

Disclosure of Information by HM Inspectors of Factories about Industrial Accidents

As a result of negotiations between the Ministry of Labour and National Service, the Law Society in England and the Law Society of Scotland, the Ministry have agreed that in certain circumstances HM Inspectors of Factories may supply solicitors, on request, with factual statements based on their investigations of industrial accidents. The under-mentioned detailed arrangements for giving effect to this decision have now been completed with the Ministry of Labour and National Service:

- (1) A solicitor, acting on behalf of a party to actual or contemplated civil proceedings arising from an accident (this includes cases of poisoning) to a person employed or working in a factory or other place of employment subject to the Factories Acts, and wishing to obtain information from the Factory Inspectorate about the accident, should make a request in writing to HM District Inspector of Factories in the district in which the accident occurred.
- (2) The solicitor should explain on whose behalf he is acting, giving sufficient information to enable the accident to be identified (eg place, date, name of injured person, name of the factory occupier and/or employer), ask whether the accident has been investigated and if so, that a written statement should be supplied of factual information obtained in the course of the official investigation.
- (3) A reply will be sent as soon as possible to the solicitor concerned by the District Inspector. The reply will say whether the accident has been investigated by the Inspectorate and, if so, by whom. If the accident has been investigated and provided no criminal proceedings are pending, a written statement signed by the investigating Inspector will be enclosed.
- (4) The statement will be confined to such factual information as is obtained by the Inspector at first hand in his investigation of the accident. The statement will contain no disclosure of the Inspector's comments or of evidence given to the Inspector by persons interviewed by him or of any information the disclosure of which would involve a breach of the Official Secrets Acts. Names and addresses of witnesses will not be given and copies of any declarations by witnesses will not be supplied. It is, however, the practice of the Department (except in cases where criminal proceedings are pending) to give a copy of a declaration signed by a witness to the witness himself on his request and this will continue. The Inspector concerned will not be authorised to enter into discussions with the solicitor about the accident or any statement supplied. Should any further communications between the solicitor and the Inspector be desirable they should be made by letter and not by telephone or interview eg to clarify any ambiguity or to correct any obvious error in the statement.
- (5) In cases where a statement has been supplied, the District Inspector will so inform the other party to the proceedings, where known, and he will be told that, if he wishes, a copy of the statement will be supplied to him also.

An Inspector will not appear as a witness in Court in subsequent proceedings unless formally cited.