

Raymond Hill

From: Raymond Hill
Sent: 26 July 2012 17:38
To: 'Nuala.NiMhuircheartaigh@dfa.ie'
Cc: 'Maeve O'Rourke'; 'Claire McGettrick'
Subject: JFM Submission
Attachments: Factories Welfare SI 1920 html.htm; Births and Deaths Registration Act (Ireland) 1880.pdf; Factory and Workshop Act 1901.pdf; Factory and Workshop Act 1907.pdf; Registration of Births and Deaths (Ireland) Act 1863.pdf; Pre-1922 legislative framework.doc

Dear Ms Ni Mhuircheartaigh,

I am currently working with Maeve on JFM's submission. Maeve has asked me to forward to you a list of the Irish and pre-1922 UK legislation which JFM wishes to rely on, together with a list of the relevant pre-1922 UK Parliamentary debates. I should say that we intend to send a tabbed and paginated paper copy of all of the items referred to below with the final version of the submission.

Relevant pre-1922 UK legislation and debates regarding factories

Maeve has set out in the attached memo the history of the pre-1922 legislation which applied to the operation and inspection of the Magdalene Laundries. The relevant UK provisions are:

(UK) Factory and Workshop Act 1901

(UK) Factory and Workshop Act 1907

(UK) Police, Factories and Miscellaneous Provisions Act 1916

(UK) Laundry Workers (Welfare) Order 1920

Maeve has also provided in her memo the links to a series of debates in the UK Parliament between June 1901 and August 1909 which refer to the Laundries. Our submission will make further arguments as to the significance of these materials, but we thought it sensible to forward them through to you as soon as possible so that you can start considering them. There are two further pre-1922 documents which Maeve mentions which I would be happy to scan and send through to you on Monday – one is the 1905 List of Laundries which had agreed to voluntary inspection and the other is the 1909 Report of the Factories Inspector.

Relevant Irish legislation regarding factories

JFM intends to refer to the Factories Act, 1955
Factories Act, 1955

And a series of SIs made pursuant to the 1955 Act. We will explain further which bits we rely on and include paginated copies with the submission.

S.I. No. 165/1956 — Factories (Certificates of Fitness of Young Persons) Regulations, 1956.

S.I. No. 166/1956 — First-Aid in Factories Regulations, 1956.

S.I. No. 171/1956 — Factories (Sanitary Accommodation) Regulations, 1956.

S.I. No. 174/1956 — Factories (Preparation of Steam Boilers For Examination) Regulations, 1956.

S.I. No. 175/1956 — Factories (Cleanliness of Walls and Ceilings) Order, 1956.

S.I. No. 177/1956 — Factories (General Register) Regulations, 1956.

S.I. No. 180/1956 — Factories (Notification of Accidents) Regulations, 1956.

2572

S.I. No. 181/1956 — Factories (Notification of Industrial Diseases) Regulations, 1956.

S.I. No. 160/1958 — Factories Act, 1955 (Hygrometers) Regulations, 1958.

S.I. No. 3/1972 — Factories (Electricity) Regulations, 1972.

S.I. No. 283/1972 — Factories Act, 1955 (Manual Labour) (Maximum Weights and Transport) Regulations, 1972.

S.I. No. 181/1973 — Laundries (Welfare) Regulations, 1973.

S.I. No. 195/1975 — First-Aid in Factories Regulations, 1975.

S.I. No. 249/1981 — Factories (Notification of Accidents) (Amendment) Regulations, 1981.

Relevant legislation regarding registration of deaths

The Registration of Births and Deaths (Ireland) Act 1863 and The Births and Deaths Registration Act (Ireland) 1880 are the Acts which imposed a duty of registration on (a) families or others in charge of the deceased, (b) medical practitioners and (c) those in charge of burials, and imposed a criminal penalty for failure to do so.

We include the note about medical practitioners' duty to notify cause of death, because some or most of the laundries seemed to have their own nurse/doctor in-house.

The 1880 Act repealed the 1863 Act's provisions on duty to register (ss36 and 46 of the 1863 Act), so it is **ss 10, 11 & 20 of the 1880 Act** which are relevant to us in this regard.

However, **s60 of the 1863 Act** (penalties) was not repealed, so this is still relevant.

Also relevant is **s29 of the 1880 Act** (penalties again).

The next Act to amend the duty to register and penalties was the Civil Registration Act 2004 <http://www.irishstatutebook.ie/2004/en/act/pub/0003/print.html#sec37> .

In the meantime, the following Acts also came into force, but as far as we can tell they simply add to the 1863/1880 Acts' main provisions:

Registration of Births and Deaths Act 1936
<http://acts.oireachtas.ie/framed/en.act.1936.0034.1.html>

Statistical Statistics and Births, Deaths and Marriages Registration Act, 1952
<http://www.irishstatutebook.ie/1952/en/act/pub/0008/index.html>

Births, Deaths and Marriages Registration Act, 1972
<http://www.irishstatutebook.ie/1972/en/act/pub/0025/index.html>

I hope this is helpful. If you have any comments or questions on any of the above, please don't hesitate to get back to me. I am away from London at the moment, but I will be back on Monday. My direct telephone number is 00 44 207 468 6321.

Thanks for your time.

Kind regards,

Raymond (Hill)

25²73