SCHEDULE.

HEADS OF PROPOSED EXPENDITURE.

Works.	Total Estimated Cost.	Estimated Expenditure to 31st March 1895.	Further Amount required.	To be provided in 1895-6.	Expected Date of Completion.
(*a.*) Enclosure and Defence of Harbours against Torpedo Attack—	£	£	£	£	
Gibraltar—					
Completion of present mole	83,000	20,000	63,000	30,000	1899-1900
Extension of do.	310,000	2,000	308,000	80,000	
Detached mole	585,000	—	585,000	75,000	
Deepening harbour	48,000	—	48,000	10,000	
Dolphins	48,000	—	48,000	—	—
Portland—					
Breakwater	650,000	—	650,000	90,000	1900-1
Dover—					
Breakwater, &c.	1,920,000	—	1,920,000	10,000	1905-6
(*b.*) Adapting Naval Ports to present Needs of Fleet—					
Deepening harbours and approaches.	960,000	99,000	861,000	300,000	1898-9
Keyham Dockyard extension	1,920,000	—	1,920,000	80,000	1902-3
Portsmouth Docks	339,000	100,000	239,000	150,000	1896-7
Gibraltar Dock or Docks	361,000	4,000	357,000	80,000	1899-1900
Hong Kong Dockyard extension	290,000	—	290,000	10,000	1900-1
(*c.*) Naval Barracks, &c.—					
Chatham Naval Barracks	347,000	—	347,000	27,000	1897-8
Portsmouth do.	595,000	—	595,000	1,000	1899-1900
Walmer Marine Depôt (extension).	20,000	—	20,000	20,000	1895-6
Keyham Engineers' College (extension).	30,000	—	30,000	20,000	1896-7
(*d.*) Superintendence and Miscellaneous Charges.	300,000	—	300,000	17,000	—
			8,581,000	1,000,000	

CHAPTER 36.

An Act to make provision for Public Inquiry in regard to Fatal Accidents occurring in Industrial Employments or Occupations in Scotland. [6th July 1895.]

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:

Short title.

1. This Act may be cited as the Fatal Accidents Inquiry (Scotland) Act, 1895.

Extent of Act.

2. This Act shall extend to and include all cases of death of any person or persons, whether employers or employed, engaged in any industrial employment or occupation in Scotland, due or reasonably believed to be due to accident occurring in the course of such employment or occupation.

Proceedings on occurrence of fatal accident.

3.—(1.) Upon the occurrence of any death to which this Act applies, the procurator-fiscal of the county or district in which the accident shall have taken place, shall, so soon as he receives information of the death or deaths, proceed to collect evidence thereanent, and shall also forthwith present to the sheriff a petition craving him to hold a public inquiry in regard to the cause or causes of the death or deaths, and the circumstances of the accident, and shall also furnish to the sheriff clerk, so far as possible, by letter posted or delivered, information as to the names and addresses of the wife or husband, or of the nearest known relative, and of the employer, if any, of each person who has lost his life in the accident.

(2.) If more deaths than one have resulted from the same accident, the petition and inquiry shall relate to the whole deaths which have resulted therefrom.

Public inquiry as to accident.

4.—(1.) Upon presentation of the petition, which shall narrate briefly the circumstances of the case so far as known to the procurator-fiscal, the sheriff shall pronounce an order directing that a public inquiry in regard to the death shall be held at a time to be specified in the order, being a time as soon as reasonably possible, in such court house within his jurisdiction as may be nearest to the place where the accident occurred, or, if special circumstances appear to him to make it expedient, in such other court house or other building as may be available and convenient, and shall grant warrant to cite witnesses and havers to attend at such inquiry, at the instance of the procurator-fiscal, and of all parties who may be entitled to appear as herein-after provided.

(2.) Intimation of the time and place of the inquiry shall be made by the sheriff clerk, so far as possible, by letter, posted or delivered, upon information as to their names and addresses being furnished to him by the procurator-fiscal, to the wife or husband, or to the nearest known relative, and to the employer, if any, of each person, who has lost his life in the accident. In any case in which it is competent for any official or department of Her Majesty's Government to cause public inquiry to be made into the facts and circumstances of the accident under the provisions of any statute in force for the time being, then such intimation shall also be made to such official or department. The sheriff clerk shall also cause intimation of the time and place of the inquiry to be made by advertisement in a newspaper circulating in the district, or if there be more than one such newspaper, then in two of them.

(3.) In the event of the Secretary for Scotland being satisfied that the sheriff is unable, owing to the pressure of official duty or other cause which the Secretary for Scotland shall hold to be

sufficient, to hold the inquiry, the Secretary for Scotland shall appoint a competent person, who shall possess the qualifications necessary for the office of sheriff-substitute, to hold the inquiry in his stead, and the person so appointed shall hold the inquiry and shall have all the powers of a sheriff under this Act, for the purposes of the said inquiry.

(4.) The inquiry shall be by the sheriff and a jury, and the sheriff clerk shall cite ten common, and five special, jurors for each such inquiry, or, if more inquiries than one are appointed by the sheriff to be held on the same day, for all the inquiries to be held by him on that day.

(5.) The jury shall consist of five common and two special jurors, who shall be chosen from the list of persons cited as aforesaid, in the manner prescribed by section forty-four of the Court of Session Act, 1868. 31 & 32 Vict. c. 100.

(6.) The statutory provisions now in force in regard to challenges of jurors in civil and criminal cases in Scotland shall not apply to inquiries under this Act, but any person interested in the inquiry may state to the sheriff any objection which he has to a person balloted to serve on the jury, and if the sheriff shall consider that sufficient cause has been shown why such person should not so serve, he shall not allow the said person to serve upon the jury. Provided that, in an inquiry into the death of a person under this Act, neither the employer or employers of such person, nor any person or persons engaged under the same employers as such person, shall be jurors.

(7.) The jury, after hearing the evidence, and the persons appearing thereon if they so desire, and the summing-up thereof by the sheriff, if he shall consider such summing-up necessary or proper, shall return a verdict setting forth (so far as such particulars have been proved) when and where the accident and the death or deaths to which the inquiry relates took place, and the cause or causes of such death or deaths.

(8.) The jury may return a verdict by a majority of its number at any time not less than one hour after it has been enclosed.

(9.) Each juror empanelled at any inquiry under this Act shall be entitled to remuneration at the rate of five shillings for each day, or part of a day, during which he has served as a juror, and travelling expenses. Such remuneration shall be payable by the sheriff clerk, and shall be recoverable by him from the county council as a charge upon the general purposes rate, where the inquiry relates to a death from an accident which has taken place in a county, including any police burgh therein, and from the burgh commissioners or other municipal authority of a Royal or Parliamentary burgh, as a charge upon the burgh general assessment, or, where there is no burgh general assessment, upon the police assessment, where the inquiry relates to a death from an accident which has taken place in a burgh.

(10.) The jury shall be cited by the sheriff clerk from the sheriff court jury book in the manner provided by statute for the citation

of jurors in civil cases in Scotland, and the existing statutory provisions relative to fines for non-attendance of jurors, and to the swearing of jurors, shall apply to inquiries under this Act.

Procedure at inquiry.

5.—(1.) At the inquiry, which shall be open to the public, the procurator-fiscal, or, in the event of his being unable to attend personally from any cause stated in open court, and held by the sheriff to be sufficient, his duly qualified depute, shall adduce evidence, including such medical or skilled evidence as he deems expedient, in regard to the cause or causes of the death or deaths, and the circumstances of the accident.

(2.) It shall be competent to the sheriff, at, or at any time subsequent to, the presentation of such petition :—

(*a*) to grant warrant to officers of the law to take possession of, and to hold in safe custody, subject to the inspection of parties interested, any article or thing which it may be considered necessary to produce at the inquiry ; and

(*b*) to inspect, either with or without the jury, or to grant warrant for the inspection by any person he may deem expedient, of any premises, machinery, or other thing, the inspection of which is or may, in his opinion, be, material for the purposes of the inquiry.

(3.) It shall be competent to the wife or husband, and to the relatives, and to the employer or employers, of any person who has lost his life in the accident, and in the case of an accident in or about a mine to an inspector of mines, and in the case of an accident in a factory or workshop to an inspector of factories and workshops, as also to any person or persons engaged under the same employers as such person, and to any other person or persons whom the sheriff may consider to have a just interest in the inquiry, to appear at, and take part in, and adduce evidence at, such inquiry, either by themselves or by counsel or agents, or by any other person or persons whom the sheriff may allow to appear on their behalf.

(4.) The evidence adduced at such inquiry shall be taken on oath, the witnesses shall be subject to cross-examination, and the inquiry shall be conducted as nearly as possible in accordance with the ordinary procedure in a trial by jury before the sheriff court. Provided that the examination of any person as a witness or haver at such inquiry shall not be a bar to criminal proceedings being afterwards taken against such person. Provided further, that no witness at such inquiry shall be compellable to answer any question tending to show that he is guilty of any crime or offence. The evidence shall be taken down in writing under the control and supervision of the sheriff, and as he shall direct, either at length or in shorthand, which shall afterwards be written out, and it shall in either case be duly authenticated as correct.

(5.) The verdict shall be recorded in the sheriff court books, and the procurator-fiscal shall obtain from the sheriff clerk a copy of the petition, as also the recorded evidence of the witnesses, or a

copy thereof, and any reports or productions which may have been made in the course of the inquiry, or copies thereof, in so far as the same are in writing, and a copy of the verdict, and shall transmit the same, together with the usual schedule for the registrar of deaths, to the Crown agent. The sheriff clerk shall also transmit copies of the petition, and of the recorded evidence, and of any reports which may have been made, in the case of an accident in or about a mine to the inspector of mines for the district, and in the case of an accident in a factory or workshop to the inspector of factories and workshops for the district, and copies shall also be obtainable by any person having an interest in the inquiry, upon such reasonable payment to defray the cost thereof as the sheriff shall fix.

(6.) Every person attending such inquiry as a witness or haver on citation by the procurator-fiscal shall be allowed such expenses as are paid to any person attending a criminal trial by jury in the sheriff court on such citation.

Saving.

6. Nothing in this Act contained shall alter or affect the existing law and practice relative to the duties of procurators-fiscal to inquire and report to the Crown agent in regard to cases of death from accident, or relative to any powers at present vested in the Lord Advocate to cause public inquiries to be held, or the existing law or practice with reference to criminal proceedings against any person or persons criminally responsible for any death, nor shall the verdict returned at an inquiry under this Act be competent to be given in evidence or to be founded on in any subsequent judicial proceeding, civil or criminal, arising out of the same accident.

Interpretation.

7. In this Act, unless the context otherwise requires:—

"Industrial employment or occupation" shall mean employment or occupation for or in the performance of any manual labour, or the superintendence of any such labour, or the working, management, or superintendence, of machinery or other appliances, or animals used in the prosecution of any work;

The expression "sheriff clerk" shall include sheriff clerk depute;

The expression "procurator-fiscal" shall mean the procurator-fiscal of a county or of a district, and shall include the procurators-fiscal of the county of the city of Edinburgh, and of the city and burgh of Aberdeen;

The expression "county" shall extend to the limits within which the sheriff has jurisdiction, whether by statute or at common law;

The expression "district" shall mean any part of a county for which a separate procurator-fiscal is appointed, and shall include any county or combination of counties, or parts of counties, for which one sheriff court and one procurator-fiscal are appointed.