

CHAPTER 9

DEATH AND FIRE INQUIRIES

AN ACT TO PROVIDE FOR INQUIRIES INTO THE CAUSES OF DEATH OR OF FIRE

[15th December 1926]

9 of 1926
6 of 1967
LN 46A of 1978
LN 88 of 1978

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

Short title

PART I

DEATH INQUIRIES

2. Whenever a Magistrate shall have been informed, or shall have reason to believe or suspect, that the death of any person occurring or of any person who may be found dead within Solomon Islands has been brought about or accelerated either by violence, or by accident, or by any unnatural cause, or that such person has died a sudden death of which the cause is unknown he may if he shall think fit, at such time and place as he shall fix, hold an inquiry into the cause of the death of such person.

Magistrate may hold inquiry in cases of sudden or suspicious death
6 of 1967, Sched
LN 46A of 1978

3. If a body shall have been interred before an inquiry shall have been held the Magistrate may, if he shall think fit, by warrant under his hand order the disinterment of such body for the purpose of the inquiry and such disinterment shall be made accordingly.

Magistrate may order disinterment of body

4. An inquiry shall be held by a Magistrate into the cause of all deaths in Solomon Islands of all persons confined in any prison or other place of lawful detention.

Death in prison
LN 46A of 1978

5. For the purpose of every inquiry held under or by virtue of the provisions of this Act the Magistrate holding the same shall have powers like to those vested in the Court in respect of the following matters-

Powers of Magistrate
6 of 1967, Sched

(a) for administering oaths or affirmations to witnesses and compelling them to give evidence;

(b) for compelling the attendance of witnesses and the production of documents;

(c) for the punishment of contempt if committed in the presence of the Magistrate during the inquiry.

6. Whenever it is expedient that the dead body of any person should be examined by a duly qualified medical practitioner the Magistrate shall forthwith issue an order to any such medical practitioner to make a post-mortem examination of the body of the deceased person.

Post-mortem examination
of body
6 of 1967, Sched

7. Every medical practitioner who is required to make a post-mortem examination as in the last preceding section provided shall thereupon make such examination as may enable him to ascertain as far as possible the cause of death; and shall send a report thereof to the Magistrate requiring the examination.

Medical practitioner to
make post-mortem when
required
6 of 1967, Sched

8. Every medical practitioner who fails or neglects to comply with the provisions of the last preceding section, unless he shows good and sufficient cause for not complying with the same, shall be liable on summary conviction to a fine of twenty dollars.

Penalty for failure to
comply with order

9. A medical practitioner for making a post-mortem examination of a body of a deceased person when required as aforesaid, and for his report thereon to the Magistrate, shall receive such fee, if entitled thereto, as the Rules Committee under section 90 of the Constitution, may from time to time prescribe.

Fee for post-mortem
6 of 1967, Sched
LN 46A of 1978
LN 88 of 1978

10. Every person becoming aware of any unnatural death or of any death by violence or by accident and who neglects to notify the nearest Magistrate, or to notify the same at the nearest police station, shall on summary conviction be liable to a fine of ten dollars or to imprisonment for any period not exceeding one month.

Penalty for failure to
report unnatural death
6 of 1967, Sched

PART II

FIRE INQUIRIES

11. A Magistrate may hold an inquiry into the cause and origin of any fire occurring within Solomon Islands when, in his opinion, the circumstances of the fire require an inquiry; and for such purpose a Magistrate shall have and may exercise all or any of the powers conferred by Part I of this Act in so far as the same shall be applicable.

Fire inquiry
6 of 1967, Sched
LN 46A of 1978

PART III

MISCELLANEOUS

12.-(1) There may be appointed from time to time one or more fit and proper persons for the purposes of holding inquiries under this Act, any such appointment being made, in the case of a public officer, pursuant to the Constitution, and otherwise by the Chief Justice:

Appointment of other persons for holding inquiries
6 of 1967, Sched LN 46A of 1978

Provided that any person so appointed shall only exercise the powers thereby conferred upon him in the event of a Magistrate being unable to hold an inquiry owing to illness or absence or any other reasonable cause.

(2) All the powers of a Magistrate under this Act shall be thereupon vested in any such person appointed as aforesaid.

(3) Every such person shall before exercising any of the powers conferred upon him as herein before provided make and subscribe before any Magistrate the oath prescribed in the Schedule to this Act.

13. Any person who at or in any inquiry held under the provisions of this Act shall upon oath or affirmation wilfully and corruptly give false evidence upon a matter material to such inquiry shall be deemed to be guilty of the crime of wilful and corrupt perjury and may be prosecuted and punished accordingly.

Penalty for giving false evidence

14. Any person who satisfies the Magistrate that he has a bona fide interest in the subject-matter of an inquiry under this Act, and any other person by leave of the Magistrate, may attend the inquiry in person or may be represented by counsel or solicitor.

Appearance of counsel
6 of 1967, Sched

THE SCHEDULE

LN 46A of 1978

OATH TO BE TAKEN BY A PERSON APPOINTED UNDER SECTION 12

I, A.B., do swear that I will well and truly serve our Sovereign Lady the Queen, and will act diligently and truly to the best of my ability for the doing of right and for the good of the people, touching the matter

of any inquiry I may be called upon to hold under the provisions of the Death and Fire Inquiries Act.

Sworn before me at this day
of , 19 .

Magistrate

(No Subsidiary Legislation)