



Petroleum (Consolidation) Act 1928

1928 CHAPTER 32

Accidents in connection with Petroleum-Spirit

13 Notice to be given of accidents connected with petroleum-spirit

- (1) Whenever any accident which occasions loss of life or personal injury occurs by explosion or by fire in or about or in connection with any licensed premises, the occupier of the premises shall, if the explosion or fire involved petroleum-spirit, forthwith send or cause to be sent to the Secretary of State notice of the accident and of the loss of life or personal injury. A notice of any accident of which notice is sent in pursuance of this section need not be sent to any inspector of factories.
- (2) Where, in, about, or in connection with any ship or vehicle on which petroleum-spirit is being conveyed or loaded or from which petroleum-spirit is being unloaded, any accident which occasions loss of life or personal injury occurs by explosion or by fire, the owner or master of the ship or vehicle shall, if the explosion or fire involved petroleum-spirit, forthwith send or cause to be sent to the Secretary of State notice of the accident and of the loss of life or personal injury, but this provision shall not apply where the petroleum-spirit carried or loaded on, or unloaded from, the ship or vehicle is or was for use only on that ship or vehicle or in any case in which such notice as aforesaid is otherwise by law required to be sent to some government department.
- (3) Every such occupier, owner, or master as aforesaid who fails to comply with any of the provisions of this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

14 Inquiry into accidents connected with petroleum-spirit

The Secretary of State may direct an inquiry to be made by a government inspector into the cause of any accident of which notice is required by this Act to be given to the Secretary of State, and where it appears to the Secretary of State either before or after the commencement of any such inquiry, that a more formal investigation of the accident, and of the causes and circumstances thereof, is expedient, he may by order direct a formal investigation to be held, and with respect to inquiries and investigations made or held under this Act the following provisions shall have effect:—

Status: This is the original version (as it was originally enacted).

- (a) the Secretary of State may, by the same or any subsequent order, appoint any person or persons possessing legal or special knowledge to assist the government inspector in holding a formal investigation, or may direct such county court judge, stipendiary magistrate, metropolitan police magistrate, or other person or persons as may be named in the order, to hold such an investigation with the assistance of a government inspector or any other assessor or assessors named in the order :
- (b) the persons holding any formal investigation (in this section referred to as the court) shall hold it in open court in such manner and under such conditions as they think most effectual for ascertaining the causes and circumstances of the accident, and for enabling them to make the report in this section mentioned:
- (c) the court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences against this Act, and shall have all the powers of a government inspector under this Act, and in addition the following powers, namely—
 - (i) they may enter and inspect any place or building the entry or inspection whereof appears to them requisite for the said purpose;
 - (ii) they may by summons under their hands require the attendance of all such persons as they think fit to call before them and examine for the said purpose, and may for the said purpose require to be furnished to them answers or returns to such inquiries as they think fit to make;
 - (iii) they may require the production of all books, papers, and documents which they consider important for the said purpose;
 - (iv) they may 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 under the hands of the members of the court, shall ascertain and certify the proper amount of the expenses :
- (e) if any person without reasonable excuse (proof whereof shall lie on him) fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this Act, or prevents or impedes the court in the execution of their duty, he shall be liable on summary conviction to a fine not exceeding ten pounds, or, in the case of a failure to comply with a requisition for furnishing any return or producing any document, not exceeding ten pounds for every day on which the failure occurs or continues :
- (f) the government inspector making an inquiry into any accident and the court holding an investigation of any accident under this section shall make a report to the Secretary of State, stating the causes of the accident and all the circumstances attending it, and containing any observations thereon or on the evidence or on any matters arising out of the inquiry or investigation which he or they think right to include in the report, and the Secretary of State shall cause every report so made to him to be made public in such manner as he thinks expedient.

15 Coroners' inquests on deaths from accidents connected with petroleum-spirit

- (1) Where a coroner holds an inquest upon the body of any person whose death may have been caused by any accident of which notice is required by this Act to be given to the Secretary of State, the coroner shall adjourn the inquest unless a government inspector, or some person on behalf of the Secretary of State, is present to watch the proceedings :

Provided that, if the accident has not occasioned the death of more than one person, and the coroner has sent to the Secretary of State notice of the time and place of holding the inquest not less than forty-eight hours before the time of the holding thereof, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary that he should do so.

- (2) The coroner before the adjournment, may take evidence to identify the body, and may order the interment thereof.
- (3) The coroner, at least four days before holding the adjourned inquest, shall send to the Secretary of State notice in writing of the time and place of holding the adjourned inquest.
- (4) A government inspector or person employed on behalf of the Secretary of State shall be at liberty at any such inquest as aforesaid to examine any witness, subject nevertheless to the order of the coroner on points of law.
- (5) Where at any inquest there is given evidence of any neglect having caused or contributed to an accident, or evidence of there having been, in or about or in connection with any licensed premises or any ship or vehicle carrying petroleum-spirit, any defect that appears to the coroner or jury to require a remedy, the coroner shall, if no government inspector or person employed on behalf of the Secretary of State is present at the inquest, send to the Secretary of State notice in writing of the neglect or defect.