



Explosives Act 1875

1875 CHAPTER 17

PART III

ADMINISTRATION OF LAW

Accidents

63 Notice to be given of accidents connected with explosive

Whenever there occurs any accident by explosion or by fire in or about or in connexion with any factory, magazine, or store, or any accident by explosion or by fire causing loss of life or personal injury in or about or in connexion with any registered premises, the occupier of such factory, magazine, store, or premises shall forthwith send or cause to be sent notice of such accident and of the loss of life or personal injury (if any) occasioned thereby to the Secretary of State. A notice of any accident of which notice is sent in pursuance of this section to a Government inspector need not be sent to any inspector or sub-inspector of factories or any inspector of mines.

Where in, about, or in connexion with any carriage, ship, or boat, either conveying an explosive, or on or from which an explosive is being loaded or unloaded, there occurs any accident by explosion or by fire causing loss of life or personal injury, or if the amount of explosive conveyed or being so loaded or unloaded exceeds in the case of gunpowder half a ton, and in the case of any other explosive the prescribed amount, any accident by explosion or by fire, the owner or master of such carriage, ship, or boat, and the owner of the explosive conveyed therein or being loaded or unloaded therefrom, or one of them, shall forthwith send or cause to be sent notice of such accident, and of the loss of life or personal injury, if any, occasioned thereby, to the Secretary of State.

Every such occupier, owner, or master as aforesaid who fails to comply with this section shall be liable to a penalty not exceeding twenty pounds.

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64 Reconstruction of buildings destroyed by accident

Where an accident by explosion or fire has occurred in, and wholly or partly destroyed a factory magazine, or any magazine or store, the factory magazine, magazine, or store shall not be reconstructed, and any further supply of an explosive shall not be put therein, except with the permission of the Secretary of State; and any explosive put therein in contravention of this section shall be deemed to be kept in an unauthorised place, and the offence may be punished accordingly:

Provided, that this enactment shall not prevent the reconstruction of a factory magazine in any lawfully existing factory upon such site in the factory, and with such precautions as may seem reasonable to the Secretary of State, due regard being had to the working of the factory as well as to the safety of the public and of the persons employed therein.

Where an accident by explosion or fire in a factory has wholly or partly destroyed any building of such factory as to which a Government inspector has previously to the accident sent to the occupier a notice that the building is unduly near to some building or work outside the factory, such building shall be reconstructed only upon such site in the factory and with such precautions as may seem reasonable to the Secretary of State, due regard being had to the working of the factory as well as to the safety of the public and of the persons employed therein.

Where an accident by explosion or by fire in a factory has wholly or partly destroyed two or more buildings in such factory, not more than one of such buildings shall be reconstructed except with the permission of the Secretary of State; provided that this enactment shall not apply to any buildings in a lawfully existing factory, if either both or all such buildings are incorporating mills, or if as regards any other buildings a Government inspector has not previously to the accident sent to the occupier a notice that such buildings are unduly near to each other.

Where a building is constructed on a different site in pursuance of this section, the Secretary of State shall cause the necessary alterations to be made in the license, and such alterations shall be deemed to be part of the license.

The reconstruction of any building in contravention of this section shall be deemed to be a breach of the terms of the license, and shall be punished accordingly.

65 Provisions as to coroners inquests on deaths from accidents connected with explosives

With respect to coroners inquests on the bodies of persons whose death may have been caused by the explosion of any explosive or by any accident in connexion with an explosive, the following provisions shall have effect:

- (1) Where a coroner holds an inquest upon a 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, or by the explosion of any explosive, the coroner shall adjourn such inquest unless a Government inspector, or some person on behalf of the Secretary of State, is present to watch the proceedings:
- (2) 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:
- (3) The coroner, before the adjournment, may take evidence to identify the body, and may order the interment thereof:

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- (4) If an explosion or 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 holding the same, it shall not be imperative on him to adjourn such inquest in pursuance of this section, if the majority of the jury think it unnecessary so to adjourn:
- (5) A Government inspector or person employed on behalf of the Secretary of State shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the coroner on points of law :
- (6) Where evidence is given at an inquest at which no Government inspector or person employed on behalf of the Secretary of State is present, of any neglect as having caused or contributed to the explosion or accident, or of any defect in or about or in connexion with any factory, magazine, store, or registered premises, or any carriage, ship, or boat carrying an explosive, appearing to the coroner or jury to require a remedy, the coroner shall send to the Secretary of State notice in writing of such neglect or defect.

66 Inquiry into accidents and formal investigation in serious cases

The Secretary of State may direct an inquiry to be made by a Government inspector into the cause of any accident which is caused by an explosion or fire either in connexion with any explosive, or 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 thereof, and of the circumstances attending the same, is expedient, the Secretary of State may by order direct such investigation to be held, and with respect to such inquiry and investigation the following provisions, shall have effect:

- (1) 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 the formal investigation, or may direct the county court judge, stipendiary magistrate, metropolitan police magistrate, or other person or persons named in the same or any subsequent order, to hold the same with the assistance of a Government inspector or any other assessor or assessors named in the order:
- (2) The persons holding any such formal investigation (in this section referred to as the court) shall hold the same in open court in such manner and under such conditions as they may think most effectual for ascertaining the causes and circumstances of the accident, and enabling them to make the report in this section mentioned:
- (3) The court shall have for the purpose of such investigation all the powers of a court of summary jurisdiction when acting court in hearing informations for offences against this Act, and all the powers of a Government inspector under this Act, and in addition the following powers; namely,
 - (a) They may enter and inspect any place or building the entry or inspection whereof appears to them requisite for the said purpose :
 - (b) 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 such purpose require answers or returns to such inquiries as they think fit to make :
 - (c) They may require the production of all books, papers and documents which they consider important for the said purpose :

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- (d) 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:
 - (e) 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 same shall be referred by the court to a master of one of the superior courts, who, on request under the hands of the members of the court, shall ascertain and certify the proper amount of such expenses:
- (4) 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 the same, and 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 make to the Secretary of State, and the Secretary of State shall cause every such report to be made public in such manner as he thinks expedient:
- (5) All expenses incurred in and about an inquiry or investigation under this section shall be deemed to be part of the expenses of the Secretary of State in carrying this Act into execution: and
- (6) 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 a court holding an investigation under this Act, or prevents or impedes such court in the execution of their duty, shall for every, such offence incur a penalty not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document, not exceeding ten pounds during every day that such failure continues.