



**Isle of Man**

*Ellan Vannin*

**AT 1 of 1909**

**THE FACTORIES AND WORKSHOPS ACT  
1909**





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## THE FACTORIES AND WORKSHOPS ACT 1909

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**Isle of Man***Ellan Vannin*

## THE FACTORIES AND WORKSHOPS ACT 1909

*Received Royal Assent:* 2 March 1909  
*Promulgated:* 5 July 1909  
*Commenced:* 5 January 1910

**AN ACT** for the regulation of Factories and Workshops, and for the protection of Persons employed therein.

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**GENERAL NOTE:** References to the Registrar-General are to be construed in accordance with the *General Registry Act 1965*.

### 1 Short title

This Act may be cited as “The Factories and Workshops Act, 1909”.

### 2 Interpretation

In this Act the following expressions have the meanings hereby assigned to them: —

“**Child**” [Repealed]<sup>1</sup>

“**Court of summary jurisdiction**” means a high-bailiff or two justices of the peace:

“**the Department**” means the Department of Environment, Food and Agriculture:<sup>2</sup>

“**Factory**” means any premises wherein, or within the close or curtilage or precincts of which, any manual labour is exercised by way of trade, or for purposes of gain, in or incidental to any of the following purposes, namely: —

- (i) the making of any article or part of any article; or
- (ii) the altering, repairing, ornamenting, or finishing of any article; or
- (iii) the adapting for sale of any article; or
- (iv) laundry work, bleaching, or dyeing;

and wherein, or within the close or curtilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there:

“**Inspector**” means an inspector appointed under the provisions of this Act:

“**Machinery**” includes any driving strap or band:

“**Mill gearing**” comprehends any shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley, or other appliance, by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process:

“**Occupier**” means the person occupying any building, office, or place used, or intended to be used, as a factory or workshop, and includes, any agent, manager, foreman, or other person acting, or apparently acting, in the general management or control of a factory or workshop; and,

In factories and workshops occupied by a body of persons, corporate or unincorporate, the working manager shall also be deemed to be included in the term “occupier”:

“**Owner**” means the person for the time being receiving the rackrent of the lands or premises in connection with which the word is used, whether on his own account or as agent or trustee for any other person, or who would so receive the same if such lands or premises were let at a rack rent:

“**Parent**” means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages of, a young person or child:

“**Prescribed**” means prescribed by the Department:<sup>3</sup>

“**Week**” means the period between midnight on Saturday night and midnight on the succeeding Saturday night:

“**Woman**” means a woman of the age of eighteen years and upwards:

“**Workshop**” means any premises, room, or place, not being a factory, in which premises, room, or place, or within the close or curtilage or precincts of which any manual labour is exercised by way of trade or for purposes of gain in or incidental to any of the following purposes, viz.: —

- (i) the making of any article or part of any article; or
- (ii) the altering, repairing, ornamenting or finishing of any article; or
- (iii) the adapting for sale of any article;
- (iv) laundry work (not carried on in a private laundry), bleaching, or dyeing;

and to or over which premises, room, or place, the employer of the persons working therein has the right of access or control:

“**Young person**” means a person who has ceased to be a child but is under the age of eighteen years.<sup>4</sup>

## INSPECTION

### **3 and 4 [Repealed]**<sup>5</sup>

### **5 Certificate of certifying surgeon as to age**

In case of any difficulty in obtaining a certificate of registration of the birth or baptism, a certificate of a qualified medical practitioner shall be obtained, stating that he has examined the person employed or desirous of being employed in a factory or workshop, and that he believes such person’s age is above or below the upper limit of compulsory school age.<sup>6</sup>

## SAFETY

### **6 Fencing of certain machinery**

- (1) Every flywheel directly connected with an engine, water wheel, or other mechanical power in any part of a factory, and every part of an engine or water wheel,
- (2) Every hoist or teagle near which any person is liable to pass or be employed; and
- (3) Every other part of the machinery or mill gearing of a factory which may, in the opinion of the inspector of the area in which such factory is situate, be dangerous if left unfenced, and which he may have ordered to be fenced,

shall, while the same is in motion, be kept by the occupier of such factory securely fenced.

Any order made under sub-section (3) of this section may be set aside, on appeal by the occupier of such factory or otherwise, by the Department.<sup>7</sup>

### **7 Regulation as to self-acting machines**

A woman or young person must not be allowed to work between the fixed and traversing part of any self-acting machine in any factory while the machine is in motion by the action of steam, water, or other mechanical power.

### **8 Restriction on cleaning when machinery is in motion**

- (1) A woman or young person must not be allowed to clean any dangerous part of the machinery in a factory while the machine is in motion by the aid of steam, water, or other mechanical power; and for this purpose such parts of the machinery shall, unless the contrary is proved, be

presumed to be dangerous as are so notified by an inspector to the occupier of the factory.

- (2) A woman or young person must not be allowed to clean such part of the machinery in a factory as is mill-gearing while the machinery is in motion for the purpose of propelling any part of the manufacturing machinery.

## NOTICES

### 9 [Repealed]<sup>8</sup>

### 10 Notice to inspector of opening of factory or workshop

Every person occupying a factory or workshop shall, within one month after the commencement of this Act, or within one month after he begins to occupy a factory or workshop, send to the inspector of the district where such factory or workshop is situate a written notice containing the name of the factory or workshop, and of the place where it is situate, the address to which he desires his letters to be addressed, the nature and amount of the moving power therein, and the name of the person under whom the business of the factory or workshop is to be carried on.

### 11 Registers to be kept by Department

The Department shall cause proper registers to be kept, in the prescribed form, of all notices given under the two preceding sections.<sup>9</sup>

## WOMEN AND YOUNG PERSONS

12 **[Repealed]**<sup>10</sup>

13 **[Repealed]**<sup>11</sup>

## OVERTIME

14 **[Repealed]**<sup>12</sup>

## WOMEN AND YOUNG PERSONS

15 **[Repealed]**<sup>13</sup>

16 **[Repealed]**<sup>14</sup>

17 **[Repealed]**<sup>15</sup>

18 **Persons deemed to be employed**

(1) **[Repealed]**<sup>16</sup>

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

## SANITARY PROVISIONS

19 **Statutory nuisances**

A factory, workshop or work place not kept in a clean state, or not ventilated, or overcrowded, is a statutory nuisance.<sup>17</sup>

20 **[Repealed]**<sup>18</sup>

21 **Factories and workshops to be kept ventilated**

The occupier of a factory or workshop shall cause the same to be sufficiently ventilated, to be kept in a cleanly state, and free from effluvia arising from any drain, privy, or other nuisance.

## BAKEHOUSES

22 **Underground bakehouses**

(1) A basement bakehouse shall not be used as a bakehouse unless it was so used at the date of the passing of this Act and a certificate of suitability

has been issued by the Department under this section, and any basement bakehouse which, for a period exceeding twelve months, is not used as a bakehouse shall not be so used again.<sup>19</sup>

- (2) It shall be the duty of the Department to carry out in the year beginning at the date of the commencement of this Act and in every fifth succeeding year after that year, an examination of every basement bakehouse and —
  - (a) if as the result of the examination the Department are not satisfied that the bakehouse is suitable for use as such as regards construction, height, light, ventilation, and any hygienic respect, they shall give notice in writing that a certificate under this section has been refused, or, if already granted, that the certificate shall cease to have effect after the expiration of such period, being not less than one month, as may be specified in the notice, and the basement bakehouse shall not be used as a bakehouse after the expiration of that period; or<sup>20</sup>
  - (b) if the Department are satisfied that the bakehouse is suitable as regards the matters aforesaid, they shall give notice in writing that a certificate is granted or that the certificate shall continue to operate so long as the bakehouse may otherwise lawfully be used, but without prejudice to the power of the Department to revoke the certificate as the result of a subsequent examination under this sub-section.<sup>21</sup>
- (3) Where the Department give notice that a certificate of a basement bakehouse has been refused or is to cease to have effect, the occupier may, within twenty one days of the notice, appeal by way of complaint to a court of summary jurisdiction, and the court may, if it is satisfied that the bakehouse is suitable as regards the matters aforesaid, by order direct that a certificate shall be granted or the certificate shall continue to operate as if a notice had been given under paragraph (b) of the last foregoing sub-section or may by order extend the period at the expiration of which the certificate is to cease to have effect, and pending the final determination of the appeal the certificate shall continue to operate.<sup>22</sup>
- (4) For the purpose of this section “basement bakehouse” means a bakehouse any baking room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room; and “baking room” means any room used for baking, or for any process incidental thereto.
- (5) The prohibition of the use of basement bakehouses under this section shall be enforced by the Department.<sup>23</sup>

**23 Additional provisions as to bakehouses**

During the period between and including the first day of October and the first day of May following, no person shall be employed for hire in any factory or workshop, being a bakehouse, at any time between the hours of ten o'clock in the afternoon and four o'clock on the following morning, except on the day preceding a bank holiday, and during one other day in each week, on which days such persons may be employed in such factory or workshop from midnight, and on one other day in each week, on which day such persons may be employed in such factory or workshop from three o'clock in the morning.

**24 [Repealed]<sup>24</sup>**

## PROCEDURE

**25 Proof of age to lie on accused person**

Where an act or omission would, if a person were under any particular age, be an offence under this Act, and such person is, in the opinion of the court before which the charge for such offence is being heard, apparently under such age, it shall lie on the accused to prove that such person is not under such age.

**26 Certificate as to age to be admissible as evidence**

A certificate of birth or baptism, or a declaration in writing by a qualified medical practitioner that he has personally examined a person employed in a factory or workshop, and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of that person.<sup>25</sup>

**27 Registrar-General to supply certificates to inspector free of charge**

An inspector shall be entitled to obtain, free of charge, from the Registrar-General a certificate of the birth of any person employed in a factory or workshop.

**28 Liability of occupier**

Every occupier of a factory or workshop shall be deemed primarily liable for any breach therein of this Act or of any rule or order made thereunder.<sup>26</sup>

**29 Penalties**

Any person guilty of any act, omission, or neglect in contravention of this Act, or of any order, rule, or regulation made under this Act (including an order by an inspector given under the provisions of this Act) shall be guilty of an offence under this Act.<sup>27</sup>

**30 to 34 [Repealed]<sup>28</sup>****RULES AND REGULATIONS****35 Power of Department to make rules and regulations**

The Department shall from time to time make rules and regulations consistent with this Act to provide for —

- (a) the fencing of machinery and mill gearing in factories:
- (b) proper means of escape in case of fire for the persons employed in factories and workshops:
- (c) the water supply to be maintained for the use of persons employed in factories and workshops:
- (d) the ventilation of factories and workshops, and their cleanliness (including limewashing, painting, varnishing and washing), and freedom from effluvia arising from any drain, privy, or other nuisance:
- (e) the prevention of such over-crowding of factories and workshops, while work is carried on therein, as is likely to be injurious to the health of the persons employed therein:
- (f) the inspection of factories and workshops:
- (g) the manner in which appeals under this Act to the Department are to be presented and heard:<sup>29</sup>
- (h) requiring occupiers of factories and workshops to furnish such returns, occasional or periodical, as may be necessary for the effectual carrying out of this Act: and
- (i) otherwise carrying out the purposes of this Act.<sup>30</sup>

**36 Procedure for making rules and regulations**

Before making rules or regulations under the preceding section the Department shall publish, in such manner as may in their opinion be sufficient for giving information to persons interested, a draft of the proposed rules or regulations, with a notice specifying a date (not less remote than one month from the publication of the notice) at or after which the draft will be taken into consideration, and shall consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified.<sup>31</sup>

**37 Approval of rules, regulations and orders by Tynwald Court**

As soon as the Department have made any rules or regulations under section 35 of this Act, such rules and regulations shall be laid by the Department before the Tynwald Court, and upon the expiration of one month from the date when any such rules and regulations have been laid before Tynwald, or if within such

period there has been no sitting of Tynwald, then, upon the termination of the first sitting of Tynwald held after the expiration of such period of one month, such rules and regulations shall become binding and operative in the same manner as if they had been enacted in this Act unless Tynwald, or either branch thereof, shall have previously passed a resolution annulling the same.<sup>32</sup>

## THE CROWN

### **38 Application of Act to Crown factories and workshops**

This Act applies to factories and workshops belonging to the Crown, but in case of any public emergency the Governor in Council may, by order, to the extent and during the period named by him, exempt from this Act any factory or workshop belonging to the Crown, or any factory or workshop in respect of work which is being done on behalf of the Crown under a contract specified in the order.<sup>33</sup>

### **39 Commencement of Act**

This Act shall come into operation on the expiration of six months from the promulgation thereof.<sup>34</sup>



## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Definition of “Child” repealed by Education (Work Experience) Act 1974 s 2.

<sup>2</sup> Definition of “the Department” inserted by GC192/86 and amended by SD155/10 Sch 5 and by SD2014/0218.

<sup>3</sup> Definition of “Prescribed” amended by GC192/86.

<sup>4</sup> Definition of “Young person” amended by Isle of Man Education Act 1949 Sch 8.

<sup>5</sup> Ss 3 and 4 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied GC58/80).

<sup>6</sup> S 5 amended by Education (Work Experience) Act 1974 s 2.

<sup>7</sup> S 6 amended by GC192/86.

<sup>8</sup> S 9 repealed by GC518/92.

<sup>9</sup> S 11 amended by GC192/86.

<sup>10</sup> S 12 repealed by Equality Act 2017 Sch 24.

<sup>11</sup> S 13 repealed by Children and Young Persons (Restriction on Employment) (Modification) Act 1980 s 5 and also by GC58/80.

<sup>12</sup> S 14 repealed by Equality Act 2017 Sch 24.

<sup>13</sup> S 15 repealed by Equality Act 2017 Sch 24.

<sup>14</sup> S 16 repealed by Equality Act 2017 Sch 24.

<sup>15</sup> S 17 repealed by Equality Act 2017 Sch 24.

<sup>16</sup> Subs (1) repealed by Equality Act 2017 Sch 24.

<sup>17</sup> S 19 substituted by Statute Law Revision Act 1997 Sch 1.

<sup>18</sup> S 20 repealed by Sewerage Act 1999 Sch 5.

<sup>19</sup> Subs (1) amended by GC192/86.

<sup>20</sup> Para (a) amended by GC192/86.

<sup>21</sup> Subs (2) amended by GC192/86. Para (b) amended by GC192/86.

<sup>22</sup> Subs (3) amended by GC192/86.

<sup>23</sup> S 22 substituted by Factories and Workshops Amendment Act 1939 s 3. Subs (5) amended by GC192/86.

<sup>24</sup> S 24 repealed by Statute Law Revision Act 1997 Sch 2.

<sup>25</sup> S 26 amended by Medical Act 1985 Sch 1.

<sup>26</sup> S 28 amended by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied GC58/80).

<sup>27</sup> S 29 amended by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied GC58/80).

<sup>28</sup> Ss 30 to 34 repealed by Health and Safety at Work etc. Act 1974 (of Parliament) Sch 10 (applied GC58/80).

<sup>29</sup> Para (g) amended by GC192/86.

<sup>30</sup> S 35 amended by GC192/86.

<sup>31</sup> S 36 amended by GC192/86.

<sup>32</sup> S 37 amended by GC192/86.

<sup>33</sup> S 38 amended by Governor's General Functions (Transfer) Act 1980 Sch 1.

<sup>34</sup> In operation 5 January 1910.