
CHAPTER 185**RIOTS (CLAIMS TRIBUNAL)****ARRANGEMENT OF SECTIONS**

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CHAPTER 185

RIOTS (CLAIMS TRIBUNAL)

An Act to provide compensation for losses by riot.

28 cf 1943
43 cf 1964
5 cf 1987
25 cf 1995
 Short title.

[Commencement 21st June, 1943]

1. This Act may be cited as the Riots (Claims Tribunal) Act.

2. In this Act, unless the context otherwise requires —
 “Claims Tribunal” means the tribunal constituted under sections 4 and 5 of this Act;

Interpretation.

“damage by riot” means damage or destruction done —

(a) to any house, shop or building and the theft, damage or destruction of any goods therein; or

(b) to any vehicle upon a public highway, by any persons riotously and tumultuously assembled together;

“goods” includes plant and machinery whether or not attached to the realty but does not include money, negotiable instruments, securities, evidences of title to any property or right, or of the discharge of any obligation or any document owned for the purpose of a business;

“riot” has the meaning assigned to it by the Penal Code.

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3. Any person who has sustained loss in respect of damage by riot shall receive compensation in accordance with the provisions of this Act.

Compensation to persons for damage by riot.

4. (1) Whenever there has been damage by riot in The Bahamas, the Governor-General may, by Order appoint a Claims Tribunal consisting of a President who shall be a member of the legal profession and two members.

Claims Tribunal constituted.

(2) An Order made under this section shall specify the riot that was the occasion of the damage in respect of which compensation is to be fixed by a Claims Tribunal

appointed by the Order and all claims for compensation under this Act arising out of damage by such riot shall be made to the Claims Tribunal.

25 *cf* 1995, s 2
and Sch

(3) Unless the Governor-General otherwise orders the appointment of a Claims Tribunal shall be for a period not exceeding three years.

Appointments to
be published.

5. All appointments and revocations of appointments of the President and members of a Claims Tribunal shall be published in the *Gazette* and shall take effect from the date of such publication.

Secretary and
clerical
assistance.

6. The Claims Tribunal subject to the approval of the Governor-General may —

- (a) appoint a secretary to attend the sittings of the Tribunal, to record their proceedings, to keep their papers, summon and minute the testimony of witnesses and generally to perform such duties as a Claims Tribunal may prescribe; and
- (b) employ such clerical assistance as may be required.

Remuneration of
Claims Tribunal.
5 *cf* 1987, Sch

7. The President or any member of a Claims Tribunal not being a public officer may receive such remuneration as the Governor-General may prescribe not exceeding ten dollars *per diem*.

Powers of Claims
Tribunal.

8. (1) A Claims Tribunal shall have the following powers —

- (a) to make, with the concurrence of the Governor-General, rules prescribing the procedure for notifying, presenting and hearing claims and all matters incidental thereto and prescribing the verification of any claim and of any facts incidental thereto by statutory declaration, production of books, vouchers and documents;
- (b) to order persons to attend and give evidence on oath, and to produce and give discovery and inspection of documents;
- (c) to call in the aid of one or more assessors specially qualified, and hear any claim wholly or partly with their assistance;
- (d) to appoint an expert or experts to report on any matter material to the hearing of any claim; and

(e) to determine, subject to the approval of the Governor-General, the remuneration, if any, of such assessors and experts.

(2) A Claims Tribunal may take into consideration and receive evidence concerning any matter which they consider relevant to the subject of the inquiry before them, notwithstanding that the matter is not admissible in evidence under the law relating to evidence.

(3) A Claims Tribunal may permit the Minister of Finance or any claimant to be represented by counsel or other suitable person.

9. (1) Subject to the provisions of this section claims for compensation under this Act shall not be entertained by a Claims Tribunal unless made within fourteen days in New Providence and one month in an Out Island from the date of the publication of the Order appointing such Tribunal.

Limitation of time for making claims.

(2) A Claims Tribunal may for good cause extend the time within which a claim is made.

10. The Minister of Finance shall receive a copy of all claims made to a Claims Tribunal, and may appear or be represented at the hearing and contest the claims as a defendant in an action.

Appearance of Minister of Finance before Claims Tribunal.

11. A Claims Tribunal shall inquire into the truth of all claims made to them under this Act and shall, if satisfied, fix such compensation as appears to them just, but in fixing the amount of such compensation regard shall be had to the conduct of the person who suffers loss, whether as respects his being a party or accessory to such riotous or tumultuous assembly, or as regards any provocation offered to the persons assembled or otherwise.

Fixing of compensation by Claims Tribunal.

12. (1) Where any person who has suffered damage by riot (in this section referred to as the insured) has received by way of insurance or otherwise any sum to recoup him in whole or in part for such loss, the compensation otherwise payable to him under this Act shall, if exceeding such sum, be reduced by the amount thereof.

Compensation where property damaged is insured.

(2) Where the insured has been recouped otherwise than by the repayment of money, the provisions of this section shall apply as if the value of such recoupment were a sum paid, and the Claims Tribunal shall determine such value.

Apportionment

13. (1) Where several persons are interested in the property which has suffered damage by riot, if such persons agree in the apportionment of the compensation, the particulars of such apportionment shall be specified in the award, and as between such persons the award shall be conclusive evidence of the correctness of the apportionment.

(2) Where such persons are unable to agree on the apportionment, a Claims Tribunal shall decide the proportions in which the persons so interested are entitled.

Award

14. (1) When a Claims Tribunal are not unanimous as to the compensation to be awarded under this Act, a majority of a Claims Tribunal may make an award.

(2) Every award of compensation made under this Act shall be in writing signed by the President and members concurring therein and copies thereof certified by the President shall be transmitted to the Minister of Finance, and a quarterly return of all amounts so awarded shall be laid on the table of each House of Parliament.

Claims by associations not incorporated

15. Where damage by riot is sustained by any association or body of persons not incorporated, a Claims Tribunal may permit the claim to be made by representatives of the association or body and such representatives may give a valid discharge to the Treasurer for any compensation awarded to such association or body, but such discharge shall be without prejudice to the right of any person to recover the compensation or part thereof from such payee.

Right of appeal to the Supreme Court

16. (1) The Minister of Finance or any claimant who is dissatisfied with the decision of a Claims Tribunal may appeal to the Supreme Court.

(2) The appellant within seven days of the award shall serve notice in writing signed by the appellant or his counsel or representative upon the Minister of Finance or the claimant (as the case may be) and on the Claims Tribunal of his intention to appeal and of the general grounds of his appeal.

(3) The Claims Tribunal shall without delay transmit to the Registrar of the Supreme Court a copy of the award and all papers relating to the appeal.

(4) The appellant shall, upon serving notice of appeal as provided in subsection (2) of this section, be entitled to a copy of any evidence taken before the Claims Tribunal on payment for the same at the rate of five cents per folio. *5 cf 1987, Sch*

(5) The Supreme Court upon the hearing of an appeal under this section shall, in addition to the powers now exercised by that Court, have all the powers vested in the Claims Tribunal under section 8 of this Act except those powers provided in paragraph (a) of subsection (1) of that section.

(6) Subject to the provisions of this section the Supreme Court shall hear and determine an appeal from a Claims Tribunal in like manner as an appeal by motion from a decision of a magistrate; where the appeal is by the claimant, the Minister of Finance shall be made the respondent, and where the appeal is by the Minister of Finance the claimant shall be made the respondent.

17. (1) Compensation awarded by a Claims Tribunal in excess of eighty thousand dollars shall not be paid without the approval of the House of Assembly signified by resolution thereof. *Restrictions upon the payment of compensation under this Act 5 cf 1987, s 2*

(2) No compensation awarded by a Claims Tribunal shall be paid until three months after the appointment of the Claims Tribunal making the award: *43 cf 1964, Third Sch*

Provided that an amount not exceeding one-half the award may be paid if the President of the Claims Tribunal certifies that the person to receive the same is in urgent need of money.

(3) If before the expiration of three months from the appointment of a Claims Tribunal, such Claims Tribunal is of opinion that the damage done by the riot in respect of which the Claims Tribunal was appointed is likely to exceed sixty thousand dollars, the President of the Claims Tribunal shall notify the Minister of Finance and the following provisions shall apply — *5 cf 1987, s 2*

- (a) no compensation except as certified under the proviso to subsection (2) of this section, shall be paid until the Claims Tribunal has disposed of all claims and has so notified the Minister of Finance;

5 cf 1987, s 2 (b) upon receiving such notice, the Minister of Finance shall ascertain the total amount of compensation awarded by the Claims Tribunal and if such amount exceeds eighty thousand dollars shall lay on the table of each House of Parliament a statement of such total amount;

5 cf 1987, s 2 (c) if the House of Assembly does not approve the payment of compensation awarded by the Claims Tribunal in excess of eighty thousand dollars, the amount awarded to each claimant shall abate pro rata and be paid accordingly.

Expenses and
payment of
compensation

18. All expenses incurred under sections 6, 7 and 8 and in the payment of compensation upon any award and generally in carrying out the objects of this Act shall be payable out of the Consolidated Fund by warrant in the usual manner.

Power of police
officer to
investigate
damage by riot

19. (1) Whenever there has been damage by riot in The Bahamas, the Commissioner of Police may direct any officer or member of the police force (in this section referred to as a police officer) to investigate such damage, and for the purpose of the investigation such a police officer may enter and inspect any premises wherein there has been damage by riot.

(2) Any person when so required by a police officer acting in the course of his duty under the provisions of this section shall give to such officer all particulars within his knowledge or procurement of the property damaged by riot.