

**Hydrogen Cyanide (Fumigation) Act
(CHAPTER 132)**

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**HYDROGEN CYANIDE (FUMIGATION) ACT
(CHAPTER 132)**

(Original Enactment: Ordinance 28 of 1947)

REVISED EDITION 2014

(31st October 2014)

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

[8th August 1947]

Short title

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

Power to make regulations

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.

(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 for the licences;
- (e) regulate the disposal of the residues of any substances used in the fumigation; and
- (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 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 of which 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 upon the resolution being passed become void as from that date but without prejudice to the validity of anything previously done under the regulations 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 contravenes this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$200.

Inquiry into accidents

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 of the accident 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:

- (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 of which appears to them requisite for that purpose;