



Police, Factories, &c. (Miscellaneous Provisions) Act 1916

1916 CHAPTER 31

An Act to amend the Enactments relating to the Police and certain other Enactments with the administration of which the Secretary of State for the Home Department is concerned. [3rd August 1916]

BE IT ENACTED by the King'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:

PART I

POLICE

1 Retention by ex-constables of pensions whilst employed for the purposes of the war

- (1) Where for purposes connected with the present war a constable in receipt of a pension under the Police Act, 1890, has, whether before or after the passing of this Act, enlisted or entered or been granted a commission in any of His Majesty's forces, or obtained employment under the Admiralty or Army Council or the Ministry of Munitions, or entered or re-entered the service of any police force, subsection (2) of section thirteen of the Police Act, 1890 (which relates to the suspension of pension in cases of appointments to new offices) shall not apply and shall be deemed never to have applied except to such extent as the police authority may otherwise determine.
- (2) This section shall apply to Scotland with the substitution of references to the Police (Scotland) Act, 1890, for the references to the Police Act, 1890.

2 Payments to constables serving in the naval and military forces and their dependants

- (1) Where before the passing of this Act a police authority has resolved, promised, sanctioned or agreed to make to any constable serving in His Majesty's forces for the purposes of the present war, payments in excess of the amounts authorised by the Police Constables (Naval and Military Service) Acts, 1914 and 1915, any such excess payments up to the date of the passing of this Act, or such later date as may be determined by the Secretary of State, shall be deemed to have been lawfully made, and the Secretary of State may, if he thinks fit, sanction the continuance of such excess payments after such date as aforesaid, and shall do so in any case where it appears to him that the constable joined His Majesty's forces in reliance on such resolution, promise, sanction, or agreement, and that the amount of the excess is not unreasonable.
- (2) In the case of any constable who dies or has died whilst employed on naval or military service in respect of whom no pension or gratuity is payable from the Police Fund the police authority shall have power to return to any of his dependants, as defined in section one of the Police Reservists (Allowances) Act, 1914, the rateable deductions which have been made from his pay towards pension.
- (3) This section shall apply to Scotland with the substitution of a reference to the Secretary for Scotland for the reference to the Secretary of State.

3 Power of police authority to pension persons injured whilst assisting police

- (1) Where a police authority has accepted the offer of any person to assist the police in the execution of any of their duties connected with the present war, and such person is incapacitated by an injury received by him whilst rendering such assistance under the supervision or in accordance with the directions of the police authority, or dies from the effect of any injury so received without his own default, the police authority may grant to him or to his widow and children or any of them a pension or pensions and allowances at the same rates as under the Police Act, 1890, would have been payable had such person been a constable who had completed not more than five years' service and was drawing pay at the rate of five shillings a day, and all such pensions and allowances shall be paid out of the Police Fund.
- (2) This section shall apply to Scotland with the substitution of a reference to the Police (Scotland) Act, 1890, for the reference to the Police Act, 1890.

4 Amendment of 51 & 52 Vict. c.41 s.24(1) (i) and (j)

In paragraphs (i) and (j) of subsection (2) of section twenty-four of the Local Government Act, 1888, which relate to transfers and payments charged on the Exchequer Contribution Account in respect of the pay and clothing of the police, the expression "pay of the police " shall be deemed to include the pay of any women who may be employed by a police authority to perform any of the duties of the police and are required to devote the whole of their time to such employment.

5 Regulation of street collections

- (1) A police authority may make regulations with respect to the places where and the conditions under which persons may be permitted in any street or public place, within the police area, to collect money or sell articles for the benefit of charitable or other purposes, and any person who acts in contravention of any such regulation shall be

liable on summary conviction to a fine not exceeding forty shillings or in the case of a second or subsequent offence not exceeding five pounds:

Provided that—

- (a) regulations made under this section shall not come into operation until they have been confirmed by the Secretary of State, and published for such time and in such manner as the Secretary of State may direct; and
 - (b) regulations made under this section shall not apply to the selling of articles in any street or public place when the articles are sold in the ordinary course of trade, and for the purpose of earning a livelihood, and no representation is made by or on behalf of the seller that any part of the proceeds of sale will be devoted to any charitable purpose.
- (2) This section, except subsection (3) thereof, shall apply to Ireland with the following modifications :—
- (a) references to the Secretary of State shall be construed as references to the Lord Lieutenant; and
 - (b) references to a police authority shall, as respects streets and public places within the Dublin Metropolitan police district, be construed as references to the Chief Commissioner of Police for that district ; and as respects streets and public places not within that district, be construed as references to the Inspector General of the Royal Irish Constabulary.
- (3) The power to make byelaws conferred upon the council of a county in Scotland by section fifty-seven of the Local Government (Scotland) Act, 1889, shall include a power to make byelaws regulating the conditions under which persons may be permitted in any street, road, or public place within the county to collect money or sell articles for the benefit of charitable or other purposes, provided that such byelaws shall not apply to the selling of articles in any street, road, or public place when the articles sold are sold in the ordinary course of trade and for the purpose of earning a livelihood.
- (4) In this section—
- the expression " street " includes any highway and any public bridge, road, lane, footway, square, court, alley, or passage, whether a thoroughfare or not.

6 Extent of Part I

This Part of this Act shall not apply, except where otherwise expressly provided, to Scotland or Ireland.

PART II

FACTORIES AND WORKSHOPS

7 Provisions for securing welfare of workers in factories and workshops

- (1) Where it appears to the Secretary of State that the conditions and circumstances of employment or the nature of the processes carried on in any factory or workshop are such as to require special provision to be made at the factory or workshop for securing the welfare of the workers or any class of workers employed therein in relation to the matters to which this section applies, he may by Order require the occupier to make such reasonable provision therefor as may be specified in the order, and if the occupier

Status: This is the original version (as it was originally enacted).

fails to comply with the requirements of the order or any of them, the factory or workshop shall be deemed not to be kept in conformity with the Factory and Workshop Act, 1901.

(2) The following shall be the matters to which this section applies:—

Arrangements for preparing or heating, and taking, meals; the supply of drinking water ; the supply of protective clothing; ambulance and first aid arrangements ; the supply and use of seats in workrooms ; facilities for washing; accommodation for clothing; arrangements for supervision of workers.

(3) Orders may—

- (a) be made for a particular factory or workshop, or for factories or workshops of any class or group or description ;
- (b) be made contingent in respect of particular requirements upon application being made by a specified number or proportion of the workers concerned, and may prescribe the manner in which the views of the workers are to be ascertained ;
- (c) provide for the workers concerned being associated in the management of the arrangements, accommodation or other facilities for which provision is made, in any case where a portion of the cost is contributed by the workers ; but no contribution shall be required from the workers in any factory or workshop, except for the purpose of providing additional or special benefits which, in the opinion of the Secretary of State, could not reasonably be required to be provided by the employer alone, and unless two-thirds at least of the workers affected in that factory or workshop, on their views being ascertained in the prescribed manner, assent.

(4) If, in the case of any order proposed to be made for a particular factory or workshop, the occupier, or, in the case of an order for factories or workshops of a particular class or group or description, the majority of the occupiers of factories or workshops of that class or group or description, dispute the reasonableness of the requirements in the proposed order or any of them, the objection shall be referred for settlement to a referee selected in accordance with rules made under this section, but the Secretary of State may so refer any objection though not made by a majority of the occupiers if he thinks desirable.

(5) Save as otherwise expressly provided in the order, the occupier of a factory or workshop shall not make any deduction from the sum contracted to be paid by him to any workman or receive any payment from any workman in respect of any provision made in pursuance of an order under this section, and, if he makes any such deduction or receives any such payment, he shall be guilty of an offence against the Truck Act, 1831, and shall be liable to the penalties imposed by section nine of that Act as if the offence were an offence mentioned in that section.

(6) The Secretary of State may make rules as to the time within which, and the manner in which, notice of-objection to any order may be made, and as to the selection of, and the procedure before, a referee and the cost of the proceedings before a referee (including the remuneration of the referee).

(7) Any order made under this section may be revoked at any time in whole or in part by the Secretary of State, without prejudice to the making of a further order.

(8) This section shall not apply to domestic factories or workshops.

- (9) The Secretary of State may by a special order made in accordance with the provisions of section one hundred and twenty-six of the Factory and Workshop Act, 1901, extend the matters to which this section applies to matters other than those mentioned in this section.

8 Abolition of investigations of accidents by certifying surgeons

- (1) After the expiration of one month from the passing of this Act it shall cease to be the duty of certifying surgeons to investigate the nature and cause of death or injury caused by accidents in factories and workshops or in premises to which the provisions of the Factory and Workshop Acts, 1901 to 1911, relating to accidents, are applied, or to send to the inspector of the district reports thereof :

Provided that nothing in this section shall affect subsection (3) of section seventy-three of the Factory and Workshop Act, 1901, relating to the investigation by certifying surgeons of diseases occurring in factories and workshops :

Provided also that it shall continue to be the duty of the certifying surgeon to investigate and report upon cases of injury caused by exposure to gas, fumes, or other noxious substances or due to any other special cause specified in instructions of the Secretary of State as requiring investigation, and the Secretary of State shall issue instructions defining the causes of injury to which this provision is to apply and requiring the inspector of the district to refer to the certifying surgeon all such cases reported to him. It shall also be the duty of the certifying surgeon to investigate and report upon any case of injury which the inspector of the district in pursuance of any general or special instructions of the Secretary of State may refer to him for that purpose. The certifying surgeon shall have, for the purpose of the investigation in any such case, the same powers and shall be entitled to receive the same fee as he would if the case had been a case to which section seventy-three applies.

- (2) As from the same date the enactments mentioned in the Schedule to this Act shall be repealed to the extent mentioned in the Schedule to this Act.

9 Construction of Part II

This Part of this Act shall be construed as one with the Factory and Workshop Acts, 1901 to 1911.

PART III

MISCELLANEOUS AND GENERAL

10 Power to relax qualifications as to practical experience in mining where candidates for certificates have served in the navy or army

Rules made by the Board for Mining Examinations with the approval of the Secretary of State under section nine of the Coal Mines Act, 1911, may relax the qualifications as to practical experience in mining required to be fulfilled by applicants for certificates of competency prescribed by paragraph (b) of subsection (2) of that section in the case of men who have served in any of His Majesty's forces for the purposes of the present war for a period of at least one year, and who before such service had had practical experience in mining :

Provided that no person shall be entitled to receive or to be registered as the holder of a certificate of competency until he has completed the period of practical experience in mining required by the said paragraph.

11 Transfer to Board of Control of certain powers of Lunacy Commissioners

Section sixty-five of the Mental Deficiency Act, 1913, which transfers to the Board of Control the powers of the Commissioners of Lunacy under the Lunacy Acts, 1890 to 1911, and any Order in Council made thereunder shall extend and shall be deemed to have extended so as to transfer to that Board and members of that Board the powers of those Commissioners or any one or more of those Commissioners under any other enactment.

12 Amendment of 4 & 5 Geo.5 c. 58 s.3

Section three of the Criminal Justice Administration, Act, 1914 (which relates to the reduction of imprisonment imposed by a court of summary jurisdiction in respect of non-payment of sums of money), shall apply in all cases, whether or not the sum of money is adjudged to be paid by a conviction or order of a court of summary jurisdiction, and accordingly in that section the words " adjudged to be paid by a conviction or order of that or any other court of summary jurisdiction " shall be repealed, and for the words " the sum adjudged to be paid " there shall be substituted the words " the sum in respect of non-payment of which the imprisonment is imposed. "

13 Short title

This Act may be cited as the Police, Factories, &c. (Miscellaneous Provisions) Act, 1916.

SCHEDULE

Section 8(2).

ENACTMENTS REPEALED

Session and Chapter.	Short Title.	Extent of Repeal.
1 Edw. 7. c. 22	The Factory and Workshop Act, 1901.	Section twenty and subsection (3) of section one hundred and twenty-four, except so far as they are applied by subsection (3) of section seventy-three.
6 Edw. 7. c. 53	The Notice of Accidents Act, 1906.	Subsection (1) of section four from the words " and also in the case of accidents" to the end of the .subsection.