

CHAPTER 267.

ACCIDENTS INVESTIGATION.

[No. XIV of 1900.]

[12th May, 1900.]

1. This Ordinance may be cited as the Accidents Investigation Ordinance. Short title.

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

Governor may appoint persons to hold investigation into accidents.

- (a) the Governor may appoint any person or persons possessing legal, medical, engineering, or other special knowledge, or any other competent person to hold the investigation or to act as assessor in holding it;
- (b) the person or persons so appointed (hereinafter called the court) shall sit in open court in the manner and under the conditions the court thinks most effectual for ascertaining the causes and circumstances of the accident and enabling the court 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 the exercise of its ordinary jurisdiction, and all the powers of an inspector under the Companies Clauses and Powers Consolidation Ordinance, 1846, and the following powers in addition, namely :—
 - (i) 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 that purpose;

- (ii) by summons signed by the court, to require the attendance of all persons whom it thinks fit to call before it and examine for that purpose, and to require answers or returns to any inquiries it thinks fit to make;
 - (iii) to require the production of all books, papers, and documents it considers important for that purpose;
 - (iv) to administer an oath and require any person examined to make and sign a declaration of the truth of the statement made by him in his examination;
- (d) everyone 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 the expenses which would be allowed to a witness attending before the Supreme Court, and in case of dispute as to the amount to be allowed, the dispute shall be referred by the court to the registrar of the Supreme Court, who, on request signed by the court, shall ascertain and certify the proper amount of the expenses;
- (e) the court holding an investigation under this section shall make a report to the Governor, stating the causes of the accident and its circumstances, and adding any observations which the court thinks right to make, and the Governor may cause the report to be made public in any manner he thinks fit;
- (f) the court may order any costs and expenses incurred in and about an investigation under this section to be paid by any person summoned before it, or the person in whose employ that person is, if it finds that the accident was due to the act or default or negligence of the employer; and that 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;
- (g) subject to the provisions of the preceding paragraph, the expenses incurred in the execution of this Ordinance shall be defrayed out of any

moneys provided by the Legislative Council for the purpose;

- (h) anyone who, without reasonable excuse (proof whereof shall lie on him) either fails 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, shall for each offence be liable, on summary conviction, to a fine not exceeding fifty dollars, and, in the case of failure to comply with the requisition for making any return or producing any document, shall be liable, on summary conviction, to a fine not exceeding fifty dollars for every day that the failure continues.