CAP. XXXVIII.

An Act for the further Amendment of the Laws relating to Labour in Factories. [30th *June* 1856.]

'WHEREAS an Act was passed in the Session of Parliament held in the Seventh and Eighth Years of Her present Majesty's Reign, Chapter Fifteen, intituled *An Act to amend the Laws relating to Labour in Factories:* And whereas by Section Twenty-one of the said Act it was amongst other things enacted, that all Parts of the Mill-gearing in a Factory should be securely fenced; and by Section Forty-three of the said Act Provision was made for referring to competent Persons as Arbitrators all Questions relating to Machinery which an Inspector or Sub-Inspector might observe in a Factory not securely fenced, and which he might deem to be likely to cause bodily Injury, and of which he should give Notice to the Occupier of a Factory; and by Sections Fifty-nine and Sixty certain Penalties are incurred for not fencing such Machinery, and for any Accident arising from such Non-fencing, and for any Disobedience of the Notice given by such Inspector or Sub-Inspector: And whereas Doubts have arisen as to the true Construction of the said several Sections; and it is expedient that such Doubts should be removed, and that the aforesaid Provision of the said Act should be explained and amended:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: 7 & 8 Vict. c. 15.

I. This Act may be cited for any Purpose as "The Factory Act, 1856." Short Title.

II. This Act shall commence and take effect on and from the First Day of *June* One thousand eight hundred and fifty-six. Commencement of Act.

III. The said recited Act and this Act shall be construed and executed as if they were One Act. Recited Act and this Act to be One.

IV. The said Section Twenty-one, so far as the same refers to the Mill-gearing, shall apply only to those Parts thereof with which Children and young Persons and Women are liable to come in contact, either in passing or in their ordinary Occupation in the Factory. To what Mill-gearing Sect. 21. to apply.

V. The Word "Machinery" in the said Section Forty-three shall be considered as applicable to and including all other Parts of the Mill-gearing in a Factory with which Children and young Persons are not liable to come in contact in passing or in their ordinary Occupation in the Factory; and the Word "Machinery," in the Twenty-fourth, Forty-second, Fifty-ninth, and Sixtieth Sections of the said Act, shall be considered as applicable to and as including Mill-gearing. The Word "Machinery" in Sect. 43. to extend to other Mill-gearing.

VI. Where, under the said Section Forty-three as amended by this Act, an Inspector or Sub-Inspector gives Notice in Writing to the Occupier of a Factory or his Agent in relation to any Part of the Machinery or any Driving Strap or Band not securely fenced which such Inspector or Sub-Inspector deems likely to cause bodily Injury to any Person employed in the Factory, if the Occupier of such Factory do not within the Time in this Behalf limited by the said Section make Application in Writing for referring the Question of the fencing of the Machinery, Strap, or Band to which the Notice refers to Arbitration, and with the least possible Delay appoint an Arbitrator, or if the Decision in any such Arbitration be that it is necessary and possible to fence the said Machinery, Strap, or Band, the Occupier of the Factory shall be liable to a Penalty of not less than Five Pounds and not more than Twenty Pounds if he do not within a reasonable Time after such Notice or Decision (as the Case may be) cause such Machinery, Strap, or Band to be well and securely fenced, and at all Times thereafter keep the same well and securely fenced. Penalty for not fencing Machinery after Notice.