



# Health and Safety at Work etc. Act 1974

## 1974 CHAPTER 37

### PART I

#### HEALTH, SAFETY AND WELFARE IN CONNECTION WITH WORK, AND CONTROL OF DANGEROUS SUBSTANCES AND CERTAIN EMISSIONS INTO THE ATMOSPHERE

##### *The Health and Safety Commission and the Health and Safety Executive*

#### **14 Power of the Commission to direct investigations and inquiries**

- (1) This section applies to the following matters, that is to say any accident, occurrence, situation or other matter whatsoever which the Commission thinks it necessary or expedient to investigate for any of the general purposes of this Part or with a view to the making of regulations for those purposes; and for the purposes of this subsection it is immaterial whether the Executive is or is not responsible for securing the enforcement of such (if any) of the relevant statutory provisions as relate to the matter in question.
- (2) The Commission may at any time—
  - (a) direct the Executive or authorise any other person to investigate and make a special report on any matter to which this section applies ; or
  - (b) with the consent of the Secretary of State direct an inquiry to be held into any such matter;but shall not do so in any particular case that appears to the Commission to involve only matters relating exclusively to agricultural operations.
- (3) Any inquiry held by virtue of subsection (2)(b) above shall be held in accordance with regulations made for the purposes of this subsection by the Secretary of State, and shall be held in public except where or to the extent that the regulations provide otherwise.
- (4) Regulations made for the purposes of subsection (3) above may in particular include provision—
  - (a) conferring on the person holding any such inquiry, and any person assisting him in the inquiry, powers of entry and inspection;

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*Status: This is the original version (as it was originally enacted).*

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- (b) conferring on any such person powers of summoning witnesses to give evidence or produce documents and power to take evidence on oath and administer oaths or require the making of declarations ;
  - (c) requiring any such inquiry to be held otherwise than in public where or to the extent that a Minister of the Crown so directs.
- (5) In the case of a special report made by virtue of subsection (2)(a) above or a report made by the person holding an inquiry held by virtue of subsection (2)(b) above, the Commission may cause the report, or so much of it as the Commission thinks fit, to be made public at such time and in such manner as the Commission thinks fit.
- (6) The Commission—
  - (a) in the case of an investigation and special report made by virtue of subsection (2)(a) above (otherwise than by an officer or servant of the Executive), may pay to the person making it such remuneration and expenses as the Secretary of State may, with the approval of the Minister for the Civil Service, determine;
  - (b) in the case of an inquiry held by virtue of subsection (2)(b) above, may pay to the person holding it and to any assessor appointed to assist him such remuneration and expenses, and to persons attending the inquiry as witnesses such expenses, as the Secretary of State may, with the like approval, determine ; and
  - (c) may, to such extent as the Secretary of State may determine, defray the other costs, if any, of any such investigation and special report or inquiry.
- (7) Where an inquiry is directed to be held by virtue of subsection (2)(b) above into any matter to which this section applies arising in Scotland, being a matter 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.