



HEALTH AND SAFETY INQUIRIES (PROCEDURE) REGULATIONS 2025

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Statutory Document No. 20XX/XXXX



Health and Safety at Work etc. Act 1974

HEALTH AND SAFETY INQUIRIES (PROCEDURE) REGULATIONS 2025

Approved by Tynwald:

Coming into Operation:

1 August 20258

The Department of Environment, Food and Agriculture makes the following Regulations, after consulting such organisations as it considers represent the interests affected by the Regulations¹, under section 14(3) and (4) and 82(3)(a) of the Health and Safety at Work etc. Act 1974² (an Act of Parliament), as it has effect in the Island³.

1 Title

These Regulations are the Health and Safety Inquiries (Procedure) Regulations 2025.

2 Commencement

If approved by Tynwald⁴, these Regulations come into operation on 1 August 2028.

3 Interpretation

SI 1975/335/2

In these Regulations —

“the 1974 Act” means the Health and Safety at Work etc. Act 1974 (of Parliament) as that Act applies to the Island⁵;

“appointed person” means a person appointed by the Department to conduct a safety inquiry;

¹ As required by section 82(4) of the Health and Safety at Work Etc. Act 1974 as it applies to the Island.

² 1974 c.37.

³ SD 2024/0073.

⁴ Tynwald approval is required under section 82(5) of the Health and Safety at Work Etc. Act 1974 as it applies to the Island.

“**the Department**” means the Department of Environment, Food and Agriculture;

“**trade union**” and “**employers’ association**” have the meanings assigned by section 23 of the Trade Unions Act 1991⁶.

4 Application of the Regulations

SI 1975/335/3

These Regulations have effect with respect to the proceedings at or in connection with inquiries held under section 14(2A) of the 1974 Act.

5 Notification of inquiry

SI 1975/335/4 and drafting

- (1) The Department must fix a date, time and place for the holding of the inquiry, and must give not less than 28 days’ notice in writing of such date, time and place to every person entitled to appear at the inquiry whose name and –
 - (a) postal address; or
 - (b) e-mail address,are known to the Department.
- (2) The Department may, by a subsequent notice given in like manner as that under paragraph (1), vary the date, time and place for the holding of the inquiry.
- (3) Despite paragraphs (1) and (2) –
 - (a) with the consent of all the persons entitled to appear at the inquiry, the Department may give such lesser period of notice as is agreed with those persons; and
 - (b) where it becomes necessary or advisable to vary the time or place fixed for the inquiry, the relevant authority must give such notice of the variation as may appear to it to be reasonable in the circumstances.
- (4) The notice given under paragraph (1) must state the name of the appointed person and the names of any assessors appointed to assist the appointed person in the inquiry.
- (5) In addition to the steps authorised or required by the preceding provisions of this regulation the Department must, for the purpose of giving notice of the holding of the inquiry to persons who may be concerned, take one or more of the following steps, namely –
 - (a) publish notice of the inquiry in one or more newspapers, circulating in the Island; and

⁶ AT 20 of 1991,



(b) give such other notice of the inquiry as appears to the relevant authority to be appropriate,

and the requirements as to the period of notice contained in paragraph (1) do not apply to any such notices.

6 Appearances at an inquiry

SI 1975/335/5

(1) The persons entitled to appear at an inquiry are —

- (a) the Attorney General;
- (b) the Department;
- (c) any employers' association or trade union representing respectively employers or employees who are concerned;
- (d) any person who was injured or suffered damage as a result of the accident, occurrence, situation, or other matter the subject of the safety inquiry or his personal representatives;
- (e) the owner or occupier of any premises in which there occurred or arose the accident, occurrence, situation or other matter the subject of the safety inquiry;
- (f) any person carrying on activities giving rise to the accident, occurrence, situation or other matter the subject of the inquiry.

(2) Any other person may appear at the discretion of the appointed person.

7 Representation

SI 1975/335/6

(1) A body corporate may appear by its clerk or secretary or by any other officer appointed for the purpose, or by an advocate.

(2) The Attorney General, an employers' association or a trade union may appear by an advocate or by any other person appointed for the purpose.

(3) Any other person may appear on his or her own behalf or be represented by an advocate or any other person.

(4) Where there are two or more persons having a similar interest in the matter under inquiry, the appointed person may allow one or more persons to appear for the benefit of some or all of the persons so interested.

8 Power to require attendance of witnesses and production of documents

SI 1975/335/7

(1) The appointed person may, either of his or her own motion or on the application of any person entitled or permitted to appear, cause to be served on any person appearing to be likely to be able to give material evidence or to produce any document likely to be material evidence, a



notice requiring that person to attend at the inquiry at the time and place specified in the notice to give evidence or produce the document.

- (2) A person ("P") on whom a notice is served under paragraph (1) may apply to the appointed person either at or before the inquiry to vary or set aside the requirement, and where P does so before the inquiry P must give notice of P's application to the person, if any, who applied for the notice under paragraph (1) to be served.
- (3) A notice containing a requirement under paragraph (1) must contain a reference where the notice requires attendance at a safety inquiry, to the fact that under section 33(2) of the 1974 Act a person who contravenes such a requirement is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (4) No person may be required under this regulation to attend to give evidence or produce any document, unless the necessary expenses of his or her attendance are paid or tendered to him or her.

9 Procedure at inquiry

SI 1975/335/8

- (1) Except as otherwise provided in these Regulations, the procedure at and in connection with an inquiry is in the discretion of the appointed person who must state at the commencement of the hearing of the procedure which, subject to consideration of any submission by the persons appearing at the inquiry, he or she proposes to adopt and must inform those persons what he or she proposes as regards any site inspection arising out of the hearing.
- (2) The inquiry must be held in public, subject to paragraph (3).
- (3) The appointed person —
 - (a) must, to the extent to which he has been so directed in writing by the Chief Minister hold the inquiry otherwise than in public for the purpose of hearing evidence relating to matters specified in the direction, being matters of such a nature that it would, in the opinion of the Chief Minister, be against the interests of national security (whether of the Island or of the United Kingdom) to allow the evidence to be given in public; and
 - (b) may, on application made to him or her for that purpose, hold the inquiry otherwise than in public to such extent as the appointed person considers necessary for the purpose of hearing evidence, the giving of which is in that person's opinion likely to disclose information relating to a trade secret,

and information disclosed to any person by the hearing of evidence in the circumstances mentioned in sub-paragraphs (a) or (b) must not be disclosed by the person to whom it has been disclosed except for the purposes of the inquiry:

- (4) Despite paragraph (3), a representative of any employers' association or trade union such as is mentioned in regulation 6(1)(d) in that person's capacity as such is entitled to attend the hearing in a case falling within paragraph (3)(b).
- (5) Persons entitled or permitted to appear are to be heard in such order as the appointed person may determine.
- (6) Persons entitled to appear are entitled to make an opening statement, to call evidence and to cross-examine persons giving evidence, but any other person appearing at the inquiry may do so only to the extent permitted by the appointed person.
- (7) Where the appointed person so requires, witnesses must give evidence on oath⁷, and for that purpose the appointed person may administer an oath in due form.
- (8) Any evidence may be admitted at the discretion of the appointed person, who may direct that documents to be tendered in evidence may be inspected by any person entitled or permitted to appear at the inquiry and that facilities be afforded to that person to take or obtain copies of those documents.
- (9) The appointed person is entitled to take into account any written representations or statement received from any person by the appointed person, before the inquiry begins, but the appointed person must –
 - (a) disclose any such representation or statement at the inquiry; and
 - (b) make copies of the representation or statement available to the persons appearing at the inquiry.
- (10) The appointed person may from time to time adjourn the inquiry, and where he or she does so must give reasonable notice to every person entitled or permitted to appear at the inquiry of the date, time and place of the adjourned inquiry, provided that where the date, time and place of the adjourned inquiry are announced at the inquiry, no further notice need be given.

10 Site inspections

SI 1975/335/9

The appointed person and any person appointed to assist him or her in the inquiry may, where necessary for the purpose of the inquiry, at any reasonable time enter and make an inspection of any premises to which the inquiry relates and anything in them.

⁷ By virtue of section 2A of the Oaths Act 1922 (AT 0003 of 1922) a person who objects to taking an oath may instead make a solemn affirmation, which by virtue of section 2A(3) of that Act has the same force and effect as an oath.

11 Procedure after inquiry

SI 1975/335/10 and drafting

- (1) After the close of the enquiry, the appointed person must make a report in writing to the Department, which must include the appointed person's —
 - (a) findings of fact; and
 - (b) recommendations if any or his or her reason for not making any recommendation.
- (2) Except where a report made following a safety inquiry is to be published, in whole or in part, in pursuance of section 14(5) of the 1974 Act, the Department must send to any person who appeared at the inquiry a copy of that report or so much of it as the Department thinks fit.

MADE

CLARE BARBER

Minister for Environment, Food and Agriculture

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 14 of the Health and Safety at Work etc. Act 1974 (of Parliament) as it applies in the Island gives power to the Department of Environment, Food and Agriculture to direct an inquiry to be held into any accident, occurrence, situation or other matter whatsoever which the Department thinks it necessary or expedient to investigate for any of the general purposes of Part 1 of that Act or with a view to the making of regulations for those purposes.

These Regulations prescribe the procedure to be followed at or in connection with such inquiries and the powers of the persons appointed to hold such inquiries.