

**THE LAW RELATING TO
FACTORIES AND WORKSHOPS:
WITH INTRODUCTION AND
EXPLANATORY NOTES**

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GEORGE JARVIS NOTCUTT

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**THE FACTORY & WORKSHOP ACT,
1878.**

THE LAW
RELATING TO
FACTORIES AND WORKSHOPS

WITH

Introduction and Explanatory Notes.

SECOND EDITION.
COMPRISING THE FACTORY AND WORKSHOP ACT, 1878, AND THE
ORDERS OF THE SECRETARY OF STATE MADE THEREUNDER.

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INTRODUCTION:

PRIOR to the passing of the Factory and Workshop Act, 1878, by the Factory Acts and the Workshop Acts were understood the laws which had been made, from time to time, for the purpose of regulating the employment of labour in the various branches of manufacturing industry. The former expression applied to the larger establishments known as factories, whilst the latter comprehended all those places where any handicraft work was carried on, on however small a scale, which did not come within any of the definitions of a "factory" under the Factory Acts; these last-mentioned establishments being distinguished by the legislature by the term "workshop" (a). The expression "The Factory Acts, 1833 to 1874," received a special definition, and comprised all the provisions of the statutes above referred to in force respecting factories, except 42 Geo. 3, c. 73, and 24 & 25 Vict. c. 117 (as to certain lace factories) (b). In like manner the expression "The Workshop Acts, 1867 to 1871," com-

(a) The term "factory" originally meant either the establishment or building occupied by factors, who conducted trade in foreign or colonial parts, or the collective body of such factors, and did not receive its present popular meaning (that is, a manufactory, or place where large numbers are employed in carrying on some manufacture) until about the close of the last century; when, owing to the more extensive use of machinery in the manufacture of cotton and wool, establishments began to be erected in various parts of the United Kingdom of considerably larger dimensions, and involving the employment of far greater numbers of workpeople than had before been known.

(b) 37 & 38 Vict. c. 44 (Factory Act, 1874), s. 1.

prised all of the provisions of those statutes in force respecting workshops (c).

The Acts applied, either by express enactment or by necessary implication to the whole of the United Kingdom of Great Britain and Ireland. And their enforcement was mainly secured by the very efficient system of inspection instituted by the provisions in that behalf of the statutes of 1833 and 1844.

It was at the beginning of the present century that the efforts of the legislature were first effectually directed towards the object of ameliorating the condition of children and young persons employed in manufacture, resulting in 1802 in the passing of 42 Geo. 3, c. 73, intituled "An Act for the preservation of the health and morals of apprentices and others, employed in cotton and other mills, and cotton and other factories." The operation of this statute, however, was limited to the manufacture of *cotton* and *wool*, and applied only to those mills and factories wherein *three* or more apprentices, or *twenty* or more other persons, were employed.

It was afterwards amended from time to time by various Acts, making several important additions to its provisions (see 59 Geo. 3, c. 86; 60 Geo. 3, c. 5; 6 Geo. 4, c. 63; 10 Geo. 4, c. 51; 10 Geo. 4, c. 63): but all these amending Acts were afterwards expressly repealed by 1 & 2 Will. 4, c. 39, s. 1. This statute, which was intituled, "An Act to repeal the Laws relating to Apprentices and other young Persons employed in Cotton Factories and Cotton Mills, and to make further Provisions in lieu thereof," and comprised a full code of provisions regulating the employment of labour in factories (so much so, indeed, as to seem to supersede and virtually repeal 42 Geo. 3, c. 73), was itself repealed by the Factory Act, 1833 (d), thus leaving 42 Geo. 3, c. 73, the only one of the earlier statutes unrepealed.

The statutes of 1833 and 1845 (3 & 4 Will. 4, c. 103,

(c) 34 & 35 Vict. c. 104 (Factory and Workshop Act, 1871), s. 2.

(d) 3 & 4 Will. 4, c. 103, s. 48.

and 7 & 8 Vict. c. 15) together constituted the foundation of the laws in force for the regulation of labour in factories throughout the United Kingdom up to the time of the passing of the Factory and Workshop Act, 1878. They were the results of much agitation amongst the classes most nearly interested in or affected by them, as well as of many Parliamentary and other official inquiries of a laborious and exhaustive character into the whole subject (*e*).

These statutes brought the manufactures of several materials besides cotton and wool (to which alone 42 Geo. 3, c. 73, had applied,) within the factory law, and established the machinery of inspection, by means of which the provisions of the Acts have been hitherto enforced.

In the following year was passed 8 & 9 Vict. c. 29

(*e*) It is not within the scope of this work to trace the course of the movement in which the factory laws originated, or to review the history of their gradual development. Reference for the purpose of information upon this subject may with advantage be made to "THE ENGLISH FACTORY LEGISLATION," by Ernst Edler Von Piener (First Secretary to the Imperial and Royal Austro-Hungarian Embassy in London), translated from the original German by F. L. Weinman; with an Introduction by A. J. Mundella, Esq., M.P.; London, Chapman & Hall, 1873. This treatise comprises within 200 pages an able and succinct history of the development and present working of the factory legislation in England, and of the causes which gave rise to it. "A special value and interest attaches to Herr Von Piener's history at this moment, from the fact that in almost all countries where manufacturing is conducted on an extensive scale, and where the social and educational condition of the people is an object of public solicitude, steps are being taken to adopt and extend the principles of the English factory legislation."—Mr. Mundella's Introduction, p. viii. The work was prepared with the view of promoting the carrying out of similar legislative measures on the Continent. It comprises a valuable appendix, containing abstracts of continental laws and regulations respecting the labour and education of children and young persons employed in factories, workshops, &c.

(intituled "An Act to regulate the labour of Children, "Young Persons, and Women in Print Works"), which consisted of a series of enactments, applying the principles of the Factory Acts to print works as therein defined. 33 & 34 Vict. c. 62 (Factory and Workshop Act, 1870), s. 3. But this Act together with its amending Act, 10 & 11 Vict. c. 70, was repealed, and those works were comprised within the provisions of the Factory Acts as "factories." *Id.*, ss. 4, 5.

The Factory Act, 1850 (13 & 14 Vict. c. 54), after repealing so much of the previous Acts, including 10 & 11 Vict. c. 29 (which had been passed in the interval for the purpose of limiting the hours of labour of young persons and females), as limited the hours of labour of young persons and women, substituted other provisions with respect to that matter.

So, by the Factory Act, 1853 (16 & 17 Vict. c. 104), a like provision was made with respect to children (that is, persons under the age of thirteen years).

By the Factory Act, 1856 (19 & 20 Vict. c. 38), some of the provisions of the Act of 1844 relating to dangerous machinery were amended.

In the year 1860, 23 & 24 Vict. c. 78 was passed, intituled "An Act to place the employment of Women, Young Persons, and Children in Bleaching Works and Dyeing Works under the regulations of the Factories Acts." It contained enactments applying the principles of the Factory Acts to those works as therein defined. 33 & 34 Vict. c. 62, s. 3. But this Act, together with its amending Acts (25 & 26 Vict. c. 8; 26 & 27 Vict. c. 38; 27 & 28 Vict. c. 98), were repealed, and the works in question subjected to the *immediate* operation of the Factory Acts as "factories" within the definition of the Factory Acts Extension Act, 1867 (30 & 31 Vict. c. 103, s. 3). *Id.*, ss. 4, 5.

The manufacture of lace had been expressly excepted from the interpretation of the term "factory" under the Factory Acts. (See 7 & 8 Vict. c. 15, s. 73; *post*, p. 127). But by 24 & 25 Vict. c. 117, factories in which machines for the manufacture of lace were moved by steam or water power were brought within the operation of the Factory Acts.