



Factories Act 1937

1937 CHAPTER 67 1 Edw 8 and 1 Geo 6

PART V

NOTIFICATION AND INVESTIGATION OF ACCIDENTS AND INDUSTRIAL DISEASES.

68 Power to direct formal investigation of accidents and cases of disease.

- (1) The Secretary of State may, where he considers it expedient so to do, 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 with respect to any such investigation the following provisions shall have effect:—
- (a) the Secretary of State 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 the investigation :
 - (b) the person or persons so appointed (hereinafter 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 in this section mentioned :
 - (c) the court shall have for the purposes of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences under this Act, and all the powers of an inspector under this Act, and, in addition, power—
 - (i) to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purposes;
 - (ii) by summons signed by the court to require the attendance of all such persons as it thinks fit to call before it and examine for the said purposes, and to require answers or returns to such inquiries as it thinks fit to make;
 - (iii) to require the production of all books, papers, and documents which it considers important for the said purposes;

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- (iv) 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 :
 - (d) persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record; 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, who, on request, signed by the court, shall ascertain and certify the proper amount of the expenses :
 - (e) the court shall make a report to the Secretary of State 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 :
 - (f) the court may require the expenses incurred in and about an investigation under this section (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 Secretary of State in the execution of this Act :
 - (g) 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 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 ten 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 a person was so convicted is continued after the conviction, he shall (subject to the provisions of section one hundred and thirty-two of this Act) be guilty of a further offence and liable in respect thereof to a fine not exceeding ten pounds for every day on which the failure was so continued.
- (2) The Secretary of State may cause the report of the court to be made public at such time and in such manner as he thinks fit.