

**THE ENQUIRY INTO CAUSES OF FIRES AND
ACCIDENTS ACT**

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.
3. Power and duty of Resident Magistrate in respect of fires and certain other occurrences.
4. Summoning and examination of witnesses.
5. Enforcement of evidence and production of documents.
6. Who are entitled to attend such enquiries and examine and cross-examine witnesses.
7. Powers of Justice in cases of fire or other occurrence.
Penalty on persons obstructing persons acting under this section.
8. Witnesses' expenses, their allowances and payment.
9. Enquiry to be public.
10. Report of result of enquiry, and duty of Resident Magistrate in respect thereof.
Who entitled to take copies of report and evidence.
11. Form of summonses and warrants.

THE ENQUIRY INTO CAUSES OF FIRES AND ACCIDENTS ACT Cap. 115.

[18th October, 1887.]

1. This Act may be cited as the Enquiry into Causes of Fires and Accidents Act. Short title.

2. In this Act—

Interpreta-
tion.

“enquiry” means an enquiry under this Act;

“Chairman of the Parish Council” shall include Vice-chairman, or other person for the time being performing the duties of chairman; and in the cases of the parishes of *Kingston* and *St. Andrew* shall include the Council of the *Kingston* and *St. Andrew* Corporation appointed and constituted under the provisions of the *Kingston* and *St. Andrew* Corporation Act.

3. Where 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, and the origin of such fire or occurrence is unknown, the Resident Magistrate of the parish in which such fire or occurrence has taken place, shall, if he considers it expedient, or is required by the Minister or the Chairman of the Parish Council of the parish to do so, make enquiry into the origin of such fire or occurrence.

Power and
duty of
Resident
Magistrate
in respect
of fires and
certain other
occurrences.

4. The said Resident Magistrate may, by writing under his hand, summon such witnesses as he may deem necessary, and shall examine them, and all other persons presented or presenting themselves for examination, on oath or affirmation touching the matter of the enquiry; and the evidence

Summoning
and exam-
ination of
witnesses.

*ENQUIRY INTO CAUSES OF FIRES AND
ACCIDENTS*

of every witness shall be taken down in writing by the said Resident Magistrate, or by such other person as he may for the purpose appoint, and distinctly read over to and subscribed by such witness in the presence of the said Resident Magistrate.

Enforcement
of evidence
and pro-
duction of
documents.

5. If any person summoned as aforesaid as a witness at any enquiry held under this Act shall neglect or refuse to appear at the time and place appointed by the said summons and otherwise to comply with the same, and if no just excuse shall be offered for such neglect or refusal, then (after proof upon oath or affidavit of such summons having been served upon such person, either personally or by leaving the same for him with some person at his place of abode) it shall be lawful for the Resident Magistrate to issue a warrant under his hand to bring and have such person at a time and place therein mentioned before him to testify as aforesaid, and if on the appearance of the person so summoned, either in obedience to the said summons or upon being brought up by virtue of the said warrant, such person shall refuse to be examined upon oath or affirmation concerning the premises, or shall refuse to take such oath, or to make such affirmation, or having taken such oath or affirmation shall refuse to answer such questions concerning the premises as shall be then put to him, or shall refuse to produce any document which he may be summoned or be required by the Resident Magistrate to produce, or shall refuse to subscribe his deposition, the Resident Magistrate may by warrant under his hand commit the person so refusing to prison for any term not exceeding seven days, unless he shall in the meantime consent to be examined and to answer concerning the premises, or to produce such document, if any, or to subscribe his deposition, as the case may be :

Provided always that no witness shall be bound to answer any question, or to produce any document, which

would have a tendency to criminate such witness, or the wife or husband of such witness, or expose such witness, or wife or husband to a penalty or forfeiture.

6. The Attorney-General or any one appointed by him, the Chairman of the Parish Council or anyone appointed by him, the Commissioner of Police or any Superintendent or Assistant Superintendent of Police may severally attend at the enquiry, and examine and cross-examine any witnesses, and may require that any witness shall be examined; and any person, or the agent of any company, society or association, who or which may be pecuniarily interested in any loss arising out of the fire or occurrence, the subject of the enquiry, and any other person whose conduct in the opinion of the Resident Magistrate is or is likely to be called in question, or who in the opinion of the Resident Magistrate may be affected by the result of the enquiry, may also by leave of the Resident Magistrate attend at the enquiry, and examine or cross-examine any witness, or require that any witness shall be examined.

Who are entitled to attend such enquiries and examine and cross-examine witnesses.

7. Any Justice on becoming aware of any fire or occurrence within the parish for which he acts, the origin of which is or appears to him likely to be subject of an enquiry under this Act, may do all or any of the following things, that is to say—

Powers of Justice in cases of fire or other occurrence.

- (a) he may from time to time himself inspect, or by order in writing under his hand authorize and direct any person or persons to inspect, the locality where the fire or occurrence has taken place, and make such examination and take such photographs, drawing and measurements, as he or they may deem expedient;
- (b) he may, by order in writing under his hand, require that the place in and near which the fire

**ENQUIRY INTO CAUSES OF FIRES AND
ACCIDENTS**

or occurrence has happened shall be left undisturbed, and that no article or thing shall be removed therefrom, for such reasonable time, to be specified in such order, as may be necessary for the purposes of the enquiry; the time mentioned in any such order may be extended by a like order in writing. While any such order remains in force every constable shall have full authority to remain in possession of such place, and to prevent any person going thereon, and prevent any article or thing being disturbed or removed;

- (c) he may, by an order in writing under his hand, authorize any constable without naming such constable to take and keep possession of any article or thing which he deems it necessary should be safely kept for inspection or production at the enquiry;
- (d) where any article or thing, the production of which there is reason to consider is necessary for the purposes of the enquiry, has been removed or is concealed, and it is made to appear to him, by evidence on oath, that there is reasonable ground for believing that such article or thing is in a certain house or on certain premises, he may, by warrant under his hand, empower any constable, without naming such constable, to search the said house or premises for such article or thing, and when found to keep possession of the same for production at the enquiry:

Provided as follows, that is to say—

If any person feels aggrieved by any order made as aforesaid under the provisions of this section, he may, on an affidavit of the facts, and without notice except as hereinafter directed, apply by motion to a Judge of the Supreme Court to vary

*ENQUIRY INTO CAUSES OF FIRES AND
ACCIDENTS*

or annul such order; and the Judge is hereby authorized to make such order as the circumstances may require. Every person wishing to make any such application shall, twenty-four hours at least before making the application, leave at the office of the Attorney-General, and with the Justice making such order, a notice in writing of his intention to make the same, and a copy of every affidavit which he intends to use on making such application.

Any person obstructing any Justice or other person or persons appointed by him as aforesaid, or any one acting under his or their order or direction while acting under the authority of this section, shall be guilty of an offence, and, on summary conviction, shall be liable to a penalty not exceeding twenty dollars, and in default of payment to imprisonment, with or without hard labour, for a term not exceeding one month.

Penalty on persons obstructing persons acting under this section.

8. A witness attending on an enquiry in obedience to a summons shall be entitled to receive the like sum for his expenses as if he had been summoned to attend a Circuit Court on a criminal trial, if the same shall be allowed by the Resident Magistrate; but the Resident Magistrate may disallow the whole or any part of such expenses in any case, if he shall see fit. Orders for the payment of such witnesses shall be made as nearly as may be as orders are made for the payment of witnesses at a Circuit Court, and shall be paid at such time and in such manner as the Minister may direct.

Witnesses' expenses, their allowances and payment.

9. Every enquiry under this Act shall be conducted publicly.

Enquiry to be public.

*ENQUIRY INTO CAUSES OF FIRES AND
ACCIDENTS*

Report of result of enquiry, and duty of Resident Magistrate in respect thereof.

10. After all the witnesses have been examined, and the Resident Magistrate has made full investigation into the subject-matter of the enquiry, he shall record in writing his opinion as to the origin of the fire or occurrence in respect of which the enquiry is held, and shall sign such opinion, and as soon thereafter as may be practicable shall transmit the same to the Minister, together with all the depositions taken, and the documents produced or a copy of them, and the Minister shall, as soon as possible thereafter, in cases where the enquiry has been held on the requisition of the Chairman of the Parish Council, send to such Chairman a copy of the said opinion of the Resident Magistrate.

Who entitled to take copies of report and evidence.

The Chairman of the Parish Council of the parish in which such fire or occurrence has taken place, and every person allowed to appear at such enquiry under section 6, shall be allowed, by their agents or otherwise, to procure copies of the depositions and documents returned by the Resident Magistrate as aforesaid.

Form of summonses and warrants.

11. The forms of summonses and warrants in use for the time being by Courts of summary jurisdiction may, with the necessary modifications, be used for summonses and warrants under this Act.