



BELIZE

**FIRE INQUIRIES ACT
CHAPTER 123**

**REVISED EDITION 2011
SHOWING THE SUBSTANTIVE LAWS AS AT 31ST
DECEMBER, 2011**

This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2011.

CHAPTER 123**FIRE INQUIRIES****ARRANGEMENT OF SECTIONS**

1. Short title.
2. Magistrate to hold inquiry.
3. Power to summon witnesses.
4. Warrant to be issued on refusal to obey summons.
5. Persons who may attend inquiries and examine witnesses.
6. Further powers of magistrate.
7. Payment of witnesses.
8. Inquiry to be public.
9. Staying and resuming of inquiry.
10. Report of Magistrate.
11. Proceedings to be filed.
12. Forms.

CHAPTER 123

FIRE INQUIRIES

Ch. 15,
R.L., 1958.
CAP. 76,
R.E. 1980-1990.
40 of 1963.
1 of 1969.
10 of 1969.
42 of 1999.

[30th May, 1898]

Short title.

1. This Act may be cited as the Fire Inquiries Act.

Magistrate to hold inquiry.

2. Where any fire occurs causing injury or damage to any 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 or damage to any person or property, the magistrate of the judicial district in which the fire or occurrence has taken place shall, if he considers it expedient, or is required by the Minister to do so, hold an inquiry into the origin or cause of the fire or occurrence and the circumstances connected therewith.

40 of 1963.

Power to summon witnesses.

3.—(1) The magistrate may summon such witnesses as he may think necessary, or whose examination may be required under section 4, and shall examine them, and all other persons presented or presenting themselves for examination on oath touching the matter of the inquiry.

(2) The evidence of every witness shall be taken down in writing by the magistrate or by such other person as he may for the purpose appoint, and it shall be distinctly read over to and subscribed by the witness in the presence of the magistrate who shall subscribe it himself.

Warrant to be issued on refusal to obey summons.

4.—(1) Every person summoned as a witness at any inquiry who without just cause refuses or neglects to appear at the time and place appointed by the summons, or otherwise to comply with it may, on proof upon oath of such summons having been served upon him either personally or by leaving it for him with some person at his last or most usual place of abode, be apprehended on a warrant issued by the magistrate and taken before him to testify.

(2) If the magistrate is satisfied that it is probable that any person, whom he thinks to be a necessary witness or whose examination is required under this Act, will not attend to give evidence without being compelled to do so, he may, instead of issuing a summons, issue in the first instance a warrant to bring and have that person at a time and place to be specified therein before him to testify.

(3) If on the appearance of any person so summoned or brought before the magistrate by virtue of a warrant that person refuses to be examined upon oath touching the matter of the inquiry, or refuses to take the oath, or, having taken the oath, refuses to answer any question touching the matter of the inquiry as is then put to him, or refuses to produce any document which he may be summoned or required by the magistrate to produce, or refuses to subscribe his deposition, the magistrate may by warrant commit the person so refusing to the nearest prison for any term not exceeding seven days, unless in the meantime he consents to be examined and to answer touching the matter of the inquiry, or to produce such document, if any, or to subscribe his deposition, as the case may be,

Provided that no witness shall be bound to answer any question, or to produce any document, which would have a tendency to incriminate him, or his wife or her husband, or to expose him or his wife or husband to any penalty or forfeiture.

10 of 1969.

5.—(1) The Director of Public Prosecutions or anyone appointed by him, or any superior officer of the Police Department, and in places where there is no superior officer of police, the non-commissioned officer of police in charge at such place, may severally attend at the inquiry and examine and cross-examine any witness and may require that any witness be examined.

Persons who may attend inquiries and examine witnesses.
42 of 1999.

(2) Any person or the agent of any company, society or association, who or which may be peculiarly interested in any loss arising out of the fire or occurrence, the subject of inquiry, and any other person whose conduct in the opinion of the magistrate is or is likely to be called in question or who in the opinion of the magistrate may be affected by the result of the inquiry, may also by leave of the magistrate attend at the inquiry, and examine or cross-examine any witness, or require that any witness be examined.

Further powers of
magistrate.

6.—(1) A magistrate, on becoming aware of any fire or occurrence within his judicial district, as to the origin or cause of which it appears expedient to hold an inquiry, may,

(a) from time to time himself inspect, or by order authorise and direct any person to inspect, the locality where the fire or occurrence has taken place, and make such examination and take such photographs, drawings and measurements as he or they may deem expedient;

42 of 1999.

(b) by order in writing, require that the place in and near which the fire 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 inquiry, and the time mentioned in any such order may be extended by a like order in writing, and while such order may be extended by a like order in writing, and while any such order remains in force, every member of the police department shall have full authority to remain in possession of such place, and prevent any person from going thereon and to prevent any article or thing being disturbed or removed;

42 of 1999.

(c) by order in writing, authorise any member or members of the police department, without naming such member or members, to take and keep possession of any article or thing which he thinks should be safely kept for inspection or production at the inquiry;

42 of 1999.

(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, 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, by warrant, empower any member of the

police department, without naming such member, to search the house or premises for such article or thing and when found to keep possession of it for production at the inquiry.

(2) If any person feels aggrieved by an order made under this section, he may, on an affidavit of the facts and without notice except as is directed in subsection (3) of this section, apply by motion to a judge to vary or annul the order, and the judge may make such order as the circumstances may require.

(3) Every person wishing to make any such application shall, twenty-four hours at least before making the application, leave at the office of the Director of Public Prosecutions and with the magistrate, a notice in writing of his intention to make it, and a copy of every affidavit which he intends to use on making such application.

1 of 1969.

(4) No court fees shall be demanded or received from such person in respect of such application.

(5) Every person who obstructs the magistrate, or other person appointed by him as mentioned in subsection (1) of this section or anyone acting under his order or direction while acting under the authority of this section, is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding six months.

7. The magistrate may order payment to any persons who are summoned or examined by him as witnesses in the course of any inquiry held under this Act of,

Payment of witnesses.

(a) their reasonable and necessary travelling expenses, if any; and

(b) such sums of money as the Minister may from time to time prescribe to compensate such persons for their personal expenses, trouble and loss of time in attending at such inquiry.

40 of 1963.

Inquiry to be public.

8. Every inquiry shall be conducted publicly, unless the magistrate is of opinion that it is for the public interest that such inquiry should be held in private.

Staying and re-summing of inquiry.

9.—(1) The magistrate may in his discretion, if of opinion that it is advisable in the interests of justice at any stage of an inquiry, stay it and may afterwards in his discretion, or shall when so required by the Minister, resume it.

42 of 1999.

(2) The magistrate shall at any stage of the inquiry if so required by the Director of Public Prosecutions or any superior officer of the police department stay the inquiry and shall afterwards if so required by the Director of Public Prosecutions or any such officer resume it.

Report of magistrate.

10.—(1) After all the witnesses have been examined and the magistrate has made full inquiries into the subject-matter of the inquiry, he shall record in writing his opinion as to the origin or cause of the fire or occurrence in respect of which the inquiry is held, and shall sign the opinion.

(2) The magistrate shall within seven days of signing his opinion transmit it to the Director of Public Prosecutions, together with all the depositions taken and the documents produced, or copies of such documents, and shall forward to the Minister a copy of his opinion.

Proceedings to be filed.

11. The Director of Public Prosecutions shall from time to time cause to be delivered to the Registrar General the proceedings upon all inquiries transmitted to him and thereupon the Registrar General shall take charge of such proceedings and shall keep a proper list of the same.

Forms.

12. The forms of summons and warrants for the time being used by a summary jurisdiction court where the offence charged is punishable on summary conviction may, with the necessary modifications, be used for summonses and warrants under this Act.