

ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER W35

WRECKS INQUIRIES ACT

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WRECKS INQUIRIES ACT

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WRECKS INQUIRIES ACT

Magistrate to hold inquiry into causes of wrecks

1. Whenever any ship is lost, abandoned, materially damaged, or stranded, on or near the coasts of Anguilla; 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 or any person duly authorised by the Governor in that behalf, may make inquiry respecting such loss, abandonment, damage, stranding, or other casualty; and he shall, for that purpose, have the following powers, that is to say—

(a) he may go on board such ship and inspect the same;

(b) he may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers to any inquiries he thinks fit to make;

(c) he may require and enforce the production of all books, papers, or documents, which he considers important for such purpose;

(d) he may administer oaths, or, in lieu thereof, require every person examined by him to make and subscribe a declaration of the truth of the statements made by such person in his examination.

Penalty for non-attendance of witness at such inquiry

2. 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 possession, or to make or subscribe any declaration required of him under the authority of this Act, is liable for each offence on summary conviction to a penalty of $9,600, and, upon the conclusion of the case, the Magistrate shall send in his report thereof to the Governor.

Governor may order formal investigation

3. Should it appear to the Governor on reading such report that a more formal investigation is requisite or expedient, he shall notify his opinion to the Magistrate, who shall thereupon associate with himself the Registrar of Shipping, if any, and in the absence of either of them, such person or persons as the Governor may appoint, and shall, together with them or him, as the case may be, form a Court for the purpose of rehearing the case. And 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 the Magistrate has power to decide summarily, or as near thereto as circumstances permit. And, upon the conclusion of the case, the Court shall send in a report to the Governor 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.

Assessors

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

Costs of investigation

5. The Court may make such order with respect to the costs of any such 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 the Magistrate.

Remuneration of assessor, etc.

6. It shall be lawful for the Governor in Council, to allow to the assessor reasonable remuneration for the services performed by him and there shall be paid to the Magistrate, or other person, holding an investigation under this Act, such sum as he shall show, to the satisfaction of the Governor, to be a reasonable charge for the clerical duties performed by any clerk employed by him in taking down the evidence and making a fair copy thereof, and of the report, and for actual travelling expenses incurred by him; 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 Anguilla, such an allowance as the Governor in Council may deem fair and reasonable not exceeding, however, the allowance usually made to witnesses summoned to the High Court in civil cases.

Citation

7. This Act may be cited as the Wrecks Inquiries Act, Revised Statutes of Anguilla, Chapter W35.

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