

THE STATUTES OF THE REPUBLIC OF SINGAPORE

HYDROGEN CYANIDE (FUMIGATION) ACT

(CHAPTER 132)

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Ordinance
28 of 1947**

**Amended by
31 of 1958**

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Hydrogen Cyanide (Fumigation) Act

ARRANGEMENT OF SECTIONS

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An Act to regulate the fumigation of premises and articles with hydrogen cyanide.

[8th August 1947]

1. This Act may be cited as the Hydrogen Cyanide (Fumigation) Act. Short title.

2.—(1) With a view to protecting persons from danger in connection with the fumigation of premises and articles (including any ship or vehicle) with hydrogen cyanide, the Minister may make regulations with respect to such fumigation. Power to make regulations.

(2) Without prejudice to the generality of subsection (1), such regulations may —

- (a) regulate the manner in which the hydrogen cyanide is to be generated and require the admixture therewith of any substance;
- (b) prohibit the carrying out of any such fumigation except by or under the supervision of persons having such training or experience as may be specified in the regulations and by such number of persons as may be so specified;

- (c) prohibit the carrying out of any such fumigation except by persons licensed to carry out the fumigation;
- (d) regulate the issue, suspension or cancellation of licences for the carrying out of any such fumigation and the terms and conditions subject to which they may be issued and the fees to be charged therefor;
- (e) regulate the disposal of the residues of any substances used in the fumigation;
- (f) for the purpose of preventing injurious effects resulting from such fumigation, impose temporary restrictions upon the use of any premises or article, and require such tests as may be specified in the regulations to be carried out after the fumigation.

(3) Regulations made under this section shall not apply to any such fumigation carried out in the open air.

(4) If any person contravenes or fails to comply with any regulations made under this section, he shall be guilty of an offence and shall be liable on conviction in respect of each offence to a fine not exceeding \$500.

(5) All regulations made under this Act shall be published in the *Gazette* and shall be presented to Parliament as soon as possible after publication and if a resolution is passed pursuant to a motion notice whereof has been given for a sitting day not later than the first available sitting day of Parliament next after the expiry of 3 months from the date when the regulations are so presented annulling the regulations or any part thereof as from a specified date, the regulations or such part thereof, as the case may be, shall thereupon become void as from that date but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

Notice to be given of accidents resulting from fumigation.

3.—(1) Whenever any accident which occasions loss of human life or personal injury occurs as the result of the fumigation of any premises or article, the person by whom, or by whose agent, the fumigation was carried out shall forthwith send or cause to be sent to the Minister notice of the accident and of the loss of human life or personal injury.

(2) Every such person who fails to comply with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

4. The Minister may direct an inquiry to be made by such person as he may appoint into the cause of any accident of which notice is required by this Act to be given to the Minister, and where it appears to the Minister either before or after the commencement of any such inquiry, that a more formal investigation of the accident and of the causes and circumstances thereof, is expedient, he may by order direct a formal investigation to be held, and with respect to inquiries and investigations made or held under this Act the following provisions shall have effect:

Inquiry into accidents.

- (a) the Minister may, by the same or any subsequent order, appoint any person or persons possessing legal or special knowledge to assist in holding a formal investigation, or may direct such Magistrate or other person or persons as may be named in the order to hold such an investigation with the assistance of any assessor or assessors named in the order;
- (b) the persons holding any formal investigation (referred to in this section as the court) shall hold it in open court in such manner and under such conditions as they think most effectual for ascertaining the causes and circumstances of the accident, and for enabling them to make the report in this section mentioned;
- (c) the court shall have for the purposes of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing information for offences under this Act, and in addition the following powers:
 - (i) they may enter and inspect any place or building the entry or inspection whereof appears to them requisite for that purpose;
 - (ii) 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 that purpose, and may for that purpose require to be

- furnished to them answers or returns to such inquiries as they think fit to make;
- (iii) they may require the production of all books, papers and documents which they consider important for that purpose;
 - (iv) 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;
- (d) persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before the High 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 under the hands of the members of the court shall ascertain and certify the proper amount of the expenses;
- (e) if any person without reasonable excuse (proof whereof shall lie on him) fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of the court holding an investigation under this Act, or prevents or impedes the court in the execution of its duty, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$100, or, in the case of a failure to comply with a requisition for furnishing any return or producing any document, to a fine not exceeding \$100 for every day on which the failure occurs or continues;
- (f) the person appointed to make an inquiry into any accident and the court holding an investigation of any accident under this section shall make a report to the Minister stating the causes of the accident and all the circumstances attending it, and containing any observations thereon or on the evidence or on any matters arising out of the inquiry or investigation which he or they think right to include in the report, and the Minister shall cause every report so made to him to be

made public in such manner as he thinks expedient.

5.—(1) Where a Coroner holds an inquiry upon the body of any person whose death may have been caused by any accident of which notice is required by this Act to be given to the Minister, the Coroner shall adjourn the inquiry unless some person on behalf of the Minister is present to watch the proceedings except that, if the accident has not occasioned the death of more than one person, and the Coroner has sent to the Minister notice of the time and place of holding the inquiry not less than 48 hours before the time of holding it, it shall not be imperative on him to adjourn the inquiry in pursuance of this section if he thinks it is unnecessary to do so.

Coroners' inquiries on deaths from accidents.

(2) The Coroner before adjournment may take evidence to identify the body and may order the interment thereof.

(3) The Coroner, at least 4 days before holding the adjourned inquiry, shall send to the Minister notice in writing of the time and place of holding the adjourned inquiry.

(4) A person employed on behalf of the Minister shall be at liberty at any such inquiry to examine any witness, subject nevertheless to the order of the Coroner on points of law.

(5) Where at any inquiry there is given evidence of any neglect having caused or contributed to an accident, the Coroner shall, if no person employed on behalf of the Minister is present at the inquiry, send to the Minister notice in writing of the neglect.

6. The Minister may by order apply the provisions of this Act or such of those provisions as may be specified in the order to fumigation with any substance other than hydrogen cyanide in like manner as they apply to fumigation with hydrogen cyanide subject to such adaptations, if any, as may be necessary having regard to the nature of the substance.

Power to apply this Act to fumigations with other gases.