SUPPLIED FOR THE PUBLIC SERVICE

CHAPTER 40.

An Act to amend the Coal Mines Regulation Act, 1872. A.D. 1886.

[25th June 1886.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of part of s. 18. of 35 & 36 Vict. c. 76.

1. There shall be repealed so much of the eighteenth section of the Coal Mines Regulation Act, 1872 (in this Act referred to as the Principal Act), as provides that the check weigher shall be one of the persons employed either in the mine at which he is so stationed, or in another mine belonging to the owner of that mine.

And further, in all cases where a check weigher has been appointed by the majority of the colliers working in any mine and has acted as such, he may recover from any collier working in such mine his proportion of the check weighers wages or recompense notwithstanding that any colliers or collier may have left the colliery or others have entered the same since the check weighers appointment, any rule of law or equity to the contrary notwithstanding.

And further, it may be lawful for the owner or manager of any mine to retain the agreed contribution of the colliers for the check weigher, notwithstanding the provisions of the Acts relating to truck, and to pay and account for the same to the said check weigher.

Attendance at inquest of relatives of deceased person.

2. Whereas by section fifty of the Principal Act provisions are made with respect to holding coroners inquests on the bodies of persons whose deaths may have been caused by explosions or accidents in mines to which that Act applies, and amongst other things it is provided that an inspector shall be at liberty at any such inquest to examine any witness, subject nevertheless to the order of the coroner:

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And whereas doubts are entertained as to the effect of the said enactment as respects the attendance of other persons: Be it therefore enacted, that where an inquest is held on the body of any person whose death has been caused by an explosion or accident of which notice is required by the Principal Act to be given to the inspector of the district, it shall be lawful for any relative of such person to attend in person or by agent, and to examine any witness, subject nevertheless to the order of the coroner.

Formal investigation as to explosion or accident.

3. Where it appears to a Secretary of State that a formal investigation of any explosion or accident and of its causes and circumstances is expedient, the Secretary of State may direct such investigation to be held, and with respect to any such investigation the following provisions shall have effect:

(1.) The Secretary of State may appoint an inspector to hold such investigation, and may appoint any person or persons possessing legal or special knowledge to assist him in holding such investigation.

(2.) The inspector and any person or persons so appointed (herein-after called the court) shall (unless otherwise directed by the Secretary of State) hold the investigation in open court, in such manner and under such conditions as they may think most effectual for ascertaining the causes and circumstances of the explosion or 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 as a court in hearing informations for offences against this Act, and all the powers of an inspector under the Principal 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:

(*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 Her Majesty's superior courts, who, on request, under the hand of the inspector, shall ascertain and certify the proper amount of such expenses:

(4.) The court holding an investigation under this section shall make a report to the Secretary of State, stating the causes of the explosion or accident and its circumstances, and adding any observations which the court think right to make:

(5.) All expenses incurred in and about an investigation under this section (including the remuneration of any person or persons appointed to assist the inspector) shall be deemed to be part of the expenses of the Secretary of State in the execution of the Principal Act.

(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 section, or prevents or impedes such court in the execution of their duty, shall for every such offence be liable to a fine 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 for every day that such failure continues.

The Secretary of State may cause any report of a court under this section to be made public at such time and in such manner as he may think fit.

Short titles and construction of Acts.

4. This Act may be cited as the Coal Mines Act, 1886, and shall be construed as one with the Principal Act; and the Principal Act and this Act may be together cited as the Coal Mines Acts, 1872 and 1886.

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