

CHAPTER 266.

FIRES AND CASUALTIES INQUIRY.

[No. III of 1880.]

[9th June, 1880.]

1. This Ordinance may be cited as the Fires and Casualties Inquiry Ordinance, and the term "inquiry" herein means an inquiry hereunder. Short title and interpretation of "inquiry."
2. When any fire occurs causing injury to person or property, or in respect of which there is reasonable ground to suspect that a crime has been committed, or where any occurrence takes place resulting in serious injury to person or property, the magistrate of the district in which the fire or occurrence has taken place, shall, if he considers it expedient or is required by the Attorney-General to do so, make inquiry into the origin of the fire or occurrence. Making of inquiry into origin of fires and certain other occurrences.
3. Every inquiry shall be conducted publicly. Inquiry public.
- 4.—(1) The magistrate may summon any witnesses he deems necessary, and shall examine them upon oath touching the matter of the inquiry. Summoning of witnesses and taking of evidence.
- (2) The evidence of every witness shall be taken down in writing by the magistrate and distinctly read over to and subscribed by the witness in the presence of the magistrate.
- 5.—(1) If any person summoned as a witness at any inquiry refuses or neglects to appear at the time and place appointed by the summons and otherwise to comply therewith, and if no just excuse is offered for his refusal or neglect, then (after proof upon oath of the service of the summons upon him, either personally or by leaving it for him with some person at his place of abode) the magistrate may issue a warrant to bring and have him at a time and place therein mentioned before the magistrate to testify as aforesaid. Committal of witness failing to appear or refusing to give evidence.

(2) If, on the appearance of the person so summoned, either in obedience to the summons or upon being brought by virtue of the warrant, he refuses to be examined upon oath concerning the premises, or refuses to take the oath, or, having taken the oath, refuses to answer the questions concerning the premises then put to him, or refuses to produce any document which he is summoned to produce, or refuses to subscribe his deposition, the magistrate may by warrant commit him to any ordinary prison of the colony for any time not exceeding seven days, unless he in the meantime consents to be examined and to answer concerning the premises, or to produce the document (if any) or to subscribe his deposition, as the case may be.

Power to
certain
persons to
take part
in inquiry.

6. The Attorney General or any one on his behalf, the Inspector General of Police, or any inspector of police, or anyone whose conduct is called in question or who is affected by the result of the inquiry, may attend at the inquiry and examine or cross-examine witnesses and require that any witness shall be examined.

Powers of
magistrate :

7.—(1) A magistrate, on becoming aware of any fire or occurrence as to the origin of which it appears expedient to hold an inquiry, may do all or any of the following things, that is to say, he may—

(a) from time to time himself inspect, or, by order in writing under his hand, authorise and direct any person or persons to inspect, the locality where the fire or occurrence has taken place, and make any examination and take any photographs he or they deems or deem expedient;

(b) by order in writing under his hand, require that the place in and near which the fire or occurrence has taken place shall be left undisturbed and no article or thing removed therefrom, for any reasonable time, to be specified in the order, necessary for the purposes of the inquiry, and the time mentioned in the order may be extended by a like order in writing, and while the order remains in force every member of the police force shall have full authority to remain in possession of that place and to prevent any person from going thereon and any article or thing from being disturbed or removed;

- (c) by an order in writing under his hand, authorise any members of the police force, without naming them, to take and keep possession of any article or thing he considers should be safely kept for inspection or production at the inquiry; and
- (d) where any article or thing, the production of which there is reason to consider is necessary for the purposes of the inquiry, has been removed or is concealed, by warrant under his hand, empower any members of the police force, without naming them to search for that article or thing and, when found, to keep possession of it for production at the inquiry :

Provided that—

- (i) if any person feels aggrieved by any order of a magistrate made under the provisions of this section, he may, on an affidavit of the facts and without notice, except as hereinafter directed, apply to a judge of the Supreme Court in its civil jurisdiction to vary or annul the order of the magistrate, and the judge is hereby authorised to make any order the circumstances require; and
- (ii) every person who wishes to make the application shall, twenty-four hours at least before making it, leave at the chambers of the Attorney General a notice in writing of his intention to apply and a copy of every affidavit he intends to use on making the application.

(2) Everyone who obstructs the magistrate, or anyone acting under his order or direction, shall be guilty of a summary conviction offence, and on conviction thereof, shall be liable to a fine not exceeding two hundred and forty dollars or to imprisonment, with or without hard labour, for any term not exceeding one month.

8. A witness examined on an inquiry may receive any reasonable remuneration the magistrate certifies as allowable, not exceeding in any case what would be allowed to the witness for attendance at the Supreme Court in its civil

Expenses of witnesses and of inquiry.

jurisdiction, and all the expenses of an inquiry shall be defrayed from the sum annually voted for the miscellaneous expenses of the administration of justice.

Magistrate's
opinion.

9. After all the witnesses have been examined and the magistrate has made full investigation into the subject-matter of the inquiry, he shall record in writing his opinion as to the origin of the fire or occurrence in respect of which the inquiry is held and sign the opinion, and, as soon thereafter as may be practicable, transmit it to the Attorney General, together with all the depositions taken and the documents produced.

Forms of
summons and
warrant.

10. The forms of summonses and warrants authorised to be used under any Ordinance for the time being in force regulating procedure before magistrates in the exercise of their summary jurisdiction may, with the necessary modifications, be used for summonses and warrants under this Ordinance.
