset or privy for each sex.

Factories, &c., to be kept clean.

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

Not to be overcrowded.

A factory or work-room in which, in the opinion of the Board, there is a contravention of this section, and which opinion is signified in writing under the hand of the Chairman of such Board, shall be deemed not to be kept in conformity with this Act.

31. The Inspector may from time to time determine, as to each factory or work-room, what space of cubic and superficial feet shall be reserved, appropriated, and maintained for the use of each person working therein, according to the nature of the work, but so that the minimum space of cubic and superficial feet shall not be less than that prescribed from time to time by regulations; and shall, by notice in writing to the occupier, require such space to be reserved and appropriated accordingly within a time to be fixed by such Inspector; and shall in like manner require that every such space is properly lighted and ventilated, and maintained and kept free from any materials or goods or tools other than those in use or required by the person for whom such space is so reserved and appropriated.

Space to be allowed each worker.

If the occupier of any factory or work-room thinks that the determination or requirements of the Inspector are in excess of what is necessary and reasonable, he may, in the manner prescribed by regulations, appeal to the Board, who shall decide the question, and may confirm, alter, or vary the determination or requirements of the Inspector in such manner and in such particulars as it deems fit, and every such decision of the Board shall be final.

If the occupier of a factory or work-room shall fail or neglect to comply with the determination or requirements of the Inspector or of the Board in case of an appeal, or to observe and maintain such determination or requirements, or otherwise to comply with this section, he shall be liable to a penalty not exceeding *five* pounds for every day during which such failure or want of compliance continues.

32. Where it appears to an Inspector that any act, neglect, or default in relation to any drain, water-closet, earth-closet, privy, ash-pit, water-supply, nuisance, or other matter in a factory or work-room is punishable or remediable under any law relating to the public

Inspector to report to health authority in certain cases.

health or any other law, but not under this Act, such Inspector shall give notice in writing to the Board or other local authority in whose district the factory or work-room is situate; and it shall be the duty of such Board or authority to make such inquiry into the subject of the notice, and take such action thereon, as to such Board or authority may seem proper for the purpose of enforcing the law. 5

Inspector may take health officer, &c., into factory.

33. An Inspector may, for the purposes of this Act, or of any Act or law relating to public health, or the powers of any local authority, take with him into a factory or work-room an officer of health, Inspector of Nuisances, surveyor, or other officer of the Board or local authority, and any such officer, Inspector, or surveyor may at all reasonable times enter and inspect any factory or work-room. 10

Inside walls to be lime-washed, &c.

34. All the inside walls of the rooms of a factory or work-room, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of a factory or work-room, if they have not been painted with oil or varnished once at least within seven years, shall be lime-washed or washed with some other wash, liquid, or material approved by the Inspector once at least within every fourteen months, to date from the period when last lime-washed or washed; and, if they have been so painted or varnished, shall be washed with hot water and soap once at least within every fourteen months, to date from the period when last so washed. 15 20

A factory or work-room in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act. 25

Power to Colonial Secretary to exempt certain factories.

35. Where it appears to the Minister that in any factory or work-room, or class of factories or work-rooms, or parts thereof, the provisions of the *last-preceding* section are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, on the recommendation of the Board, make an order granting to such factory or work-room, or class of factories or work-rooms, or parts thereof, a special exception that the regulations in the *last-preceding* section shall not apply thereto. 30

Exemption.

Provided that the *last-preceding* section shall, without any such order as aforesaid, be deemed not to apply to blacksmiths', agricultural implement makers', and wheelwrights' shops, foundries, flour-mills, saw-mills, bone-mills, tanneries, rope-walks, smelting-works, hay and corn and chaffcutting, corn-crushing, wool-washing, or boiler-making establishments. 35 40

Outer door to be kept unlocked.

36. An outer door giving access to every building containing a factory or work-room, and the door of every factory or work-room, shall be at all times kept unlocked whilst work is going on in such factory or work-room. Every occupier neglecting or omitting to keep such door unlocked shall be liable to a penalty not exceeding ten pounds. 45

Women and young persons not to work for longer than certain period without a meal.

37. No person under eighteen years of age, and no woman, shall, except on Saturdays, half-holidays, or when it appears to the Minister after due inquiry that the exigencies of trade require the suspension of the provisions of this section, be employed continuously in any factory or work-room for more than five hours without an interval of at least half an hour for a meal: Provided that such suspension shall be gazetted. 50

Power to exempt.

38. No person employed in a factory or work-room shall be permitted to take his or her meals in any room therein in which any manufacturing process or handicraft is then being carried on, or in which persons employed in such factory or work-room are then engaged
5 in their employment, unless such factory or work-room is of open construction, and is certified to by the Inspector as being properly exempted from this provision.

Persons not to take meals in factory, &c.

39. Subject to the *last-preceding* enactment the occupier of every factory or work-room in which more than six females are
10 employed shall provide a fit and proper room in or near to such factory or work-room, in which the persons employed therein may take their meals without the provisions of this Act being contravened; but in cases where, from the small number of persons employed, the size of the factory or work-room, or the nature of the employment,
15 the Inspector thinks that any place of shelter which is sufficiently secure from the weather and from public view will suffice as a place in which meals may be taken, he may, by writing under his hand, sanction the use of such place of shelter as a place in which meals may be taken.

Room for meals to be provided.

20 If an occupier fails or neglects to provide such room or place of shelter he shall be deemed to act in contravention of this Act.

40. The Governor in Council may from time to time declare any manufacturing process, handicraft, or employment to be noxious for the purposes of this Act, and, where any manufacturing process,
25 handicraft, or employment has been declared by the Governor in Council to be noxious for the purposes of this Act, no person employed in the factory or work-room in which any such manufacturing process, handicraft, or employment is carried on shall be permitted to take his or her meals in any room therein in which such manufacturing
30 process, handicraft, or employment is then being carried on, or in which persons employed in such factory or work-room are or have been in the course of the day engaged in their employment.

No meals to be taken in factory in which certain processes carried on.

41. Where a bakehouse is situate in any city or borough, all the inside walls of the rooms of such bakehouse, and all the ceilings or
35 tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of such bakehouse, shall either be painted with oil, or varnished, or be washed with lime or some other wash or liquid approved by an Inspector, or be partly painted or varnished and partly so washed; where painted with oil or varnish,
40 there shall be three coats of paint or varnish, and the paint or varnish shall be renewed once at least in seven years, and shall be washed with hot water and soap once at least in every twelve months, and when lime-washed the lime-washing shall be renewed once at least in every twelve months.

Bakehouses to be lime-washed.

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

42. Where a bakehouse is situate in any city or borough, a place on the same level with the bakehouse, and forming part of the same building, shall not be used as a sleeping-place, unless it is constructed
50 as follows, that is to say,—

Bakehouses not to be used as sleeping-places in certain cases.

Unless such sleeping-place is effectually separated from the bakehouse by a partition extending from the floor to the ceiling; and

Unless there be an external glazed window of at least nine superficial feet in area, of which at least four and a half superficial feet are made to open for ventilation.

Penalty for letting or occupying bakehouse in contravention of Act.

43. Any person who occupies, or knowingly suffers to be occupied, any place contrary to the provisions of this section shall be liable to a penalty not exceeding for the first offence *one* pound, and for every subsequent offence *five* pounds. 5

Certain places not to be let or occupied as bakehouses.

44. It shall not be lawful to let, or suffer to be occupied, as a bakehouse, or to occupy as a bakehouse, any room or place which was not so let or occupied before the commencement of this Act, unless the following regulations are complied with:— 10

(1.) No water-closet, earth-closet, privy, or ashpit shall be within or communicate directly with the bakehouse.

(2.) Any cistern for supplying water to the bakehouse shall be separate and distinct from any cistern for supplying water to a water-closet. 15

(3.) No drain or pipe for carrying off faecal or sewage matter shall have an opening within the bakehouse.

Penalty.

Any person who lets, or suffers to be occupied, or who occupies, any room or place as a bakehouse in contravention of this section shall be liable to a penalty not exceeding *two* pounds, and to a further fine not exceeding *ten* shillings for every day during which any room or place is so occupied after a conviction under this section. 20

Penalty for use of bakehouse in insanitary state.

45. Where the Court is satisfied on the prosecution of an Inspector that any room or place used as a bakehouse (whether the same was or was not so used before the commencement of this Act) 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 penalty not exceeding *two* pounds, and on a second or any subsequent conviction to a penalty not exceeding *five* pounds. 25 30

Provisions of last four sections may be enforced by Board or local authority.

46. The provisions of the *last four preceding* sections may be enforced by the Board, or by the local authority of the district, as well as by an Inspector under this Act, and for that purpose such Board or authority, and any of its officers or servants by its direction, general or particular, shall have and may exercise all such powers of entry, inspection, and taking and enforcing legal proceedings, and otherwise as an Inspector would have under this Act. 35

Means to be provided to prevent inhalation of dust, &c.

47. If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process, is carried on by which dust is generated, and by the workers inhaled to an injurious extent, and it appears to an Inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the Inspector may direct a fan or other mechanical means of a construction proper for preventing such inhalation to be provided within a reasonable time; and if the same is not provided, maintained, and used the factory or workshop shall be deemed not to be kept in conformity with this Act. 40 45

Women and young persons not to be employed where wet spinning is carried on, without protection.

48. A woman, or person under eighteen years of age, shall not be employed in any part of a factory or work-room in which wet spinning is carried on unless sufficient means be employed and continued for protecting the workers from being wetted, and (where hot water is used) for preventing the escape of steam into the room occupied by the workers. 50

A factory or work-room in which there is a contravention of the provisions of this section shall be deemed not to be kept in conformity with this Act.

5 49. Where females and males are employed in the same factory separate work-rooms shall be provided for each sex: Provided always that, when it appears to the Inspector, after due inquiry, that the exigencies of trade require the suspension or modification of the provisions of this section, he may suspend or modify the same.

Separate work-rooms to be provided for each sex.

10 The Governor in Council may by regulation from time to time declare that this section shall not apply to trades or callings to be therein specified.

(5.) *Age of Employés.*

15 50. A woman, or person under eighteen years of age, who works in a factory or work-room, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of a factory or work-room used for any manufacturing purposes or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with any manufacturing process or handicraft, or connected with the article made or otherwise the subject of any manufacturing process or handicraft, shall, save as is otherwise provided by this Act, be deemed to be employed within the meaning of this Act.

Meaning of "employed" in the case of women and young persons.

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

25 51. No person shall to the extent mentioned in the *Second* Schedule to this Act be employed in the factories or work-rooms or parts thereof mentioned in that Schedule.

Restrictions in certain class of employment.

Notice of the prohibition in this section shall be affixed in all factories or work-rooms to which it applies.

30 No person shall employ in any factory or work-room any female, or any male under the age of sixteen years, for more than forty-eight hours in any one week in preparing or manufacturing articles for trade or sale.

35 52. If any occupier offend against the provisions of the *last-preceding* section he shall; for each and every time in which he offends, be liable to a penalty not exceeding *twenty* pounds:

Penalty for breach.

40 Provided that, in order to meet the exigencies of trade, the Inspector may, after due inquiry, and subject to the regulations, from time to time, by a notice under his hand, suspend the operation of the *last-preceding* section in one or more factories or work-rooms, or in all factories or work-rooms of a particular class, subject, however, to such terms and conditions as to payment of wages for overtime and the hours of employment as he may think requisite.

Power to suspend operations of last preceding section.

45 Such suspension shall have no force or effect for more than three months from the date of such notice.

50 53. No child shall be employed in any factory or work-room. No person under fifteen years of age shall be employed in any factory or work-room unless such person has been certified by an Inspector of Schools to be educated up to the *Fourth* Standard, as prescribed by or under the regulations then in force under "The Education Act, 1877," or unless such person has been certified by a certificate under

No child to be employed. Persons under fifteen to have been educated up to Fourth Standard of education before employment.

the hand of the headmaster of a public or private school that such person attended such school the number of school-days required by or under that Act during the quarter of a year immediately preceding the date of such employment, and has attended school for such required number of school-days in each quarter for a period of three consecutive years : 5

Provided that this section shall not apply to any person who shall have arrived in the colony after attaining the age of thirteen years, and who is at the commencement of this Act employed in any place which is a factory or work-room within the meaning of this Act. 10

Persons under sixteen not to be employed without medical certificate.

54. A person under the age of sixteen years shall not be employed in a factory or work-room unless the occupier of the factory or work-room has obtained a certificate in the prescribed form of the fitness of such person for employment in that factory or work-room. 15

Terms thereof.

A certificate of fitness for employment for the purposes of this Act may be granted by the Inspector for the district, and shall be to the effect that he is satisfied, by the production of a certificate of birth or other sufficient evidence, that the person named in the certificate of fitness is of the age therein specified. 20

Certificate may include several factories of one employer.

55. All factories or work-rooms in the occupation of the same occupier, and in the district of the same Inspector, or any of them, may be named in the certificate of fitness for employment if the certifying Inspector is of opinion he can truly give the certificate for employment therein. 25

Evidence of date of birth.

The certificate of birth which may be produced to such Inspector shall either be a certified copy of the entry in a register of births kept in pursuance of "The Registration of Births and Deaths Act, 1875," of the birth of the person, or a statutory declaration made by some competent person as to the age of the person for whom it is desired to obtain a certificate of fitness for employment. 30

Occupier to produce certificate on demand.

56. The occupier shall, when required, produce to an Inspector at the factory or work-room in which a person under sixteen years of age is employed the certificate of fitness of such person for employment which he is required to obtain under this Act. 35

Hours of labour of boys and girls.

57. No boy under fifteen years of age, and no girl under sixteen years of age, shall work in any factory or work-room between the hours of six of the clock in the evening and six of the clock in the morning. 40

Limit of hours of labour of boys and girls.

58. No boy under fourteen years of age, and no girl under eighteen years of age, shall work as type-setter in any printing office: Provided that nothing in this clause contained shall apply to the case of any boy or girl at the time of the passing of this Act engaged in type-setting in any printing-office. 45

Women and young persons not to be liable to deduction in certain cases.

59. In the case of a woman, or any person under eighteen years of age, any forfeiture on the ground of absence or leaving work shall not be deducted from or set against a claim for wages, or other sum due for work done before such absence or leaving work, except to the amount of the special damage (if any) which the occupier of the factory or work-room may have sustained by reason of such absence or leaving work. 50

(6.) *Holidays.*

60. The occupier of a factory or work-room shall (save as in this Act specially excepted) allow to every woman, and to every person under the age of eighteen years, employed in such factory or work-room the following holidays:—

What holidays may be allowed.

(1.) Christmas Day, New Year's Day, Good Friday, Easter Monday, Her Majesty's birthday:

Saturdays.

Power to fix some other day for half-holiday.

(2.) Every Saturday afternoon from two of the clock in the afternoon: Provided that in any city, borough, or town district where it may be found inconvenient that work should cease on Saturdays as before mentioned the Council or Town Board may, by special order, from time to time appoint any other working-day in the week on which women and persons under the age of eighteen years shall have holiday from two of the clock in the afternoon; or such special order may provide and appoint separate working-days in the week on which different classes or sets of workers, being women and such persons as aforesaid, shall respectively have a holiday from two of the clock in the afternoon; and upon any such special order becoming operative this Act shall operate in respect of all persons affected by such special order as if the day or separate day named therein had been mentioned in this Act in place of the word "Saturday."

Wages shall be paid by the occupier to every woman and person as aforesaid employed in a factory or work-room in respect of every such holiday, and at the same rate as paid on ordinary working-days.

Wages to be paid to women and young persons on holidays.

PART II.

GENERAL PROVISIONS.

30

(i.) *Offences and Penalties.*

61. Where any person is charged with an offence against this Act, such charge shall be heard, and all penalties imposed by this Act shall be recovered in a summary way, before a Resident Magistrate or two or more Justices of the Peace in the manner provided by "The Justices of the Peace Act, 1882;" and all orders authorised to be made under this Act may be made and enforced in a summary way, as provided by that Act.

Summary remedy for offences, &c.

62. No Justice of the Peace being the owner or occupier of any factory, or work-room, subject to the provisions of this Act, or the father, son, or brother of any such Justice, shall sit or act as a Justice of the Peace under this Act.

Justices not to sit in certain cases.

63. If a factory or work-room is not kept in conformity with this Act, or if in any factory or work-room there is a contravention of any of the provisions of this Act, the occupier thereof shall, if no other penalty is by this Act provided, be liable to a penalty not exceeding ten pounds, and to a further penalty of one pound for every day during which such contravention continues after the delivery by the Inspector at such factory or work-room of a notice informing the occupier that a breach of the provisions of this Act is taking place by such factory or work-room not being kept in conformity with this Act, or by a contravention thereof otherwise occurring.

Penalty for non-conformity with Act where no other penalty provided.

Court may order defects to be remedied by occupier.

64. The Court before whom any penalty is sought to be recovered under this Act, in addition to or instead of inflicting any penalty, may order certain means to be adopted by the occupier within the time named in the order, for the purpose of bringing his factory or work-room into conformity with this Act, and may, upon application, enlarge the time so named; but if after the expiration of the time as originally named, or enlarged by subsequent order, the order of the Court is not complied with the occupier shall be liable to a penalty not exceeding *one* pound for every day that such non-compliance continues.

Penalty for death or injury by neglect of occupier.

65. If any person is killed or suffers any bodily injury in consequence of the occupier of a factory or work-room having neglected to fence any machinery required by or in pursuance of "The Inspection of Machinery Act, 1882," to be securely fenced, or having neglected to maintain such fencing, the occupier of the factory or work-room shall be liable to a penalty not exceeding *one hundred* pounds, the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise as the Colonial Secretary directs; and the penalty hereby imposed shall be in lieu of any other penalty imposed under "The Inspection of Machinery Act, 1882," for any such offence as hereinbefore mentioned.

Limitation.

But the occupier of a factory or work-room shall not be liable to a penalty under this section if an information against him for not fencing the part of the machinery by which the death occurred or bodily injury was inflicted has been heard and dismissed within one month previous to the time when the death occurred or the bodily injury was inflicted.

Not to take away other remedy.

This section shall not deprive the injured person, or his legal personal representatives, of any right of action he or they may have to recover damages in any Court of competent jurisdiction.

Penalty for employing a child or person contrary to Act.

66. Where a child or person is employed in a factory or work-room contrary to the provisions of this Act, the occupier of the factory or work-room shall be liable to a penalty not exceeding *three* pounds, or, if the offence was committed during the night, *five* pounds for each child or person so employed.

Penalty if person employed during meal-times.

67. A person who is not allowed time for meals and absence from work as required by this Act, or, during any part of the times allowed for meals and absence from work, is, in contravention of the provisions of this Act, employed in the factory or work-room or allowed to remain in any room, shall be deemed to be employed contrary to the provisions of this Act.

Parents liable to penalty in certain cases.

68. The parent of a child or person under eighteen years of age shall, if such child or person is employed in a factory or work-room contrary to the provisions of this Act, be liable to a penalty not exceeding *one* pound for each offence, unless it appears to the Court that such offence was committed without the consent, connivance, or wilful default of such parent.

Penalty for forging certificate.

69. Every person who forges or counterfeits any certificate for the purposes of this Act (for the forgery or counterfeiting of which no other punishment is provided), or who gives or signs any such certificate knowing the same to be false in any material particular, or who knowingly alters or makes use of any certificate so forged, coun-

5 terfeited, or false as aforesaid, or who knowingly alters or makes use of as applying to any person a certificate which does not so apply, or who personates any person named in a certificate, or who wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use of, or personating as aforesaid, shall be liable to a penalty not exceeding *fifty* pounds, or to imprisonment for a term not exceeding *six* months with or without hard labour.

10 70. Every person who wilfully makes a false entry in any book, register, notice, certificate, list, record, or document required by this Act, or who wilfully makes or signs a false declaration or return under this Act, or who knowingly makes use of any such false entry or declaration or return, shall be liable to a penalty not exceeding *twenty* pounds, or to imprisonment for a term not exceeding *three* months with or without hard labour.

Penalty for false entry in books, &c.

15 71. Where an offence for which the occupier of a factory or work-room is liable under this Act to a penalty has, in fact, been committed by some agent, servant, workman, or other person, such agent, servant, workman, or other person shall be liable to the same fine as if he were the occupier.

Agent liable to penalty in certain cases.

20 72. Where the occupier of a factory or work-room is charged with an offence against this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge, and if after the commission of the offence has been proved the occupier of the factory or work-room proves to the satisfaction of the Court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be convicted of such offence, and the occupier shall be exempt from any penalty.

If occupier proves some other person liable, such person may be convicted.

30 73. After the discovery of an offence against this Act, when it is made to appear to the satisfaction of the Inspector that the occupier of the factory or work-room had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the occupier, and in contravention of his orders, then the Inspector shall proceed against the person whom he believes to be the actual offender, in the first instance, without first proceeding against the occupier of the factory or work-room.

Inspector may proceed against actual offender in certain cases.

40 74. The following provisions shall have effect with reference to proceedings before the Court for offences and penalties under this Act :—

Provisions as to procedure in prosecutions.

- 45 (1.) The information shall be laid within *one* month, or when the offence is punishable at discretion by imprisonment within *two* months, after the commission of the offence ;
- (2.) It shall be sufficient to allege that a factory or work-room is a factory or work-room within the meaning of this Act without more ;
- 50 (3.) It shall be sufficient to state the name of the ostensible occupier of the factory or work-room, or the title of the firm, company, or association by which the occupier of the factory or work-room is usually known ;

- (4.) A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form ;
- (5.) In all cases of summary proceedings under this Act the defendant and his wife shall be competent to give evidence ; and 5
- (6.) Any person aggrieved by a summary conviction under this Act may appeal to the Supreme Court or to a District Court in the manner provided by "The Justices of the Peace Act, 1882." 10

(2.) *Miscellaneous.*

Persons found working in a factory presumed to have been employed.

75. If one or more persons be found in a factory or work-room, under such circumstances as in the opinion of the Court adjudicating raise a presumption that such person or persons have been employed in such factory or work-room contrary to the provisions of this Act, it shall be a presumption of law that such person or persons have been so employed ; but if any such person or persons are shown to be in any such factory or work-room while all the machinery of the factory or work-room be stopped, or for the sole purpose of bringing food to the persons employed in the factory, or if the time at which he or they are so found is shown to be the time allotted to meals, such presumption shall not be deemed to have arisen. 15 20

Yards, &c., open to view not to be deemed part of factory.

Yards, playgrounds, and places open to the public view, school-rooms, waiting-rooms, and other rooms belonging to the factory or work-room in which no machinery is used or manufacturing process carried on, shall not be taken to be any parts of the factory or work-room within the meaning of this enactment. 25

Claims for exemption from Act to be publicly advertised.

76. Any person making application to the Inspector or Minister to grant any exemption from any provision of this Act for a longer period than three months shall notify his intention to so apply by advertisement inserted in a daily or weekly newspaper circulating in the district in which the factory or work-room for which the exemption is required is situated, or by written notice sent to the Inspector, to be by him communicated to the Trades and Labour Council for the provincial district. Notice of the granting or refusal of any such exemption shall be gazetted. 30 35

Regulations to be made by Governor in Council.

77. The Governor in Council may from time to time make, alter, and repeal regulations, not inconsistent with this Act, prescribing—

- (1.) A scale of fees to be taken and received for the registration of factories and work-rooms under this Act, and the persons to whom the same shall be paid ; 40
- (2.) A scale of fees to be taken by medical authorities for examinations and reports made by such authorities in pursuance of the provisions of this Act, and for making provision generally with regard to such examinations and reports ; 45
- (3.) Forms of notices to be given under this Act, and the particulars to be set forth therein ;
- (4.) Forms of returns to be made by the occupiers of factories or work-rooms and by employers ; 50
- (5.) The duties of Inspectors, and the forms of tables to be kept and returns made by them from time to time to the Colonial Secretary ;

- (6.) The minimum space both of cubic and superficial feet to be reserved for each person working in a factory or workshop, having regard to the nature of the work, handicraft, or employment carried on therein.
- 5 (7.) The mode in which an appeal from the determination of an Inspector to the Board shall be made and conducted ;
- (8.) The trades and callings to be exempted under section *forty-nine*.
- 10 (9.) General regulations for carrying this Act into effect, and providing for the efficient operation thereof.

78. All fees received under this Act for the registration of factories or work-rooms shall be paid into the Public Account, and form part of the Consolidated Fund.

Fees to be paid into Public Account.

15 79. The salaries or remuneration of Inspectors, and all the other expenses of carrying out the provisions of this Act by the Government of the colony, shall be paid out of moneys from time to time appropriated for that purpose by the General Assembly.

Salaries of officers and expenses of Act to be paid out of appropriations by Parliament.

20 80. All moneys payable for carrying out such of the provisions of this Act as devolve upon Boards or other local authorities shall be paid and borne out of the ordinary funds of such Boards or local authorities, as the case may be.

Certain other expenses to be borne by Boards or other authorities.

81. The several Acts mentioned in the *Third* Schedule hereto shall, upon the commencement of this Act, be and the same are hereby repealed.

Repeal of Acts.

SCHEDULES.

Schedules.

FIRST SCHEDULE.

FEEES FOR REGISTRATION OF FACTORIES OR WORK-ROOMS.

	£	s.	d.
Every factory or work-room in which more than sixty persons are employed, per annum	3	3	0
Every factory or work-room in which more than thirty and not more than sixty persons are employed, per annum	2	2	0
Every factory or work-room in which more than ten and not more than thirty persons are employed, per annum	1	1	0
Every factory or work-room in which more than three and not more than ten persons are employed, per annum	0	10	0
Every other factory or work-room, per annum	0	5	0

SECOND SCHEDULE.

FACTORIES OR WORK-ROOMS IN WHICH THE EMPLOYMENT OF PERSONS IS RESTRICTED.

1. In a part of a factory or work-room in which there is carried on—
 - (a.) The process of silvering of mirrors by the mercurial process, or
 - (b.) The process of making white lead,
 a person under eighteen years of age shall not be employed.
2. In the part of a factory in which the process of melting or annealing glass is carried on, a male person under fourteen years of age, and a female person under eighteen years of age, shall not be employed.
3. In a factory or work-room in which there is carried on—
 - (a.) The making or finishing of bricks or tiles not being ornamental tiles, or
 - (b.) The making or finishing of salt,
 a girl under sixteen years of age shall not be employed.

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4. In a part of a factory or work-room in which there is carried on—
(a.) Any dry-grinding in the metal trade,
(b.) The dipping of lucifer-matches,
a person under sixteen years of age shall not be employed.
5. In any grinding in the metal trades other than dry-grinding, or in friction-cutting, a child shall not be employed.

THIRD SCHEDULE.

ACTS REPEALED.

1881, No. 23.—The Employment of Females and Others Act, 1881.

1884, No. 20.—The Employment of Females and Others Act 1881 Amendment Act, 1884.

1885, No. 34.—The Employment of Females and Others Act 1881 Amendment Act, 1885.

Except respectively in respect to shops and any persons employed therein.