

Civil Defence (Arrests, Searches, Investigation and Trial of Offences) Regulations

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THE SCHEDULE

Legislative History

CIVIL DEFENCE ACT (CHAPTER 42, SECTIONS 85 AND 115)

CIVIL DEFENCE (ARRESTS, SEARCHES, INVESTIGATION AND TRIAL OF OFFENCES) REGULATIONS

Rg 2

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Citation

1. These Regulations may be cited as the Civil Defence (Arrests, Searches, Investigation and Trial of Offences) Regulations.

Form of warrant of arrest

2.—(1) A warrant of arrest issued under section 58(1) of the Act shall be in Form 1 set out in the Schedule.

(2) A disciplinary officer may issue a warrant of arrest against any person over whom the disciplinary officer has power of arrest.

(3) A warrant of arrest may contain —

- (a) the names of more than one person in respect of the same offence;
- (b) several offences.

(4) Every warrant of arrest shall remain in force until executed or cancelled.

Delivery of warrant

3. Any person who has arrested a person under a warrant of arrest and delivered the arrested person to the custody of a commanding officer shall deliver to the commanding officer a copy of the warrant of arrest and where the warrant of arrest is not in his immediate possession, he shall deliver it as soon as possible but not later than 24 hours after the delivery of the arrested person.

Diary

4.—(1) The investigating officer shall keep a diary recording every act done by him in the course of the investigation.

(2) The investigating officer shall include in the record the following:

- (a) the time at which the order for investigation reached him;
- (b) the times at which he commenced and completed his investigation;
- (c) the places visited by him; and
- (d) a statement of facts and circumstances ascertained through his investigation.

(3) An accused person shall not be entitled either before or in the course of a trial to call for or to inspect any such diary.

List of things seized

5.—(1) A list of all things taken from any person pursuant to section 67 of the Act shall be prepared by the person making the search and signed by him and by the third person who witnessed the search.

(2) At the request of the person from whom things have been taken under paragraph (1), a copy of the list prepared and signed under this regulation shall be given to the person.

CHARGE

Meaning of charge

6. For the purpose of proceedings under the Act and these Regulations, a charge is a formal accusation that a person has committed an offence.

Meaning of alternative charge

7. Charges may be laid in the alternative where the allegations in the particulars are considered capable of supporting a finding of guilty —

- (a) of one of several offences; or
- (b) of a particular offence but, failing proof of one or more elements of that offence, of another offence,

and only by trial may the actual offence, if any, be determined.

Preparation of charge report

8.—(1) Every charge against a person shall be recorded on a charge report which shall —

- (a) allege one offence only; and
- (b) be divided into two parts, as follows:
 - (i) a statement of the offence with which the accused is charged; and
 - (ii) a statement of the particulars of the act, omission, disorder or neglect constituting the offence.

(2) Every statement of the particulars of an offence in a charge report shall include sufficient details to enable the accused to know exactly what he is charged with.

(3) A statement of the particulars of an offence should, as far as practicable, include an allegation of the place, date and time of the alleged commission of the offence.

(4) If there is more than one charge, the charge reports should be numbered and, when laid in the alternative, the alternative nature of the charges involved shall be indicated on the charge report.

Construction of charge and charge report

9. In the construction of a charge or charge report, there shall be presumed in favour of supporting it every proposition which may reasonably be presumed to be impliedly included, though not expressed in the charge or charge report and the statement of the offence and the particulars of the offence shall be read and construed together.

AVOIDANCE OF DELAY

Avoidance of delay by disciplinary officer in dealing with charges

10.—(1) When an allegation against a person that he has committed a service offence