



Notice of Accidents Act 1894

1894 CHAPTER 28 57 and 58 Vict

3 Power to hold formal investigation in case of serious accidents.

Where it appears to the Board of Trade that any accident involving loss of life or bodily injury is of sufficient importance to require a formal investigation of the accident, and of its causes and circumstances, the Board may by order direct such investigation to be held, and with respect to any such investigation the following provisions shall have effect:—

- (1) The Board may appoint a competent person to hold the investigation, and may appoint any person possessing legal, medical, or special knowledge to act as assessor in holding the investigation, and may assign to any such person such remuneration as the Board, with the approval of the Treasury, determine:
- (2) The person appointed to hold the investigation (hereinafter called the court) shall hold the same 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, and enabling the court to make the report in this section mentioned:
- (3) 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 the exercise of its ordinary jurisdiction, and all the powers of an inspector under the Railway Regulation Acts 1840 to 1889, and in addition the following powers; namely:—
 - (a) Power to enter and inspect, or to authorise any person to enter and inspect, any place or building the entry or inspection whereof appears to the court requisite for the said purpose;
 - (b) Power, 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 purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make;
 - (c) Power to require the production of all books, papers, and documents which it considers important for the said purpose;
 - (d) Power 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:

Changes to legislation: Notice of Accidents Act 1894, Section 3 is up to date with all changes known to be in force on or before 26 May 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (4) Every person attending as a witness before the court, and not being the employer of the person killed or injured, or in the employment of that employer, shall be allowed such expenses as would be allowed to a witness attending before a court of record, and in case of dispute as to the amount to be allowed the same shall be referred by the court to a [^{F1}Master (Taxing Office) of the Court of Judicature], who on request signed by the court shall ascertain and certify the proper amount of the expenses:
- (5) The court holding an investigation under this section shall make a report to the Board of Trade, stating the causes of the accident and its circumstances, and adding any observations which the court thinks right to make, and the Board may cause any such report to be made public in such manner as the Board think fit:
- (6) The court may order any costs and expenses incurred in and about an investigation under this section (including any remuneration payable to any person appointed to hold the investigation or to act as assessor) to be paid by any person summoned before it, if it finds that the accident was due to the act or default or negligence of that person; and any such order shall on the application of any person entitled to the benefit thereof, be enforced by any court of summary jurisdiction as if the costs and expenses were a penalty imposed by the court: but subject to any such order such costs and expenses shall be deemed to be part of the expenses of the Board of Trade in the execution of this Act:
- (7) If any person 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 a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty, he shall for every such offence be liable, on summary conviction, to a fine not exceeding [^{F2}level 1 on the standard scale], and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable, on summary conviction, to a fine not exceeding ten pounds for every day that such failure continues.

Textual Amendments

- F1** Words in s. 3(4) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 148(1), [Sch. 11 para. 16\(2\)](#); [S.I. 2009/1604](#), art. 2(d)
- F2** Words substituted by virtue of (E. W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act by [2002 c. 8 \(N.I.\) Sch. 2](#)