



ST. CHRISTOPHER AND NEVIS

CHAPTER 7.13

WRECKS INQUIRIES ACT

Revised Edition

showing the law as at 31 December 2002

This is a revised edition of the law, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, No. 9 of 1986.

This edition contains a consolidation of the following laws—

WRECKS INQUIRIES ACT

Act 1 of 1876 ... in force 21st April 1876

Amended by: Act 6 of 1976

Act 7 of 1976

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CHAPTER 7.13

WRECKS INQUIRIES ACT

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CHAPTER 7.13
WRECKS INQUIRIES ACT

AN ACT TO PROVIDE FOR THE HOLDING OF INQUIRY INTO CAUSES OF WRECKS; AND TO PROVIDE FOR RELATED OR INCIDENTAL MATTERS.

Short title.

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

Magistrate to hold inquiry into causes of wrecks.

2. Whenever any ship is lost, abandoned, materially damaged, or stranded, on or near the coasts of the State, or whenever any ship causes loss or material damage to any other ship on or near such coasts, or whenever, by reason of any casualty, happening to or on board of any ship on or near such coasts, loss of life ensues, the Magistrate of the district at or near the place where such loss, damage, or casualty occurred, or at which the master, or any part of the crew, shall arrive, or any person duly authorised by the Minister in that behalf, may make inquiry respecting such loss, abandonment, damage, stranding, or other casualty, and he or she shall, for that purpose, have the following powers, that is to say—

- (a) he or she may go on board such ship and inspect the same;
- (b) he or she may, by summons under his or her hand, require the attendance of all such persons as he or she thinks fit to call before him or her and examine for such purpose, and may require answers to any inquiries he or she thinks fit to make;
- (c) he or she may require and enforce the production of all books, papers, or documents, which he or she considers important for such purpose;
- (d) he or she may administer oaths, or, in *lieu* thereof, require every person examined by him or her to make and subscribe a declaration of the truth of the statements made by such person in his or her examination.

(Amended by Act 6 of 1976)

Penalty for non-attendance of witness at such inquiry.

3. Every person who refuses to attend as a witness when summoned, or who refuses or neglects to make any answer or give any return, or to produce any document in his or her possession, or to make or subscribe any declaration required of him or her under the authority of this Act, shall, for each offence, be liable, on summary conviction, to a penalty not exceeding one thousand five hundred dollars, and, upon the conclusion of the case, the Magistrate shall send in his or her report thereof to the Minister.

(Amended by Acts 7 of 1976 and 9 of 1986)

Minister may order formal investigation.

4. (1) Should it appear to the Minister, on reading the report, that a more formal investigation is requisite or expedient, he or she shall notify his or her opinion to the Magistrate, who shall thereupon associate with himself or herself a second Magistrate, if any, and the Registrar of Shipping, if any, and in the absence of either of them, such person or persons as the Minister may appoint, and shall, together with

them or him or her, as the case may be, form a Court for the purpose of rehearing the case.

(2) The Court so formed shall proceed to rehear the same, and fully inquire into all the circumstances thereof, with the view to a further report thereupon, and shall for that purpose, so far as relates to the examining of persons, compelling the attendance of witnesses, and the conduct and regulation of the proceedings, have and exercise the same powers as if the same were a proceeding relating to an offence, or cause of complaint, upon which a Magistrate has power to decide summarily, or as near thereto as circumstances permit.

(3) Upon the conclusion of the case, the Court shall send in a report to the Minister containing a full statement of the case and of their opinion thereon, accompanying such report with the evidence taken and such observations as they may think fit.

(Amended by Act 6 of 1976)

Assessors.

5. In cases where nautical skill and knowledge are required, the Minister shall have the power, either at the request of the Court, or at his or her own discretion, to appoint some person of nautical skill and knowledge to act as assessor to the Court, and the assessor shall, upon the conclusion of the case, either signify his or her concurrence in their report by signing the same, or, if he or she dissents therefrom shall signify such dissent and his or her reasons therefor, to the Minister.

(Amended by Act 6 of 1976)

Costs of investigation.

6. The Court referred to in sections 4 and 5 may make such order with respect to the costs of any investigation, or any portion thereof, as it may deem just, and such costs shall be paid accordingly, and shall be recoverable in the same manner as other costs in summary proceedings before a Magistrate.

Remuneration of assessor, etc.

7. It shall be lawful for the Minister, to allow the assessor reasonable remuneration for the services performed by him or her, not exceeding in each case one hundred and fifty dollars, and there shall be paid to the Magistrate, or other person, holding an investigation under this Act, such sum as he or she shall show, to the satisfaction of the Minister, to be a reasonable charge for the clerical duties performed by any clerk employed by him or her in taking down the evidence and making a fair copy thereof, and of the report, and for actual travelling expenses incurred by him or her, and there shall further be paid to each witness attending any investigation as aforesaid who may be brought from any island other than that in which the investigation is held, or who may be about to depart without the jurisdiction of these islands, such an allowance as the Minister may deem fair and reasonable not exceeding however, the allowance usually made to witnesses summoned to the Supreme Court in civil cases.

(Amended by Act 6 of 1976)
