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No. 3 of 1969.

GUYANA

## RULES

MADE PURSUANT TO SECTION 9 (1) OF THE SHIPPING CASUALTIES (INVESTIGATION & PREVENTION) ORDINANCE CHAPTER 267 BY THE COURT OF ENQUIRY APPOINTED BY HIS EXCELLENCY THE GOVERNOR-GENERAL UNDER THE SAID ORDINANCE TO ENQUIRE INTO THE CAUSE OF THE ACCIDENT WHICH LED TO THE LOSS OF THE M.V. 'POWIS' OFF THE FORESHORE OF LEONORA, STATE OF GUYANA, ON THE 22ND FEBRUARY, 1969.

1. In these Rules, unless the context or subject matter otherwise requires—

“INVESTIGATION” means the investigation into the cause of the accident which led to the loss of the M.V. ‘POWIS’

2. The Crown Solicitor may cause a notice, to be called a notice of investigation, to be served upon the owner, master and officers of the ship ‘Powis’ as well as upon any person who in his opinion ought to be served with such notice. The notice shall contain a statement of the question which, on the information then in his possession, he intends to raise on the hearing of the Investigation and shall be in form No. 1 of the Schedule hereto, with such variations as circumstances may require. The Crown Solicitor may, at any time before the hearing of the Investigation by a subsequent notice amend, add to or omit any question specified in the notice of investigation.

3. The Crown Solicitor, the owner, the master and any certified officer or other person upon whom a notice of investigation has been served shall be deemed to be parties to the proceedings.

4. Any other person may by leave of the President of the court appear, and any person who appears under this Rule shall thereupon become a party to the proceedings.

## NOTICE TO PRODUCE

5. A party may give to any other party notice in writing to produce any documents (saving all just exceptions) relating to the matters in question, and which are in the possession or under the control of such other party; and, if the notice is not complied with, secondary evidence of the contents of the documents may be given by the party who gave the notice.

## EVIDENCE

6. Affidavits and Statutory declarations may, by permission of the President of the Court, and saving all just exceptions, be used as evidence at the hearing.

## PROCEEDINGS IN COURT

7. The Court shall appoint a time and place for holding the Investigation which shall be published in the Official Gazette, and the Court may from time to time change or vary the place or time of sitting in Court. The Court may proceed with the Investigation whether the parties upon whom a notice of investigation has been served, or any of them are present or not.

8. The proceedings on the Investigation shall commence with the production and examination of witnesses by the Crown Solicitor. These witnesses, after being so examined, may be cross-examined by the parties in such order as the President of the Court may direct, and may then be re-examined by the Crown Solicitor. Questions asked, and the documents tendered as evidence in the course of examination of these witnesses, shall not be open to objection merely on the ground that they do or may raise questions which are not contained in, or which vary from, the statement of the case or questions specified in the notice of investigation or subsequent notices referred to in rule 2 hereof.

9. When the examination of the witnesses produced by the Crown Solicitor has been concluded, the Crown Solicitor shall state in open Court the questions in reference to the casualty and the conduct of the certificated officers, or other persons connected therewith, upon which the opinion of the Court is desired. The Court in its absolute discretion shall permit or reject any of those questions. In framing the questions for the opinion of the Court the Crown Solicitor may make such modifications in additions to, or omissions from the questions in the notice of investigation or subsequent notices referred to in rule 2, as, having regard to the evidence which has been given the Crown Solicitor may think fit, provided the leave of the Court is obtained.

10. After the questions for the opinion of the Court have been stated the Court shall proceed to hear the parties to the Investigation upon, and determine the questions so stated. Each party to the Investigation shall be entitled to address the Court and produce witnesses, or recall any of the witnesses who have already been examined for further examination, and generally adduce evidence. The parties shall be heard and their witnesses examined, cross-examined, and re-examined in such order as the President of the Court shall direct. The Crown Solicitor may also produce and examine further witnesses, who may be cross-examined by the parties and re-examined by the Crown Solicitor.

11. When the whole of the evidence in relation to the questions for the opinion of the Court has been concluded any of the parties who desire to do so may address the Court upon the evidence, and the Crown Solicitor may address the Court in reply upon the whole case.

## COMPUTATION OF TIME

12. In computing the number of days within which any act is to be done they should be reckoned exclusive of the first and inclusive of the last day, unless the last shall happen to fall on a Public Holiday in which case the time shall be reckoned exclusive of that day also.

SERVICE OF NOTICES

13. Any notice to produce, summons to witness or other document may be served by sending the same by registered post to the address of the person to be served not less than three days before he is required to appear before the Court.

14. The Service of any Summons, notice or other document may be proved by the oath or affidavit of the person by whom it was served.

15. The Crown Solicitor or any party may appear in Court by Counsel or Solicitor.

Dated this 4th day of December, 1969.

IVAN O. CHURAMAN,  
President.

NOTICE

Notice is hereby given that the Court of Enquiry appointed by His Excellency the Governor-General to inquire into the cause of the accident which led to the loss of the M.V. 'POWIS' off the foreshore of Leonora, on Saturday 22nd February, 1969, will sit at the Georgetown Magistrate's Court III, on Monday 15th day of December, 1969, at 1.30 p.m.

IVAN O. CHURAMAN,  
President of Court of Enquiry.  
4.12.69