

485.

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,  
14th October, 1901.

[AS REPORTED FROM THE LABOUR BILLS COMMITTEE, 30TH OCTOBER, 1901.]

Rt. Hon. R. J. Seddon.

[\* Consequential amendments.]

### FACTORIES.

#### ANALYSIS.

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### A BILL INTITULED

Title. AN ACT to consolidate and amend the Law relating to Factories.  
BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:—

Short Title.  
Interpretation.  
1894, No. 31, s. 2.

1. The Short Title of this Act is "The Factories Act, 1901." 5

2. In this Act, unless inconsistent with the context,—

"Arbitration Court" means the Arbitration Court established under "The Industrial Conciliation and Arbitration Act, 1900": 10

"Asiatic" means a native of any part of Asia, or of the islands adjacent to Asia or in Asiatic seas, and the descendants of any such native; but does not include any of His Majesty's subjects or persons of European or Jewish extraction: 15

"District Health Officer" means the Health Officer appointed under "The Public Health Act, 1900":

"Factory" means—

(1.) Any building, office, or place in which two or more persons are employed, directly or indirectly, in any handicraft, or in preparing or manufacturing goods for trade or sale (but does not include any building in course of erection, nor any temporary workshop or shed for workmen engaged in the erection of such building); but (whatever the number of persons employed therein) includes— 20

(2.) Every bakehouse (meaning thereby any building or place in which any article of food is baked for sale for human consumption); and also

(3.) Every building or place in which steam or other mechanical power or appliance is used for the purpose of preparing or manufacturing goods for trade or sale, or packing such goods for transit; and also 30

(4.) Every laundry (meaning thereby every building or place where laundry-work is performed for hire or reward) whether the persons employed therein receive payment or not; and also 35

(5.) Every building or place in which any Asiatic is directly or indirectly employed in laundry-work, or any other handicraft, or in preparing or manufacturing goods for trade or sale, or in packing them for transit: 40

"Inspector" means any Inspector of Factories appointed under this Act:

1894, No. 31, s. 2,  
altered.

1894, No. 31, s. 2,  
altered.

1894, s. 2.

- “Local authority” means the Council of the borough or county or the Board of the road or town district in which any factory is situated :
- 5 “Male worker” means every male over the age of ~~eighteen~~ *sixteen* years :
- “Medical authority” means any legally-qualified medical practitioner appointed as a medical authority under this Act :
- 10 “Minister” means the Minister of Labour :
- “Occupier” means the person occupying any building, office, or place used or intended to be used as a factory, and includes any agent, manager, foreman, or other person acting or apparently acting in the general management or control of a factory ; and
- 15 In factories occupied by a body of persons, corporate or unincorporate, the working manager shall also be deemed to be included in the term “occupier” :
- “Person” includes a body of persons, corporate or unincorporate :
- 20 “Prescribed” means prescribed by regulations :
- “Privy” includes water-closet, earth-closet, and urinal :
- “Regulations” means regulations from time to time in force under this Act : 1894, s. 2.
- “Woman” means a female irrespective of age :
- 25 ~~Young person~~ “Boy” means any boy ~~or girl~~ under the age of ~~eighteen~~ *sixteen* years.

*Inspectors, and Medical Authorities.*

- 30 3. (1.) The Governor may from time to time appoint fit persons of either sex (whether qualified to be members of the Civil Service or not) to be Inspectors of Factories under this Act. Inspectors may be appointed. 1894, s. 5.
- (2.) Except as to appointment, every Inspector shall be subject to the laws and regulations affecting the Civil Service of the colony.
- (3.) An Inspector may hold office as Inspector under this Act in conjunction with any other office or employment which the 35 Governor deems not incompatible with his duties under this Act. Inspectors may hold office with other offices. Ibid. Chief Inspector. Ibid.
4. (1.) The Governor may from time to time appoint a fit person to be Chief Inspector, and a like person to be Deputy Chief Inspector.
- (2.) The Deputy Chief Inspector shall, under the control of the 40 Chief Inspector, perform such general official duties as he is called upon to perform under this Act or by the Chief Inspector. Deputy Chief Inspector.
- (3.) In case of the illness, absence, or other temporary incapacity of the Chief Inspector, the Deputy Chief Inspector shall act in his name and on his behalf, and while so acting shall have and 45 may exercise all the powers, duties, and functions of the Chief Inspector.
5. (1.) The Governor may, from time to time,—
- (a.) Appoint any legally qualified medical practitioners to be medical authorities for the purposes of this Act ; and also
- 50 (b.) Fix the remuneration of medical authorities. Governor may appoint medical authorities. 1894, s. 6.
- (2.) A medical authority appointed under this Act shall not, by reason of such appointment, be deemed to be in the Civil Service of the colony. Medical authority not a Civil servant. 1894, s. 7.

*Inspection.*

Powers of  
Inspectors.  
1894, s. 14.

## 6. Every Inspector may—

- (1.) Enter, inspect, and examine at all reasonable hours, by day and night, a factory, when he has reasonable cause to believe that any person is employed therein, and enter by day any place which he has reasonable cause to believe to be a factory; 5
- (2.) Take with him in either case a constable to assist him in the execution of his duty; 10
- (3.) Require the production of the certificate of registration held by the occupier of a factory, or any book, notice, record, list, or other document which the occupier of a factory is by this Act required to keep or exhibit therein, and inspect, examine, and copy the same; 10
- (4.) Make such examination and inquiry as he deems necessary in order to ascertain whether the provisions of this Act, or of any Act relating to the public health, are complied with, so far as respects a factory or the persons employed therein; 15
- (5.) 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, and require such person to make and sign a declaration under "The Justices of the Peace Act, 1882," of the matters respecting which he is so examined: 20

Provided that, on any examination or inquiry by an Inspector, no person shall be required under this section to answer any question tending to criminate himself; and 30

- (6.) Exercise such other powers and authorities as may be necessary for carrying this Act into effect.

Occupiers to allow  
entry and inspec-  
tion.  
1894, s. 15, altered.

7. (1.) The occupier of a factory, his agents and servants, shall at all times furnish the means required by an Inspector, or by an officer of the local authority, for any entry, inspection, examination, and inquiry, or the exercise of his powers under this Act or any enactment relating to the public health, in relation to the factory. 35

Ibid., s. 24, altered.

- (2.) Except for the purposes of this Act and the exercise of his functions under this Act, an Inspector shall not disclose to any person any information which, in the exercise of such functions, he acquires respecting any factory. 40

Obstruction of  
Inspector.  
Ibid., s. 16.

8. (1.) A person shall be deemed to obstruct an Inspector in the execution of his duties under this Act who—

- (a.) Without reasonable cause delays an Inspector in the exercise of any of his powers or duties under this Act; or 45
- (b.) Fails to comply with a requisition of an Inspector made under any such power, or to produce any document which he is required by this Act to produce; or
- (c.) Conceals or prevents, or attempts to conceal or prevent, any person from appearing before or being examined by an Inspector. 50

(2.) Every person who obstructs an Inspector in the execution of his duties under this Act is liable to a penalty not exceeding *five* pounds; and, where an Inspector is so obstructed in or about a factory, the occupier thereof is liable to a penalty not exceeding *five* pounds, or, when the offence is committed at night, not exceeding *twenty* pounds.

Penalty for obstruction.  
1894, s. 17.

9. (1.) Every Inspector shall be furnished with a certificate of his appointment in the prescribed form, and on applying for admission to a factory he shall, if required, produce such certificate to the occupier.

Inspector to have certificate of appointment.  
Ibid, No. 31, s. 18.

(2.) 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 pretends to be an Inspector, is liable to imprisonment with hard labour for any term not exceeding six months.

Penalty for forging.  
Ibid, s. 19.

### *Registration of Factories.*

10. (1.) Except as hereinafter provided, it shall not be lawful for any person to occupy or use as a factory any building, office, or place unless the same is duly registered as a factory under this Act.

Factory not to be used until registered.

(2.) Every occupier of a factory who commits a breach of this section is liable to a penalty not exceeding *five* pounds for every day during which the factory is unregistered: Provided that in the case of a first failure to register no prosecution shall be instituted without the permission of the Chief Inspector.

11. (1.) The application for registration shall be made in writing in the prescribed form to the Inspector, by or on behalf of the occupier or intending occupier, and shall specify—

Particulars to be specified in application.  
Ibid, s. 9, altered.

(a.) The name and situation of the intended factory;

(b.) The nature of the work to be carried on therein, and of the motive-power, if any, to be used therein;

(c.) The maximum number of persons to be employed therein;

(d.) The full names of the occupier or intended occupier thereof;

(e.) The name or style under which the business of the factory is to be carried on; and

(f.) Such other particulars as are prescribed.

(2.) In addition to his application, the applicant shall also deliver to the Inspector a sketch plan of the intended factory, to the Inspector's satisfaction.

Plan to be furnished.  
Ibid, s. 10, altered.

(3.) In any case where a satisfactory plan has been delivered to the Inspector in connection with any previous application for registration of the same factory, it shall be sufficient if, in lieu of delivering a fresh plan, the applicant refers the Inspector to the previous one.

12. As soon as practicable after receipt of the application, the Inspector shall examine the intended factory in order to satisfy himself that it is suitable for the purpose for which it is to be used, and also that it is in accordance with the plan.

Inspector to examine intended factory.

Inspector may require defects to be remedied.  
1894, No. 31, s. 13.

13. (1.) If the Inspector is of opinion that the intended factory or the plan thereof is defective in any respect, he shall, by requisition in writing served on the applicant, specify the defects, and inform him that the intended factory will not be registered until the defects are remedied to the Inspector's satisfaction.

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Appeal to local authority from such requisition.

(2.) If the applicant is dissatisfied with the requirements of the Inspector as specified in such requisition, he may appeal to the local authority; and in case of the applicant or the Inspector being dissatisfied, either of them may appeal to the District Health Officer, whose decision shall be final. After the decision on such appeal to the District Health Officer has been given the Inspector shall, upon payment of the registration-fee as hereinafter provided, register the factory, and issue to the applicant a certificate of registration.

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Mode of registration.

14. (1.) The registration shall be effected by entering in a register to be kept for the purpose such particulars relating to the factory as are prescribed.

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Certificate of registration.

(2.) The certificate of registration shall be in the prescribed form.

Registration-fee. Ibid, s. 12 and First Schedule. Increased fee payable if employes increased. Ibid, s. 12.

(3.) The fee specified in the *First* Schedule hereto shall be payable on every registration of a factory.

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15. In any case where, during the currency of the registration, the number of persons employed in the factory is so increased as to require a larger registration-fee, the occupier of the factory shall within seven days thereafter give written notice thereof to the Inspector, and pay the difference in value between the registration-fee already paid and the fee payable on such increased number.

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Duration of registration.

16. (1.) The certificate of registration shall continue in force until the close of the last day of March next succeeding the date of registration.

(2.) Every certificate of registration in force on the thirty-first day of December, one thousand nine hundred and one, shall continue in force until the close of the last day of March, one thousand nine hundred and two.

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#### *Records and Notices in Factories.*

Records to be kept in factory. 1894, s. 20.

17. (1.) In every factory the occupier shall at all times keep or cause to be kept a record, showing with substantial correctness,—

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(a.) The names of all persons employed in the factory, together with the respective ages of all such persons who are under twenty years of age;

(b.) The kind of work of each and every person employed in the factory;

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(c.) The earnings paid per week of each person employed in the factory; and

(d.) Such other particulars as are prescribed by regulation.

Notices to be exhibited and maintained.

(2.) He shall also at all times cause to be exhibited and maintained in some conspicuous place at or near the entrance of the factory, and in such other parts thereof as the Inspector from time

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to time directs, and in such a position as to be easily read by the persons employed in the factory, a notice containing—

- (e.) The name and address of the Inspector for the district ;  
 (f.) The name and address of the medical authority for the  
 5 district ;  
 (g.) The official address of the local authority ;  
 (h.) The holidays and the working-hours of the factory ; and  
 (i.) Such other particulars as are prescribed by regulation.
- (3.) If the occupier of a factory makes default in faithfully  
 10 complying with any of the provisions of this section, he shall be  
 liable to a penalty not exceeding *two* pounds for every day such  
 default occurs after the lapse of seven days from the date on which  
 the factory was first registered. Penalty for default  
herein.

#### *Hours of Work in Factories.*

- 15 18. (1.) Subject to the provisions of this Act, a male worker Limits to  
working-hours.  
 shall not be employed in or about a factory,—  
 (a.) For more than forty-eight hours, excluding meal-times, in  
 any one week ; nor  
 (b.) For more than eight hours and three-quarters in any one  
 20 day ; nor  
 (c.) For more than ~~four hours and a half~~ *five hours* continuously  
 without an interval of at least three-quarters of an hour  
 for ~~dinner~~ *a meal*—  
 (2.) ~~The foregoing limits of working hours shall not be deemed to~~  
 25 ~~apply\* to any male worker employed in getting up steam for machinery in~~  
~~factory, or in making preparations for the work of the factory, or\* to the~~  
~~trades referred to in the Second Schedule hereto.~~
3. (2.) Where in any award of the Arbitration Court, whether made  
 30 before or after the passing of this Act, provision is made for limiting  
 the working-hours in any trade this section shall in respect to such  
 trade, and so long as such award continues in force, be read and  
 construed subject to the award.

19. (1.) Subject to the provisions of this Act, a woman or Rules as to hours  
of work in factories.  
1894, ss. 54, 55.  
~~young person~~ *boy\** shall not be employed in or about a factory—  
 35 (a.) For more than forty-five hours, excluding meal-times, in  
 any one week ; nor  
 (b.) For more than eight hours and a quarter, excluding meal-  
 times, in any one day ; nor  
 (c.) For more than four hours and a quarter continuously  
 40 without an interval of at least three-quarters of an hour  
 for ~~dinner~~ *a meal* ; nor  
 (d.) At any time after one o'clock in the afternoon of one  
 working-day in each week as hereinafter mentioned ; nor  
 (e.) In the case of ~~females~~ *women,\** at any time between the hours  
 45 of six o'clock in the evening and eight in the morning :

Provided that, with the written consent of the Inspector, seven o'clock in the morning may, during such months as are specified in such consent, be substituted in lieu of eight o'clock in the morning, but so that the hours of work are not extended beyond eight hours and a quarter; nor 5

(f.) In the case of boys ~~under sixteen years of age,\*~~ at any time between the hours of six o'clock in the evening and a quarter to eight o'clock in the morning.

(2.) 19A. In order to prevent any evasion or avoidance of the foregoing limits of working-hours, all work done by any person employed in a factory for the occupier elsewhere than in the factory (whether the work is or is not connected with the business of the factory) shall be deemed to be done whilst employed in the factory, and the time shall be counted accordingly. 15

#### Overtime.

20. (1.) The prescribed number of working-hours may from time to time be extended, but such extension shall not in the case of women and ~~young persons~~ boys\* be—

- (a.) More than three hours in any day; or 20
- (b.) More than two *consecutive* days in any week; or
- (c.) More than thirty days in any year; or
- (d.) On any holiday or half-holiday.

(2.) On every such occasion no person shall be employed for more than four hours continuously without having an interval of at least half an hour for rest and refreshment. 25

(3.) Every person who is employed during such extended hours under this section shall be paid therefor at not less than one-fourth as much again as the ordinary rate:

#### *Struck out.*

Provided that in the case of persons employed in and at bush sawmills engaged solely at logging, breaking down, and sawing rough timber, the overtime shall only be payable for the extended hours worked during the week in excess of forty-eight hours. 30

Provided ~~further~~ that when the ordinary rate is by time, and not by piecework, the overtime rate shall not be less than sixpence per hour for those persons whose ordinary wages do not exceed ten shillings a week, and ninepence per hour for all other persons so employed; and shall be paid at the first regular pay-day thereafter. 35

(4.) The occupier of a factory shall at all times keep a record-book, called the "Overtime-book," wherein shall be entered a correct record showing, in the case of each person who is employed during such extended hours under this section, the name of the assistant, and the respective dates and periods of such employment. 40

(5.) The overtime-book shall at all times be open to the inspection of the Inspector. 45

(6.) The Inspector may at any time require the occupier to verify the entries in the overtime-book by statutory declaration in such form as may be prescribed by regulations.

Conditions under which limit of working-hours may be exceeded.  
1894, s. 55.  
1894, s. 42.  
Ibid, s. 54.

Overtime-book.



*Special Provisions as to Women and Young Persons Boys.\**

21. With respect to the employment of women and ~~young persons~~ *boys*,\* the following rules shall be observed in every factory:—

Restrictions as to deductions from wages, wet spinning, &c.

1894, s. 2; 1894, s. 56, altered. Ibid, s. 61. Ibid, s. 54.

5 (1.) The occupier of the factory shall not be entitled to make any deduction, set-off, or counter-claim against a claim for wages or other remuneration for work actually done, except to the extent of the special damage (if any) which he proves that he has suffered by reason of the unlawful act or default of the claimant in leaving the employment or being absent from the employment after the work was actually done as aforesaid.

10 (2.) A woman or a ~~young person~~ *boy*\* shall not be employed in any factory in which wet spinning is carried on, unless full and satisfactory provision is made to protect each of them from being wetted, and, where hot water is used, to prevent the escape of steam into any room in which any of them are employed.

15 (3.) A woman shall not be employed in any factory during the four weeks immediately after her confinement.

20 22. With respect to the meals and meal-times of women or ~~young persons~~ *boys*,\* the following rules shall be observed in every factory:—

Rules as to meals and meal-times.

Ibid, s. 44. Ibid, s. 45.

25 (1.) A woman or a ~~young person under the age of sixteen years,~~ *boy*\*, shall not be permitted to take any meal in any room in which any handicraft or manufacturing process is being or within the previous two hours has been carried on, or any person is or during the previous two hours has been engaged in work.

30 (2.) A woman or ~~young person~~ *boy*\* who under this Act is entitled to an interval for meals shall not be permitted to do any work or to remain in any workroom during such interval.

35 (3.) In every case where the number of women and ~~young persons under sixteen years of age~~ *boys*\* employed in the factory exceeds four, the occupier shall provide a fit and proper room in which they may take their meals:

40 Provided that in the case where four women or ~~young persons,~~ *boys*,\* or less, are employed in the factory the Inspector may authorise the said persons to take their meals in the workroom and remain therein:

45 Provided further that the Inspector may authorise a place of shelter within the factory to be used under this subsection, if satisfied that it is reasonably sufficient for the purpose, and is sufficiently secure from the weather and from public view.

50 (4.) Such place of shelter shall be furnished by the occupier to the Inspector's satisfaction with seats and tables, so as to permit of the meals being taken with reasonable comfort and security, and shall not be used for the storage of materials or goods.

Restrictions as to age of boys or girls employed in certain factories.

*Restrictions as to Age of Persons employed in Factories.*

23. With respect to the employment of boys or girls the following rules shall be observed in every factory :—

- (1.) A boy or girl under fourteen years of age shall not be employed except in special cases authorised in writing by the Inspector : 5

Such authorisation shall not be given in the case of a factory in which the total number of persons employed exceeds *three*.

- (2.) A girl under fifteen years of age shall not be employed as type-setter in any printing-office. 10

- (3.) A boy or girl under sixteen years of age shall not be employed in any room in which there is carried on—

(a.) Any dry-grinding in the metal trade, or

(b.) The dipping of matches of any kind. 15

- (4.) A girl under sixteen years of age shall not be employed in any factory in which there is carried on—

(c.) The making or finishing of bricks or tiles, not being ornamental tiles ; or

(d.) The making or finishing of salt. 20

- (5.) A girl under eighteen years of age shall not be employed in any room in which there is carried on—

(e.) The process of melting or annealing glass.

- (6.) A woman or ~~young person~~ *boy under eighteen years of age* shall not be employed in any room in which there is carried on— 25

(f.) The silvering of mirrors by the mercurial process ; or

(g.) The making of white-lead.

Restrictions on employment of boys or girls under sixteen.  
1894, ss. 58, 60.

24. Without limiting the foregoing restrictions as to the age of employment, the following rules shall be observed in every factory with respect to the employment of boys or girls under the age of sixteen years :— 30

- (1.) A boy or girl under sixteen years of age shall not be employed in any factory unless the occupier holds from the Inspector a certificate of fitness relating to the boy or girl. 35

- (2.) The occupier of the factory in which the boy or girl to whom the certificate of fitness relates is employed shall, on demand by the Inspector, produce to him the certificate. 40

- (3.) The occupier shall also deliver up the certificate to the Inspector as soon as the boy or girl ceases to be employed in the factory, and the Inspector shall hold it for reissue as and when required for the purpose of the future employment of the boy or girl. 45

Certificate of fitness as to such boys or girls.

Ibid, s. 59.

Ibid, s. 57.

Ibid, s. 59.

25. With respect to every certificate of fitness the following provisions shall apply :—

- (1.) It shall be in the prescribed form, and may be obtained without fee : 50

- (2.) It shall specify the full name and age of the boy or girl to whom it relates, and the nature of the employment for which the boy or girl is fit :

- (3.) It may be expressed to apply either to one or more specified factories, or generally to all factories of any specified description or class :
- 5 (4.) It may at any time be extended by the Inspector to any other specified factory, or description or class of factories :
- (5.) Such extension may be effected by indorsement of the certificate :
- 10 (6.) The certificate shall not be granted unless the Inspector is satisfied that the boy or girl to whom it relates is of the age specified therein, and is fit for the employment, and also has passed the Fourth Standard examination under "The Education Act, 1877," or some equivalent examination :
- 15       Provided that the educational requirement shall not apply in the case of a boy or girl whose age on arrival in the colony was over thirteen years, or who, by reason of having lived more than three miles from any available school, has, in the Inspector's opinion, had no reasonable opportunity of complying with such requirement.
- 20 (7.) Evidence as to age may be given by production of a certificate of birth (which, for the purposes of this section, the Registrar of Births shall supply to the Inspector without fee), or by a statutory declaration made by any person competent to depose to the fact.
- 25 (8.) Evidence as to fitness for employment may be given by statutory declaration, or in such other form as the Inspector thinks fit.
- (9.) Every statutory declaration under this section shall be exempt from stamp duty.
- 30 (10.) The certificate of fitness shall not operate to limit or remove any of the restrictions or conditions imposed by the Act in respect of the employment of boys or girls.
- (11.) The Inspector shall keep a register of all certificates of fitness issued by him.

35                               *"Sweating" in Factories.*

26. For the better suppression of what is commonly known as the "sweating evil," the following provisions shall apply in every case where the occupier of a factory lets or gives out work of any description in connection with textile or shoddy material, to be done  
40 by any person elsewhere than in the factory:—

Provisions to be observed when work given out to be done elsewhere than in factory.  
Ibid, s. 23.  
Ibid, s. 54.  
1896, s.

(1.) The occupier of the factory shall at all times keep or cause to be kept a record showing with substantial correctness—

- 45       (a.) The full name and address of each such person, and the situation of the place where he does the work ;  
      (b.) The quantity and description of the work done by each such person ; and

(c.) The nature and amount of the remuneration paid to him therefor.

(2.) If the work is done elsewhere than in a registered factory, the occupier of the factory by whom the work was let or given out shall cause to be affixed to each garment or other article upon which the work has been done a label in the prescribed form; and if he makes default in so doing, he shall be liable to a penalty not exceeding *one* pound for each article in respect whereof the default is made. 5

(3.) Every person who knowingly sells or exposes for sale any such article to which the appropriate label is not affixed is liable to a penalty not exceeding *ten* pounds. 10

(4.) Every person who wilfully removes from any such article the appropriate label before sale is liable to a penalty not exceeding *twenty* pounds. 15

(5.) If the person to whom the work is let or given out as aforesaid,—

(d.) Directly or indirectly sublets the work or any part thereof, whether by way of piecework or otherwise; or 20

(e.) Does the work or any part thereof otherwise than on his own premises, and by himself or his own workpeople to whom he himself pays wages therefor,— that person commits an offence, and is liable to a penalty not exceeding *ten* pounds for each such offence. 25

(6.) If the occupier of the factory by whom the work is let or given out as aforesaid knowingly permits or suffers any such offence as aforesaid to be committed, he shall be liable to a penalty not exceeding *fifty* pounds.

(7.) In any proceedings under this section against the occupier of a factory, the knowledge of his servants or agents shall be deemed to be his knowledge. 30

27. For all the purposes of the *last preceding* section every merchant, wholesale dealer, shopkeeper, agent, or distributor who lets or gives out textile or shoddy material to be made up into garments or other articles for sale, shall be deemed to do so as the occupier of a factory, and the provisions, obligations, and penalties of that section shall extend and apply accordingly. 35

28. Without in any way limiting the operation of the *two last preceding* sections, the following provisions shall apply in the case of every factory:— 40

(1.) If any person employed in a factory does any work for the factory elsewhere than in the factory, the occupier commits an offence, and shall be liable to a penalty not exceeding *ten* pounds for each such offence. 45

(2.) The person who, being employed in the factory, does such work elsewhere than in the factory also commits an offence, and is liable to a penalty not exceeding *five* pounds for each such offence:

Provided that nothing in this section shall be deemed to apply to any work which cannot by reason of its particular nature be performed on the premises. 50

Certain persons giving out work deemed occupiers of factories. 1894, s. 23.

Penalty when work done by employes elsewhere than in factories. 1896, s. 5.

*As to Payment of Wages.*

29. In order to prevent persons being employed in factories without reasonable remuneration in money, the following provisions shall apply :—

Provisions to secure reasonable remuneration to persons employed in factories.  
1899, No. 11.

- 5 (1.) Every person who is employed in any capacity in a factory shall be entitled to receive from the occupier payment for the work at such rate as is agreed on, being in no case less than five shillings per week for boys and girls under sixteen years of age, and thereafter an annual increase of not less than ~~two~~ *three* shillings weekly till 10 twenty years of age.
- (2.) Such rate of payment shall in every case be irrespective of overtime.
- 15 (3.) Such payment shall be made in full at not more than fortnightly intervals.
- (4.) If the occupier makes default for seven days in the full and punctual payment of any money payable by him as aforesaid, he shall be liable to a penalty not exceeding 20 *five* shillings for every day thereafter during which such default continues.
- (5.) Without affecting the other civil remedies for the recovery of money payable under this section to a person employed in a factory, civil proceedings for the recovery thereof may be taken by an Inspector in the name and on behalf 25 of the person entitled to payment, in any case where the Inspector is satisfied that default in payment has been made.
- (6.) No premium in respect of the employment of any person shall be paid to or be received by the occupier, whether 30 such premium is paid by the person employed or by some other person; and if the occupier commits any breach of the provisions of this subsection he shall be liable to a penalty not exceeding *ten* pounds.
- 35 (7.) In any case where a premium has been paid or received in breach of the *last preceding* subsection, or where the occupier has made any deduction from wages, or received from the person employed or from any person on his or her behalf any sum in respect of such premium or employment, then, irrespective of any penalty to which 40 he thereby becomes liable, the amount so paid, deducted, or received may be recovered from the occupier in civil proceedings instituted by an Inspector in the name and on behalf of the person concerned.

*Noxious Processes.*

45 30. (1.) The Governor may from time to time declare any specified handicraft, process, or employment to be noxious within the meaning of this section.

Meals not to be taken in room where noxious process carried on.  
1894, s. 46.

(2.) In every case where, in a factory, any such noxious handicraft, process, or employment is carried on, no person employed in 50 the factory shall be permitted to take any meal in any room or place

in which such noxious handicraft, process, or employment is being or during any previous part of the day has been carried on, anything in section twenty-two hereof to the contrary notwithstanding.

*Holidays in Factories.*

What holidays to be allowed without deduction from wages.  
1894, s. 63.

31. Except as provided by the *next succeeding* section, the occupier of a factory shall allow to every woman ~~or young person~~ and boy under eighteen years of age employed in the factory the following holidays, that is to say,— 5

(1.) A whole holiday on every Christmas Day, New Year's Day, Good Friday, Easter Monday, Labour Day, and birthday of the reigning Sovereign: 10

Provided that when Christmas Day, New Year's Day, or the birthday of the reigning Sovereign falls on a Sunday, then the whole holiday shall be allowed on the next ensuing Monday; and also 15

(2.) A half-holiday on every Saturday from the hour of one of the clock in the afternoon. 15

Exceptions as to newspapers.  
Ibid, s. 63.

32. (1.) Nothing in this Act shall be deemed to prevent,—

(a.) Any person being employed in a printing-office on the half-holiday for the purpose of printing or publishing an evening newspaper; nor 20

(b.) The substitution of other working-days as whole holidays in lieu of Easter Monday, Labour Day, and the Sovereign's birthday, in the case of persons employed in the printing and publishing of newspapers; nor 25

(c.) Any boy being employed on the half-holiday in the publishing or delivering of a newspaper.

(2.) For the purposes of this section, "newspaper" means a paper containing public news, printed for sale and published in New Zealand periodically, or in parts or numbers at intervals not exceeding twenty-six days between one publication and the next. 30

Wages payable to wage-earners for holidays.  
1894, s. 6

33. (1.) Wages for each whole or half-holiday shall in the case of each woman or ~~young person~~ boy under eighteen years of age be at the same rate as for ordinary working-days, and shall be paid at the first regular pay-day thereafter. 35

(2.) This section shall apply to every woman or ~~young person~~ boy under eighteen years of age who is paid by time-wages, whatever the time, and has been employed in the factory for at least twenty days during the four weeks next preceding the whole holiday, or for at least five days during the month next preceding the half-holiday, whether such employment has been on consecutive days or not, and whether the person employed has been continuously in the service of the occupier or not. 40

*Accidents in Factories.*

Rules to be observed to prevent accidents from machinery.  
1894 s. 27, altered.

34. For the better prevention of accidents the following rules shall at all times be observed in a factory in which machinery is used:— 45

- 5 (1.) Where belts or pulleys are used, the factory shall be furnished with belt-shifters or other safe mechanical contrivances for the purpose of throwing the belts and pulleys on and off, and wherever practicable loose pulleys shall be provided.
- (2.) All vats, pans, saws, planers, cogs, gearing, belting, shafting, set-screws, and other dangerous appliances shall be fenced off or otherwise supplied with efficient safeguards.
- 10 (3.) The safeguard shall not be removed whilst the appliance to which it relates is in use, unless for the purpose of making immediate repairs, and in such case the safeguard shall be replaced as soon as the repairs are effected.
- 15 (4.) If the Inspector considers any appliance to be unsafe he may prohibit its use by affixing to it a notice under his hand containing the words, "The use of this [*name of the appliance*] is prohibited, as being unsafe."
- 20 (5.) Such notice shall not be removed except by the Inspector, nor until he is satisfied that the appliance has been rendered safe; and until the notice is removed by him the appliance shall not be used.
- 25 (6.) Without limiting the operation of the foregoing rules, the Inspector may, by requisition to the occupier, require the occupier to repair or safeguard any specified appliance, or to remedy any specified defect in the machinery.

30 35. If default is made in faithfully observing any rule specified in the *last preceding* section, the occupier of the factory shall be liable to a penalty not exceeding *ten* pounds, and to a further penalty not exceeding *two* pounds for every succeeding day during which the default continues.

Penalty for default.  
1894, s. 27.

*Struck out.*

35 36. (1.) If, in consequence of any such default as aforesaid, an accident occurs, causing death or bodily injury to any person, then, in addition to the occupier's liability under the *last preceding* section, he shall be liable to a penalty not exceeding *one hundred* pounds, the whole or any part of which may, in such manner as the Minister directs, be applied for the benefit of the person injured, or of his family or dependents if he has been killed.

Penalty for death or injury through default of occupier.  
Ibid, s. 23, altered.

40 (2.) The penalty imposed by this section shall be deemed to be in lieu of any penalty imposed by "The Inspection of Machinery Act, 1882," in respect of the corresponding default under that Act.

Limitation

45 (3.) The occupier shall not be liable under this section if proceedings under the *last preceding* section to recover the penalty thereby imposed in respect of the default have been taken and dismissed on the merits within one month before the accident occurred.

50 (4.) Nothing in this section shall operate to in any way relieve the occupier from any liability which, independently of this Act, he may incur for damage or compensation in respect of the accident or its consequences.

Procedure in case  
of accident or  
bodily injury.  
1894, ss. 29, 30.

37. In every case where there occurs in a factory an accident causing death or serious bodily injury to any person employed therein the following provisions shall apply:—

- (1.) The occupier shall forthwith serve the Inspector and also the medical authority with written notice specifying the nature of the accident, the name and residence of the person killed or injured, and the place, if any, to which he has been removed. 5
- (2.) If the notice is not duly served as aforesaid within forty-eight hours after the accident occurred the occupier shall be liable to a penalty not exceeding *ten* pounds. 10
- (3.) As soon as practicable after receiving the notice the medical authority, and also the Inspector, shall proceed to the factory and make full inquiry into the cause and nature of the accident, and the nature and extent of the injuries. 15
- (4.) Within twenty-four hours after making such inquiry the medical authority shall send a written report thereof to the Inspector.
- (5.) For the purpose of such inquiry the medical authority shall have all the powers of entry, investigation, examination, and otherwise which by this Act are conferred upon an Inspector, and may exercise the same not only at the factory, but also in any room, building, or place to which the person killed or injured has been removed. 20
- (6.) In respect of each accident inquired into and reported on by the medical authority he shall be entitled to receive from the Board such fee as is prescribed by regulations under this Act. 25
- (7.) For the purposes of this section the expression "serious bodily injury" means an injury which is likely to incapacitate the sufferer from work for at least forty-eight hours. 30

*Fires in Factories.*

Rules to prevent  
accidents from fires.  
1894, s. 38.

38. For the better prevention of fires, and of accidents resulting from fires, the following rules shall be observed in every factory in which work is carried on by more than three persons upon a floor situate above the ground floor:— 35

Fire-escapes.

- (1.) Efficient fire-escapes shall be provided for every work-room situate on any such first-mentioned floor.
- (2.) The plan and system of fire-escape may be prescribed by regulations, and, in so far as no such regulation is made, the Inspector, if not satisfied with the plan or system adopted, may by requisition to the occupier direct another specified plan or system to be provided. 40
- (3.) Every door, whether internal or external, shall be hung so as to open outwards. 45
- (4.) At all times while persons are actually working in a room, every door of the room or of any passage or staircase leading to the room, or serving as means of entrance or exit for the room, shall be kept clear and unfastened, so as to admit of quick and easy egress. 50

Doors to open  
outwards.  
1894, No. 31, s. 39.



- (5.) The provisions of the two *last preceding* subsections shall apply also to the outer or entrance door by which the persons employed in the factory usually enter or leave, whether such door belongs to the factory or not.
- 5 (6.) Staircases and steps leading from one floor to another, or to the ground, shall be provided with substantial handrails, and shall also, if the Inspector by requisition to the occupier so directs, be provided with slats or some other sufficient appliance to prevent slipping.
- 10 (7.) If the Inspector considers any stairway or passage to be so steep, narrow, winding, intricate, insecure, or otherwise defective as to be unsafe, he may by requisition to the occupier direct the defect to be remedied.

*Sanitation of Factories.*

- 15 39. For the better sanitation of factories the following rules shall at all times be observed in a factory :—
- Sanitation rules.  
Ibid, s. 31.  
Ibid, s. 40 ; 1896, s. 8.  
1894, s. 39.
- (1.) The factory shall be kept in a cleanly state, and free from any smell or leakage arising from any drain, privy, or any other nuisance.
- 20 (2.) Sufficient privy accommodation shall be provided for all persons employed in the factory, and, where members of both sexes are employed, not being members of the same family, the accommodation shall be entirely separate for each sex, so as to insure privacy.
- 25 (3.) The factory shall not be overcrowded so as to be hurtful to the health of the persons employed therein. 1894, s. 32.
- (4.) The factory shall be ventilated in such manner as to provide a sufficient supply of fresh air, and to carry off and render harmless, as far as practicable, all gases, fumes, dust, and other impurities arising in the course of the work carried on in the factory.
- 30 (5.) Without limiting the operation of the *last preceding* subsection, the Inspector may by requisition to the occupier require the occupier to supply fans or other efficient appliances to carry off and render harmless all such gases, fumes, dust, and other impurities. Ibid, s. 41.
- 35 (6.) The Inspector may from time to time, by requisition to the occupier, determine as to the factory or any workroom therein what space of cubic or superficial feet shall be reserved for the use of each person working therein, and the occupier shall cause the same to be reserved accordingly, and such space shall not be less than that prescribed from time to time by regulations. Ibid, s. 33.
- 40 (7.) The space so to be reserved shall not be deemed to be reserved unless it is kept properly lighted and ventilated, and clear from all materials, goods, or tools other than those actually used or required by the person for whom the space is to be reserved.
- 45 (8.) A sufficient supply of fresh drinking-water shall be provided for the free use of the persons employed in the factory.
- 50 40. In the case of every factory which is a bakehouse the following rules shall at all times be observed :—
- Special sanitary rules for bake-houses.  
Ibid, s. 47.

- (1.) Once at least within every six months all the inside walls, ceilings, and roofs of the factory, and of every room therein, and all the passages and staircases therein, shall be thoroughly cleansed with lime-wash, or with such other cleansing agent as is approved by the Inspector : 5

Provided that if within the previous seven years they have been properly oil-painted with at least three coats of paint, or varnished with at least three coats of varnish, then soap and hot water may be used instead of lime-wash. 10

- (2.) For the purposes of the *last preceding* subsection, the occupier shall furnish from time to time evidence to the satisfaction of the Inspector as to how and when the aforesaid portions of the factory and its rooms were cleansed, painted, or varnished as the case may be. 15

1894, s. 48.

- (3.) 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 such place is effectually separated from the bakehouse by a partition extending from floor to ceiling, and is also fitted with an external glazed window, of at least nine square feet in area, of which at least four and a half square feet are made open for ventilation. 20

Ibid, s. 50.

- (4.) A privy or ashpit shall not be suffered to exist within or to be connected directly with the bakehouse. 25

- (5.) For the purposes of the two *last preceding* subsections, "bakehouse" means any room or part of the factory in which flour, bread, or other food products are kept or treated, or any baking or bread-making process is carried on. 30

- (6.) Every cistern or pipe for supplying water to the factory shall be separate and distinct from any cistern ~~or pipe~~ ~~for~~ supplying water to a privy.

- (7.) A drain or pipe for carrying off fœcal matter or sewage shall not have an opening within the factory. 35

Penalties for defaults in respect of bakehouses. 1894, ss. 50, 51.

41. (1.) If in any factory, being a bakehouse, default is made in faithfully observing any of the rules prescribed by the *last preceding* section, the occupier of the factory shall be liable to a penalty not exceeding *two* pounds on a first conviction, and not exceeding *five* pounds on any subsequent conviction for the same default. 40

(2.) If any person lets as a bakehouse, or suffers to be occupied or used as a bakehouse, any building or room with respect to which any of the provisions of subsections *four*, *six*, or *seven* of the *last preceding* section are not duly complied with at the time when he so lets it or suffers it to be occupied or used as aforesaid, that person shall be liable to a penalty not exceeding *two* pounds, and to a further penalty not exceeding *ten* shillings for every day during which it is so occupied or used as aforesaid while such non-compliance continues. 50

42. If any person employed in or in connection with any factory in the manufacture, handling, or delivery of any bread, meat, milk, confectionery, or other article for human consumption is in a state of health which, in the opinion of the Inspector, is likely to convey germs of disease or other contamination to any of the said articles, *the Inspector shall forthwith report the same to the District Health Officer,—*

Assistant's health likely to contaminate articles of food.

- (1.) The Inspector shall serve upon the person so employed, either personally or by posting the same addressed to him at the factory, a notice requiring him to submit himself for examination to a medical authority.
- (2.) The Inspector shall serve a ~~like~~ copy of such notice upon the occupier of the factory.
- (3.) Immediately upon the service of such notice the person so employed shall cease to do any work in the factory until he has produced to the Inspector a certificate from the medical authority that his state of health is not likely to convey germs of disease or other contamination to any of the said articles of food.
- (4.) If the person so employed does any work in or about such factory after service of the said notice upon him without first obtaining the said certificate, he shall be liable to a penalty not exceeding *two* pounds for every day on which he works in breach of this section.
- (5.) If the occupier of the factory, after service upon him of the said notice, employs such person, he shall be liable to the same penalty as is hereinbefore provided in the case of the person so employed.

43. The provisions of the *three* last preceding sections shall, *mutatis mutandis*, extend and apply in the case of every factory wherein is carried on the manufacture, preparation, or treatment of any article of food for sale for human consumption.

Provisions extended to factories manufacturing food.

44. The Minister may from time to time, by notice in the *Gazette*, extend in whole or in part, or with modifications as he thinks fit, the provisions of subsections *one* and *two* of section *forty* hereof to any other class or description of factory, and in such case those provisions shall extend and apply according to the tenor of the *Gazette* notice.

Power to extend provisions as to lime-washing.

45. (1.) If in any building, yard, or place adjoining a factory there exists any nuisance or other sanitary defect which, in the opinion of the Inspector, is likely to injuriously affect the proper sanitation of the factory or the health of the persons employed therein, he may, by requisition to the owner or occupier of such building, yard, or place, require him to effectually abate such nuisance or amend such defect within a time named in the requisition.

Nuisance adjoining factory to be removed. 1894, s. 34, altered.

(2.) If such owner or occupier fails to duly and faithfully comply with such requisition he shall be liable to a penalty not exceeding *five* pounds for every day during which such non-compliance continues.

Penalty.

(3.) The liability of such owner or occupier under this section shall be irrespective of his liability under any other Act: Provided that he shall not be punished twice for the same offence.

(4.) The Inspector shall not issue such requisition until he has notified the local authority of the nuisance or sanitary defect, nor unless the local authority has failed to cause the nuisance or sanitary defect to be abated or amended within a reasonable time after receiving such notification. 5

(5.) The provisions of section *fifty-six* hereof shall, *mutatis mutandis*, apply in the case of proceedings under this section.

Provisions to check spread of disease by infection or contagion. 1896, s. 4.

46. In order to check the risk of disease being spread by infection or contagion the following provisions shall apply:—

(1.) It shall not be lawful to manufacture or work up goods or materials, or to receive them for any such purpose, in any factory or dwellinghouse— 10

(a.) Wherein to the knowledge of the occupier of such factory or dwellinghouse there resides any person suffering from any infectious or contagious disease; or 15

(b.) Wherein any such person has so resided at any time during the previous fourteen days, unless and until the factory or dwellinghouse, and all such goods and materials therein, have been disinfected to the satisfaction of the Inspector. 20

(2.) Every person who commits or knowingly allows to be committed any breach of this section is liable to a penalty not exceeding *ten* pounds.

(3.) If any such goods or materials are found to be or to have been in any factory or dwellinghouse in breach of this section, the Inspector may cause them to be seized, removed, and disinfected at the expense in all things of the owner; and, on the summary application of the Inspector, a Stipendiary Magistrate may order them to be destroyed by the Inspector at the expense in all things of the owner. 25 30

(4.) All expenses for which the owner is liable under this section shall be recoverable in a summary way, in like manner as in the case of a penalty.

Proceedings as to nuisances or sanitary defects may be taken under other Acts. 1894, s. 34. Ibid, s. 35.

47. Where it appears to an Inspector that any nuisance or sanitary defect in or in relation to a factory, or to any premises adjoining or contiguous to a factory, may be more effectually remedied or dealt with under any enactment relating to the public health or to local government than under this Act, the following provisions shall apply:— 35 40

(1.) He shall give notice of such nuisance or sanitary defect to the local authority within whose jurisdiction the nuisance or defect exists, and it shall be the duty of that local authority to take all necessary action under such enactment in order to effectually abate such nuisance or remedy such defect, and in case of such local authority failing to act within seven days the Inspector shall apply to the District Health Officer, whose decision shall be final. 45

(2.) For the purposes of this Act, or of any such enactment as aforesaid, the Inspector may take with him into a factory any Health Officer, Inspector of Nuisances, sur-

veyor, or other officer of the local authority; and every such officer may at all reasonable times enter and inspect any factory.

- 5 (3.) If any such officer is obstructed or hindered in the exercise of any of the powers conferred upon him by this section, the person obstructing or hindering him commits an offence.
- 10 (4.) For the purposes of this section the Inspector of Factories shall have the same power of entry and inspection of adjoining or contiguous premises as if the same were part of the factory.

*Offences, Penalties, and Procedure.*

48. In every case where, by or under this Act,—

- 15 (1.) Any rule is required to be observed in a factory; or
- (2.) Any requisition of an Inspector is served on the occupier of a factory; or
- 20 (3.) Any requirement, obligation, or provision is imposed or enacted with respect to a factory, the conduct of its business, the treatment of the persons employed therein, or otherwise,—

the occupier shall cause each such rule, requisition, requirement, obligation, or provision to be faithfully observed and complied with, and if he fails so to do he commits an offence.

49. Every person who—

- 25 (1.) Forges, counterfeits, or fraudulently alters any certificate, consent, notice, or other document which an Inspector is authorised to give or issue under this Act; or
- (2.) Uses any such document knowing the same to be forged, counterfeited, or fraudulently altered; or
- 30 (3.) Personates any one named in any such document; or
- (4.) Wilfully makes any false entry in any register, record, notice, or book required or authorised under this Act; or
- (5.) Gives, or issues, or uses any certificate, consent, notice, or other document under this Act knowing the same to
- 35 be untrue in any material particular,—

commits an offence, and for each such offence shall, if no specific penalty is hereinbefore provided, be liable to a penalty not exceeding *twenty* pounds, or to imprisonment with or without hard labour for a term not exceeding *three* months.

- 40 50. In every case where a person under ~~eighteen~~ *sixteen* years of age is employed in a factory in breach of this Act, then, irrespective of the penalty to which the occupier of the factory thereby exposes himself, the parent of the person so employed commits an offence, and is liable to a penalty not exceeding *five*
- 45 pounds for such offence, and to a further penalty not exceeding *one* pound for each day during which such offence continues, unless he satisfies the Court that the offence was committed without his consent, connivance, or default.

Rules and requirements of Act to be complied with.

Offences as to certificates and other documents. 1894, ss. 70, 71.

Penalty on parent if young person employed in breach of Act. bid, s. 67.

Evidence as to person employed in breach of Act. 1894, ss. 53, 77.

51. In any proceedings against the occupier of a factory for employing any person therein in breach of this Act, the fact of the person being found in any room in which the work of the factory is going on shall be conclusive evidence that the person was then being employed in the room, unless the defendant satisfies the Court that the person was not being employed but was there either against the orders and without the knowledge, consent, or connivance of the occupier, or for the sole purpose of bringing food for persons employed in the factory. 5

Penalty where no specific penalty provided. Ibid, s. 65, altered.

52. Every person who commits any offence against this Act for which no specific penalty is elsewhere provided is liable to a penalty not exceeding *ten* pounds for each such offence, and if the offence is a continuing one, then to a further penalty not exceeding *five* pounds for each day on which the offence is continued after the first day. 10

Proceedings to be before Magistrate alone.

Ibid, s. 64.

53. All proceedings in respect of offences against this Act shall be taken in a summary way on the information or complaint of an Inspector, and shall be heard before a Stipendiary Magistrate alone. 15

Occupier may have actual offender charged.

Ibid, ss. 72, 73.

54. Where the occupier of a factory is charged with an offence, or is liable for an offence, the following provisions shall apply:— 20

(1.) On the information of the occupier, made before the charge against himself is disposed of, any other person whom he alleges to be the actual offender may be brought before the Magistrate on the same charge, and, to enable both charges to be heard together, the charges against the occupier may be adjourned for such time as the Magistrate thinks reasonable. 25

(2.) If the charges are heard together, and the offence is proved, but the Magistrate finds that it was committed in fact by the said other person, without the knowledge, consent, or connivance of the occupier, and, further, that the occupier had done all that could reasonably be expected of him to prevent the offence, then the said other person shall be deemed to be liable, and shall be convicted, and not the occupier. 30

(3.) If, before proceeding against the occupier, the Inspector is satisfied of such other person's liability, he shall proceed first against him instead of against the occupier, whereupon the provisions of the *last preceding* subsection shall, *mutatis mutandis*, apply, and if such other person is convicted (but not otherwise) the occupier shall cease to be liable. 35

Provisions where offence relates to sanitation or accidents.

55. In any proceedings against the occupier of a factory in respect of the non-observance of any rule under this Act relating to sanitation, or to the prevention of accidents, the following provisions shall apply:— 45

(1.) The Magistrate, in addition to or in lieu of imposing a penalty, may, by order, require the defendant to do any specified work, or to adopt any specified means for the purpose of preventing the further non-observance of the rule, and may specify a time within which the order shall be obeyed. 50

(2.) The time so specified may be extended by the Magistrate on the application of the defendant.

(3.) If the order is made in lieu of imposing a penalty, then the Magistrate shall adjourn the proceedings until the expiry of the time specified in the order; and if the order is duly obeyed, he may, if he thinks fit so to do, impose no penalty in respect of the offence.

(4.) If default is made in duly obeying the order within the time or extended time specified in that behalf, the defendant commits an offence, and is liable to a penalty not exceeding *five* pounds for every day during which such default continues.

(5.) Such last-mentioned penalty shall be irrespective of the penalty in respect of the original offence.

56. With respect to proceedings against any person for any offence against this Act the following provisions shall apply:—

Procedure in respect to proceedings.  
1894, s. 75, altered.

(1.) The proceedings shall be commenced within one month after the offence was committed if the maximum penalty does not exceed *five* pounds, and within *two* months thereafter in any other case:

Provided that if the offence consists of non-compliance with the Inspector's requisition, and notice of appeal has been given, then the proceedings shall not be commenced, nor shall the aforesaid limit of time begin to run, until the appeal has been disposed of.

(2.) The proceedings shall be deemed to be commenced when the information or complaint is laid or made.

(3.) For the purposes of the aforesaid limit of time a continuing offence shall be deemed to be committed on the latest day on which it is continued next preceding the commencement of the proceedings.

(4.) It shall be sufficient to state the name of the ostensible occupier of a factory, or the style or title under which the occupier is usually known or carries on business.

(5.) It shall lie on the defendant to bring himself under any exemption, proviso, excuse, or qualification, and it shall not be necessary to negative the same in the information or complaint.

57. The Inspector and every other person who may be dissatisfied with the judgment of the Court on any summary proceedings 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."

Right of appeal.

58. The payment by an occupier of any penalty under this Act for non-payment of overtime, or for non-payment of wages or salary in respect of a holiday, shall not relieve him from his civil liability to the person employed.

Civil liability to pay overtime or wages not affected.

#### Miscellaneous Provisions.

59. Where the operations of a factory are carried on in several adjacent buildings, enclosures, or places, all of them shall be

Adjacent buildings included in factory.  
1894, ss. 2, 77.

included as one and the same factory, notwithstanding that they may in fact be separated or intersected by a road, street, or stream, or by any building, enclosure, place, or space not forming part of the factory.

Mode of computing  
persons employed  
in factory.  
1894, s. 2.

60. In counting for any of the purposes of this Act the number of persons employed in a factory, the occupier, or, if the occupier is married, then the occupier together with husband or wife, as the case may be, shall be considered as one person so employed. 5

Provisions as to  
requisitions by  
Inspector to  
occupiers.

61. With respect to requisitions under this Act by the Inspector to the occupier of a factory, the following provisions shall apply:— 10

- (1.) The requisition shall be in writing under the hand of the Inspector, and shall be addressed to and served on the occupier as defined in section *two* hereof, under his usual business name or style. 15
- (2.) The requisition may be served either personally or by posting it in a registered letter addressed to the occupier at the factory.
- (3.) The requisition, when served as aforesaid, shall bind every person who by section *two* hereof is included in the definition of "Occupier." 20
- (4.) If the occupier considers the requisition to be unreasonable he may appeal to the Stipendiary Magistrate, by filing in the Magistrate's Courthouse nearest to the factory a notice of appeal, in the prescribed form, setting forth with reasonable particularity the grounds of the appeal. 25
- (5.) The appeal shall be void unless the notice of appeal is duly filed as aforesaid within seven days after service of the requisition.
- (6.) Upon the notice of appeal being duly filed, the Magistrate shall fix a time for the hearing of the appeal, being the earliest convenient time, and the Clerk of the Court shall, by notice in the prescribed form, notify the appellant and the Inspector that the appeal will be heard by the Magistrate at the Courthouse at the time so fixed. 30
- (7.) On the hearing of the appeal, the Magistrate may by order confirm, reverse, or modify the requisition as he thinks fit, and the order shall be final and binding on all parties. 35
- (8.) When the occupier, not being the owner of the property, is required to make any alteration of the building for sanitary purposes only under this section he may recover the cost of the same from the owner thereof. 40

Inspector to furnish  
local report.

62. Each Inspector shall, as and when prescribed by regulation or by the Minister, furnish to the Minister a local report in the prescribed form as to the operation of this Act in the district in which the Inspector has been acting. 45

Minister to prepare  
annual report.

63. From the local reports so furnished the Minister shall prepare an annual report for each year ending the thirty-first day of March, and lay the same within *one* month after the close of such 50