



# Factories Act 1961

## 1961 CHAPTER 34

### PART V

#### NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES

#### **80 Notification of accidents**

- (1) Where an accident in a factory—
  - (a) causes loss of life to a person employed in the factory; or
  - (b) disables any such person for more than three days from earning full wages at the work at which he was employed;written notice of the accident, in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the inspector for the district, unless it is an accident of which notice is sent in accordance with the requirements of the Explosives Act, 1875, or the Petroleum (Consolidation) Act, 1928.
- (2) Where an accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the inspector for the district by the occupier of the factory as soon as the death comes to his knowledge.
- (3) Where any accident to which this section applies occurs to a person employed and the occupier of the factory is not the actual employer of the person killed or injured, the actual employer shall, if he fails to report the accident to the occupier immediately, be guilty of an offence and liable to a fine not exceeding ten pounds.

#### **81 Power to extend to dangerous occurrences provisions as to notice of accidents**

- (1) If the Minister considers that, by reason of the risk of serious bodily injury to persons employed, it is expedient that notice should be given under section eighty of this Act in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant or other occurrences in a factory, he may by regulations extend the provisions of that section to any such class of occurrences, whether death or disablement is caused or not.

- (2) The Minister may by any such regulations allow the required notice of any occurrence to which the regulations relate, instead of being sent forthwith, to be sent within the time limited by the regulations.

## **82 Notification of industrial diseases**

- (1) Every medical practitioner attending or called in to visit a patient whom he believes to be suffering from lead, phosphorus, arsenical or mercurial poisoning, or anthrax, contracted in any factory, shall (unless such a notice has been previously sent) forthwith send addressed to "The Chief Inspector of Factories, Ministry of Labour, London" a notice stating the name and full postal address of the patient and the disease from which, in the opinion of the medical practitioner, the patient is suffering, and the name and address of the factory in which he is or was last employed, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence, to be paid as part of the expenses incurred by the Minister in the execution of this Act.
- (2) If, in contravention of the provisions of this section, any medical practitioner fails to send any notice in accordance with the requirements thereof, he shall be liable to a fine not exceeding four pounds.
- (3) Written notice of every case of lead, phosphorus, or arsenical or mercurial poisoning or anthrax occurring in a factory shall forthwith be sent by the occupier in the prescribed form and accompanied by the prescribed particulars to the inspector for the district and to the appointed factory doctor; and the provisions of this Act with respect to the notification of accidents shall apply to any such case in like manner as to any such accident as is mentioned in those provisions.
- (4) The Minister may, as respects all factories or any class or description of factory, by regulations apply the provisions of this section to any disease other than those mentioned in this section.

## **83 Inquest in case of death by accident or industrial disease**

- (1) Where a coroner holds an inquest on the body of any person whose death may have been caused by any accident or disease of which notice is required by this Act to be given, the coroner shall adjourn the inquest unless an inspector or some person on behalf of the Minister is present to watch the proceedings, and shall, at least four days before holding the adjourned inquest, send to the inspector for the district notice in writing of the time and place of the adjourned inquest; but—
- (a) the coroner, before the adjournment, may take evidence to identify the body, and may order its interment; and
  - (b) if the inquest relates to the death of not more than one person, and the coroner has sent to the inspector notice of the time and place of the inquest at such time as to reach the inspector not less than twenty-four hours before the time of the inquest, he need not adjourn the inquest if the majority of the jury think the adjournment unnecessary.
- (2) The following provisions shall have effect with respect to any such inquest:—
- (a) no person having a personal interest in or employed in or about or in the management of the factory in or about which the accident occurred or the disease was contracted shall be qualified to serve on the jury and the constable or other officer shall not summon any person disqualified under this provision

and the coroner shall not allow any such person to be sworn or to sit on the jury;

- (b) the following persons shall, subject to the power of the coroner to disallow any question which in his opinion is not relevant or is otherwise not a proper question, be entitled to examine any witness either in person or by counsel, solicitor or agent, that is to say, an inspector, any relation of the person in respect of whose death the inquest is being held, the occupier of the factory, any person appointed by the order in writing of the majority of the persons employed in the factory, and any person appointed in writing by any trade union, friendly society or other association of persons to which the deceased at the time of his death belonged or to which any person employed in the factory belongs, or by any association of employers of which the occupier is a member.
- (3) Where evidence is given at any such inquest at which an inspector is not present of any neglect as having caused or contributed to the accident or disease, or of any defect in or about the factory appearing to the coroner or jury to require a remedy, the coroner shall send to the inspector for the district notice in writing of the neglect or defect.

#### **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;
  - (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.

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

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- (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.

## **85 Duty of appointed factory doctor to investigate and report in certain cases**

- (1) It shall be the duty of the appointed factory doctor to investigate and report upon—
  - (a) cases of death or injury caused by exposure in a factory to fumes or other noxious substances, or due to any other special cause specified in instructions of the Minister as requiring investigation; and
  - (b) any case of death or injury which the inspector for the district in pursuance of any general or special instructions of the Minister may refer to him for that purpose ; and
  - (c) any case of disease of which he receives notice under this Act.
- (2) The appointed factory doctor, for the purpose of an investigation under this section, shall have the like powers as an inspector, including power to enter any room in a building to which the person killed, injured, or affected has been removed.