

REPRINT

DEATH AND FIRE INQUIRIES ACT (CAP. 9)

As in force at: 1 October 2009

STATUS: CURRENT

For details see Endnotes

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

DEATH AND FIRE INQUIRIES ACT (CAP. 9)

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DEATH AND FIRE INQUIRIES ACT (Cap. 9)

As in force at: 1 October 2009

1. Short title

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

PART I DEATH INQUIRIES

2 Magistrate may hold inquiry in cases of sudden or suspicious death

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.

3 Magistrate may order disinterment of body

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.

4 Death in prison

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.

5 Powers of Magistrate

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:

- (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 Post-mortem examination of body

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.

7 Medical practitioner to make post-mortem when required

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.

8 Penalty for failure to comply with order

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 2,000 penalty units.

9 Fee for post-mortem

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.

10 Penalty for failure to report unnatural death

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 1,000 penalty units or to imprisonment for any period not exceeding one month.

PART II FIRE INQUIRIES

11 Fire inquiry

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.

PART III MISCELLANEOUS

12 Appointment of other persons for holding inquiries

- (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:

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 Penalty for giving false evidence

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.

14 Appearance of counsel

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.

SCHEDULE

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

ENDNOTES

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KEY

amd = amended	Pt = Part
Ch = Chapter	rem = remainder
Div = Division	renum = renumbered
exp = expires/expired	rep = repealed
GN = Gazette Notice	Sch = Schedule
hdg = heading	Sdiv = Subdivision
ins = inserted	SIG = Solomon Islands Gazette
lt = long title	st = short title
LN = Legal Notice	sub = substituted
nc = not commenced	

NOTE

This Reprint comprises the Act and amendments as in force on 1 March 1996 and published as Chapter 9 of the Revised Edition of the Laws of Solomon Islands, together with amendments made to the Act since that date.

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LIST OF LEGISLATION

Death and Fire Inquiries Act (Cap. 9)

<i>Constituent legislation:</i>	9 of 1926 (Commenced 15 December 1926)
	6 of 1967
	LN 46A of 1978
	LN 88 of 1978

Penalties Miscellaneous Amendments Act 2009 (No. 14 of 2009)

Assent date	29 July 2009
Gazetted	1 October 2009
Commenced	1 October 2009

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LIST OF AMENDMENTS

s 8	amd by Act No. 14 of 2009
s 10	amd by Act No. 14 of 2009