



# Rating and Valuation (Apportionment) Act 1928 (Repealed 19.5.1997)

1928 CHAPTER 44 18 and 19 Geo 5

*Provisions as to Industrial Hereditaments*

## 3 Definition of industrial hereditaments.

- (1) In this Act the expression “industrial hereditament” means a hereditament (not being a freight–transport hereditament) occupied and used as a mine or mineral railway or, subject as hereinafter provided, as a factory or workshop: <sup>F1</sup>
- (2) For the purposes of this Act any place used by the occupier for the housing or maintenance of his road vehicles or as stables shall, notwithstanding that it is situate within the close, curtilage or precincts forming a factory or workshop and used in connection therewith, be deemed not to form part of the factory or workshop, but save as aforesaid, the expressions “factory” and “workshop” have respectively the same meanings as in the Factory and Workshop Acts, 1901 to 1920.
- (3) Where two or more properties within the same curtilage, or contiguous to one another, are in the same occupation and, though treated as two or more hereditaments for the purposes of rating and valuation by reason of being situate in different parishes or of having been valued at different times or for any other reason, are used as parts of a single mine, mineral railway, factory, or workshop, then, for the purposes of determining whether the several hereditaments are industrial hereditaments they shall be treated as if they formed parts of a single hereditament comprising all such hereditaments.
- (4) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“Mine” has the meaning assigned to it by section one hundred and twenty–two of the <sup>M1</sup>Coal Mines Act, 1911, or section forty–one of the <sup>M2</sup>Metalliferous Mines Regulation Act, 1872, as amended by subsection (2) of section nineteen of the <sup>M3</sup>Mining Industry Act, 1920, as the case may require, but also includes any premises, place, or works, whether below ground or above ground, primarily occupied and used for the purpose of draining or otherwise

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protecting from damage any mine or group of mines or occupied and used for pumping or raising brine for the purpose of manufacture or sale from shafts, wells, springs, or mines:

“Mineral railway” means a railway, tramway, or ropeway used primarily for the transport of minerals gotten from a mine, or from two or more mines, to a freight–transport hereditament or between any two such hereditaments or to any dock not being a freight–transport hereditament and in the latter case includes also such dock:

“Public supply undertaking” means any undertaking primarily carried on for the supply of gas, water, electricity or hydraulic power for public purposes, or to members of the public, or to any one or more undertakings carried on under any special Act or Order having the force of an Act:

“Retail shop” includes any premises of a similar character where retail trade or business (including repair work) is carried on.

#### Textual Amendments

**F1** Proviso excluded by [S.I. 1986/342](#), [reg. 2 \(b\)](#)

#### Modifications etc. (not altering text)

**C1** [Factory and Workshop Act 1901 \(c. 22\)](#) was repealed by [Factories Act 1937 \(c. 67\)](#), s. 159(3), [Sch. 4](#) with the saving that nothing in that Act should affect the definition of the expressions "factory" and "workshop" for the purposes of this Act, and accordingly s. 149 of, and Sch. 6 to, the repealed Act are reproduced below for the purpose of construing this Act.

**C2** [S. 3\(4\)](#) saved by [Mines and Quarries Act 1954 \(c. 70\)](#), [s. 19\(7\)](#)

#### Marginal Citations

**M1** [1911 c. 50.](#)

**M2** [1872 c. 77.](#)

**M3** [1920 c. 50.](#)

## 149 Factories and workshops to which Act applies.

(1) Subject to the provisions of this section, the following expressions have in this Act the meanings hereby assigned to them; that is to say:—

The expression “textile factory” means any premises wherein or within the close or curtilage of which steam, water or other mechanical power is used to move or work any machinery employed in preparing, manufacturing or finishing or in any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, china–grass, cocoa–nut fibre or other like material, either separately or mixed together or mixed with any other material, or any fabric made thereof:

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works and hat works shall not be deemed to be textile factories:

The expression “non–textile factory” means—

- (a) any works, warehouses, furnaces, mills, foundries or places named in Part One of the Sixth Schedule to this Act; and
- (b) any premises or places named in Part Two of the said schedule wherein or within the close or curtilage or precincts of which steam, water or

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other mechanical power is used in aid of the manufacturing process carried on there; and

- (c) 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 of part of any article; or
  - (ii) the altering, repairing, ornamenting or finishing of any article; or
  - (iii) the adapting for sale of any article,

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:

The expression “factory” means textile factory and non-textile factory or either of those descriptions of factories:

The expression “tenement factory” means a factory where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts constitute in law separate factories; and, for the purpose of the provisions of this Act with respect to tenement factories, all buildings situate within the same close or curtilage shall be treated as one building.

The expression “workshop” means—

- (a) any premises or places named in Part Two of the Sixth Schedule to this Act which are not a factory; and
- (b) 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 premises 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 of part of any article; or
  - (ii) the altering, repairing, ornamenting or finishing of any article; or
  - (iii) the adapting for sale of any article,

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

The expression “workshop” includes a tenement workshop.

The expression “tenement workshop” means any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a workshop if the persons working therein were in the employment of the owner or occupier.

- (2) A part of a factory or workshop may, with the approval in writing of the chief inspector, be taken for the purposes of this Act to be a separate factory or workshop.
- (3) A room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act.
- (4) Where a place situate within the close, curtilage or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, that place shall not be deemed to

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form part of the factory or workshop for the purposes of this Act, but shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop and be regulated accordingly.

- (5) A place or premises shall not be excluded from the definition of a factory or workshop by reason only that the place or premises is or are in the open air.
- (6) The exercise by any young person or child in any recognised efficient school, during a portion of the school hours, of any manual labour for the purpose of instructing the young person or child in any art or handicraft, shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

#### SIXTH SCHEDULE

List of Factories and Workshops.

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**Modifications etc. (not altering text)**

- C3** [Factory and Workshop Act 1901 \(c. 22\)](#) was repealed by [Factories Act 1937 \(c. 67\)](#), s. 159(3), [Sch. 4](#) with the saving that nothing in that Act should affect the definition of the expressions "factory" and "workshop" for the purposes of this Act, and accordingly s. 149 of , and Sch. 6 to, the repealed Act are here reproduced for the purpose of construing this Act.

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