



# Rag Flock and Other Filling Materials Act 1951

## 1951 CHAPTER 63

### *Premises where filling materials are used*

#### **1 Upholstering, etc., to be done on registered premises**

- (1) Subject to the provisions of this section, it shall be unlawful in the course of a business to use filling materials to which this Act applies in any activity specified in subsection (2) of this section, except on premises registered by a local authority.
- (2) The activities referred to in the foregoing subsection are any form of upholstering and, without prejudice to the generality of that expression, the stuffing or lining of bedding, toys, baby carriages and of articles of such other kinds as may be prescribed:

Provided that there shall not be included among those activities—

- (a) the remaking or reconditioning of any article ; or
  - (b) any upholstering in connection with the building or making or fitting out of railway carriages, road vehicles, ships or aircraft or upholstering of such other kinds as may be prescribed.
- (3) A person who uses any unregistered premises in contravention of this section shall be guilty of an offence.

#### **2 Registration of premises**

- (1) A local authority shall, on the application of the occupier of, or of a person proposing to occupy, any premises within their area, and on payment to the local authority of a registration fee of one pound, register those premises for the purposes of this Act.
- (2) Upon any change in the occupation of premises registered under this section, the incoming occupier shall, if he intends to put them to a use which will necessitate their registration under this section, forthwith give notice of the change to the authority, who shall thereupon make any necessary alteration in their register.

If a person required to give a notice under this subsection fails to do so, he shall be liable on summary conviction to a fine not exceeding five pounds.

- (3) If at any time premises registered under this Act are no longer being put to a use necessitating their registration, the local authority may strike the relevant entry out of their register, but this shall be without prejudice to the right to make a further application under this section for registering the premises again.

### **3 Offences as respects unclean filling materials**

- (1) If on any premises registered under this Act there are filling materials to which this Act applies which are not clean, the occupier of the premises shall be guilty of an offence, unless he proves—
- (a) in the case of materials in an article, that the article is a second-hand one belonging to some other person and brought on to the premises to be reconditioned or remade; and
  - (b) in the case of materials not in an article, that they were brought on to the premises in such an article as aforesaid.
- (2) If any person sells, on the demand of a purchaser for filling materials to which this Act applies which are clean within the meaning of this Act, any filling materials to which this Act applies which are not clean, he shall be guilty of an offence.
- (3) In any proceedings under subsection (1) or subsection (2) of this section it shall be a defence for the defendant to prove—
- (a) that he purchased the filling materials alleged not to be clean as being clean within the meaning of this Act and with a written warranty to that effect; and
  - (b) that he had no reason to believe at the time of the alleged offence that the filling materials were not clean ; and
  - (c) that the filling materials were then in the same state as when he purchased them.
- (4) Where the defendant is a servant or agent of the person who purchased the material under a warranty, he shall be entitled to rely on the provisions of the last foregoing subsection in the same way as his employer or principal would have been entitled to do if he had been the defendant.