



Factories Act 1961

1961 CHAPTER 34

PART V

NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES

84 Power to direct formal investigation of accidents and cases of disease

- (1) The Minister may, where he considers it expedient to do so, direct a formal investigation to be held into any accident occurring or case of disease contracted or suspected to have been contracted in a factory and of its causes and circumstances, and the following provisions of this section shall have effect with respect to any such investigation.
- (2) The Minister may appoint a competent person to hold the investigation, and may appoint any person possessing legal or special knowledge to act as assessor in holding it.
- (3) The person or persons so appointed (in this section referred to as "the court") shall hold the investigation in open court in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the accident or case of disease, and for enabling the court to make the report required by this section.
- (4) The court shall have for the purposes of the investigation all the powers of a magistrates' court when trying informations for offences under this Act (or, in Scotland, all the powers of a court of summary jurisdiction when hearing complaints in respect of such offences) and all the powers of an inspector under this Act, and, in addition, power—
 - (a) to enter and inspect any place or building the entry or inspection of which appears to the court requisite for the purposes of the investigation ;
 - (b) by summons or, in Scotland, order, signed by the court to require the attendance of all such persons as the court thinks fit to call before it and examine and to require answers or returns to such inquiries as it thinks fit to make;

Status: This is the original version (as it was originally enacted).

- (c) to require the production of all books, papers and documents which it considers important for the purposes of the investigation;
 - (d) to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.
- (5) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record or, in Scotland, to witnesses attending an inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895 ; and in case of dispute as to the amount to be allowed, the dispute shall be referred by the court to a master of the Supreme Court or, in Scotland, the auditor of the sheriff court, and the master or auditor shall, on request signed by the court, ascertain and certify the proper amount of the expenses.
- (6) The court shall make a report to the Minister stating the causes and circumstances of the accident or case of disease and its circumstances, and adding any observations which the court thinks right to make.
- (7) The court may require the expenses incurred in and about the investigation (including the remuneration of any persons appointed to act as assessors) to be paid in whole or part by any person summoned before it who appears to the court to be, by reason of any act or default on his part or on the part of any servant or agent of his, responsible in any degree for the occurrence of the accident or case of disease, but any such expenses not required to be so paid shall be deemed to be part of the expenses of the Minister in the execution of this Act.
- (8) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons, order or requisition of the court, or prevents or impedes the court in the execution of its duty, shall be guilty of an offence, and liable to a fine not exceeding twenty pounds, and, in the case of a failure to comply with a requisition for making any return or producing any document, if the failure in respect of which he was convicted is continued after the conviction, he shall (subject to the provisions of section one hundred and fifty-seven of this Act) be guilty of a further offence and liable to a fine not exceeding twenty pounds for every day on which the failure was so continued.
- (9) The Minister may cause the report of the court to be made public at such time and in such manner as he thinks fit.
- (10) Where an investigation under subsection (1) of this section is directed to be held into an accident in Scotland which causes the death of any person, no inquiry with regard to that death shall, unless the Lord Advocate otherwise directs, be held in pursuance of the Fatal Accidents Inquiry (Scotland) Act, 1895.