

FIRE INQUIRY ACT

Cap 290 – 29 June 1895

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FIRE INQUIRY ACT

1. Short title

This Act may be cited as the Fire Inquiry Act.

2. Investigation of causes of fire

(1) Where a house or building has been burnt down or damaged by fire, the Director of Public Prosecutions may require, in Form A of the Schedule, the District Magistrate of the district within which the property burnt down or damaged is situate, to proceed to a judicial investigation into the cause of such fire, without charging any person with any offence against the law, in connection with such fire.

(2) (a) Any company of insurance, underwriter or person suffering prejudice from such fire may apply to the District Magistrate of the district within which the fire took place for a judicial investigation into the cause of the fire.

(b) Such application shall be made in Form B of the Schedule and shall be sworn to by the person making it.

3. Order of inspection

(1) Subject to subsection (2), on receiving a requisition from the Director of Public Prosecutions or on the exhibition of the information mentioned in section 2, the Magistrate shall issue an order in Form C of the Schedule to the Superintendent of Police in charge of the district, to cause an inspection of the locality where the fire took place and an inquiry into the causes of the fire, to be made as soon as possible, and a report to be made to the Magistrate.

(2) Where the application for an investigation is made by any person, other than the Director of Public Prosecutions, the Magistrate before issuing the order shall require the deposit of a sufficient sum with the District Cashier to cover all the costs mentioned in section 10.

4. Investigation by District Magistrate

The District Magistrate shall then make an investigation into the fire, and shall within the shortest possible time take the depositions upon oath of all persons likely to know the facts and circumstances of the case, and of all other persons who in his opinion may be able to furnish information about it.

5. Examination of witnesses

Any person deputed by the Director of Public Prosecutions, any officer of police or, with the leave of the Magistrate, any interested party present at such investigation, may examine the witnesses and any person who may be able to give due and proper information concerning the fire.

6. Powers of District Magistrate

(1) The District Magistrate shall carry on the investigations with the same powers as are vested in him by the District and Intermediate Courts (Criminal Jurisdiction) Act.

(2) Any person who makes a false declaration before the Magistrate in any such investigation shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years.

7. Appointment of guardian

(1) In every case of fire, the District Magistrate may, at the request of any interested party, appoint a person duly sworn before him to take provisional charge of the premises where the fire has taken place or has been attempted, and of the property upon the premises, during the time that he carries on his investigation.

(2) The fees of a person appointed under subsection (1) shall be paid by the interested party and shall not exceed 3 rupees per day.

8. Reference to Director of Public Prosecutions

At the close of the investigation, all proceedings under this Act shall be referred to the Director of Public Prosecutions who may, after examining the depositions, file an information before the Magistrate against any person whom he suspects of having committed an offence in connection with the fire, and order the Magistrate to proceed by way of preliminary inquiry under the District and Intermediate Courts (Criminal Jurisdiction) Act.

9. Previous inquiry not to be evidence

No previous inquiry taken by the Magistrate under sections 3 to 6 shall be evidence against the person against whom an information is filed, and the

Magistrate shall investigate the charge and carry on a new inquiry in the manner directed by the District and Intermediate Courts (Criminal Jurisdiction) Act.

10. Costs to be borne by applicants

(1) The costs of the information and order under sections 2 and 3, and of the judicial investigation under sections 4, 5 and 6 shall be borne by the applicant out of the sums deposited by him, or if they are insufficient, the additional costs may be recovered as costs are by law recovered in a criminal case before the District Courts.

(2) Where the judicial investigation is proceeded to at the request of the Director of Public Prosecutions, the costs, if any, shall be borne by the State.

(3) Such costs shall be taxed according to the tariff of fees in force in the District Courts.

[S. 10 amended by Act 48 of 1991.]

11. Investigation not a cause of challenge

No Magistrate shall be prohibited from making an inquiry under the District and Intermediate Courts (Criminal Jurisdiction) Act, by the fact that he has made a judicial investigation under this Act.

SCHEDULE

FORM A

[Section 2 (1)]

In the District of

In virtue of the powers conferred upon me by the Fire Inquiry Act, I hereby require the District Magistrate in and for the district ofto proceed to a judicial investigation into the cause of the fire by which the house (or building, as the case may be) situate in the locality of was , as there is reasonable cause to suspect that the said fire is the result of a crime.

.....
Director of Public Prosecutions

FORM B

[Section 2 (2)]

Mauritius, in the District of

..... of in the district of , a makes and says—

That on the day of in the year in the district of house (or building, as the case may be) situate in the locality of was by fire and that the he represents have thereby suffered prejudice; and that he has reasonable cause to suspect and does suspect that the fire was the result of a crime; wherefore he prays that a judicial investigation be made into the cause of such fire, and is willing and ready to deposit the sum of to cover the expense such of investigation according to law.

Signed:

Exhibited and sworn on the day of in the year at in the district of

Before me

.....
District Magistrate in and for the district of

FORM C

[Section 3]

Mauritius, in the District of

To of Police of the district.

Whereas information upon oath has this day been made before me Magistrate in and for the district of .. by of in the district of that a situate in the locality of in the district of has been by fire, and that there is reasonable cause to suspect that such fire is the result of a crime.

These are therefore in the State's name to require you to make or cause to be made an inspection of the premises where the fire has taken place (or has been attempted), and also an inquiry into the causes of such fire, and a search for the authors, if any, of any crime which may have been the cause of such fire, and further to report to me on the matters aforesaid with as due diligence as possible.

Given under my hand at in the district of on the day of in the year

.....
District Magistrate in and for the district of
[Form C amended by Act 48 of 1991.]