

CHAPTER 115
FIRE ENQUIRY

ARRANGEMENT OF SECTIONS

SECTION

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SCHEDULE

CHAPTER 115

FIRE ENQUIRY

An Act to provide for the holding of investigations in cases of fire.

1879-1.
1956-57.
1961-21.
1963-5.
L.N. 168/
1967.

[4th September, 1879] Commence-
ment.

1. This Act may be cited as the Fire Enquiry Act. Short title.

2. Whenever any fire takes place in any part of the Island, the officer or constable of police to whom the fire first becomes known shall repair himself or send some other member of the Police Force forthwith to the spot where the fire occurred, and the officer or constable who so repairs to the spot, after performing such services as he may be required to perform in the due execution of his duty as an officer or constable of police, shall make all due enquiry into the origin or cause of the fire. Duty of police officer or constable to enquire into cause of fire.

3. Such officer or constable of police shall receive the statements of any person who is able to give information respecting such fire. Duty to receive statements of any person able to give information.

4. Such officer or constable of police shall, so soon after as he conveniently can, fill up or cause to be filled up the form given in the Schedule, and shall attach thereto the substance of any information given to him as to the origin or cause of the fire. Duty to fill up form in Schedule.
Schedule.

5. Such officer or constable of police shall so soon as convenient, but not later than twenty-four hours from the time of his attending the fire, forward to the Commissioner of Police for transmission to the magistrate of the district in which such fire shall have taken place the form filled up by him under section 4. Duty to forward form to Commissioner of Police for magistrate's information.

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Duty of
magistrate
to hold
enquiry.

6. The magistrate to whom the said form is transmitted shall, if he thinks fit or if an information on oath is made to the effect that the informant has reasonable grounds for believing not only that the fire was unlawfully and maliciously set but that he knows the person who set it, fix an early day for holding an investigation into the origin or cause of the fire so reported.

Place of
enquiry.

7. Such investigation may be held in the magistrate's court of the district in which the fire took place, or should the magistrate see any sufficient ground for holding it where the fire occurred and consider it expedient so to do, it shall be lawful for him with the consent of the owner of or person in charge of such place to so hold it accordingly.

Summoning
of witnesses.

8. (1) It shall be lawful for the magistrate to issue summonses free of charge to any witnesses that he may deem proper to attend any such investigation at such place as the magistrate may fix, any such summonses to be served in the same manner as are other summonses issuing from the magistrates' courts, and any person disobeying any summons may be proceeded against in like manner and be subject to the like penalties as provided for in the Magistrates Jurisdiction and Procedure Act.

Cap. 116.

(2) The provisions of the Magistrates Jurisdiction and Procedure Act generally which relate to indictable offences shall, so far as is possible consistently with this Act, apply to proceedings under this Act.

Evidence on
enquiry to
be on oath.

9. All evidence given before a magistrate in virtue of this Act, whether given at the magistrate's court as aforesaid or at any other place, shall be given upon oath and shall be taken down by the magistrate in the same manner as the depositions of witnesses on the preliminary investigation of indictable offences.

Duty of
magistrate
to forward
result of in-
vestigation to
the Minister
responsible
for Home
Affairs.
1961-21.
L.N. 168/
1967.

10. The magistrate shall at his earliest convenience after making such an investigation as aforesaid forward the proceedings or a certified copy thereof to the Minister responsible for Home Affairs.

11. (1) Nothing in this Act shall in any way prevent any person from at any time being charged with having caused any fire, nor shall anything in this Act entitle any person, save and except any person against whom a charge has been laid for having maliciously caused the fire about which the enquiry is held, to refuse to answer any question put by the magistrate, as to the cause of such fire.

Criminal proceedings not prejudiced by this Act. 1963-5.

(2) No statement or answer made by any person under this Act shall be admissible in evidence in any proceeding, either civil or criminal, against such person, save and except in any criminal proceeding for perjury.

SCHEDULE

s. 4.

FIRE REPORT FROM DISTRICT.....

Name of parish.	Name of estate or place where fire occurred.	Date of fire.	At what hour reported, and at what hour extinguished.	Description and amount of property destroyed, and supposed value thereof.	How many police present.	Whether supposed to be accidental or otherwise.	Any other remarks.

Signature of officer or constable of police.

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