

Civil Defence (Board of Inquiry) Regulations

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THE SCHEDULE

Legislative History

CIVIL DEFENCE ACT
(CHAPTER 42, SECTION 115)

CIVIL DEFENCE (BOARD OF INQUIRY) REGULATIONS

Rg 4

G.N. No. S 285/1986

REVISED EDITION 1990

(25th March 1992)

[14th November 1986]

Citation

1. These Regulations may be cited as the Civil Defence (Board of Inquiry) Regulations.

Definitions

2. In these Regulations, unless the context otherwise requires —

“board” means a board of inquiry;

“chairman” means the chairman of a board;

“civil authority” includes a coroner and any police officer;

“civil court” means a court of ordinary criminal jurisdiction constituted under any written law in force relating to the courts;

“convening authority”, in relation to a board, means the Minister or any person appointed by the Minister to exercise the powers conferred upon the Minister by Part X of the Act who convened the board;

“record of proceedings”, in relation to a board, includes the report of the board and any opinion expressed by the board in accordance with any direction given by the convening authority.

Issue of convening order

3.—(1) The convening authority shall issue an order in Form 1 set out in the Schedule when convening a board under section 92(1) of the Act.

(2) The order shall specify by name the persons comprising the board, and if there is more than one person, which of them has been appointed as chairman by the Minister.

(3) The order may direct the board to express its opinion on any question arising out of any matter referred to the board.

(4) The convening authority may at any time revoke, vary or suspend the order.

Deferring and staying of proceedings

4. Where a matter for inquiry is the subject of investigation by the civil authority or of proceedings in a civil court and —

- (a) a board has not been convened with reference thereto, the convening authority may defer the convening of a board until the completion of the investigation or proceedings and upon completion shall not be required to convene a board if satisfied that a board is not necessary; or
- (b) a board has already been convened with reference thereto, the convening authority may stay the proceedings of the board until the investigation or proceedings have been completed and shall then dissolve the board, if satisfied that a board is not necessary.

Sitting of board

5.—(1) A board shall sit initially at the time and place specified in the order convening the board.

(2) The chairman shall lay the terms of reference before the board and the board shall proceed to hear and record the evidence in accordance with these Regulations.

Chairman may adjourn sitting of board

6.—(1) The chairman may from time to time adjourn the sitting of the board and the board shall sit on such occasions and in such places as the chairman may from time to time direct.

(2) Without prejudice to paragraph (1), the convening authority may at any time, if it is necessary or desirable, direct that the board shall sit for such purpose or purposes as it may specify.

Witnesses

7.—(1) A board shall hear the evidence of the witnesses who have been made available by the convening authority and may hear the evidence of such other persons as it thinks fit.

(2) A witness who is not subject to the Act shall be entitled to receive the reasonable expenses of his attendance and a reasonable allowance in respect of loss of time.

Persons who may be affected by finding

8.—(1) Any person subject to the Act who may be adversely affected by the findings of the board (referred to in this regulation as an affected person) may be represented at the sittings of the board by any person of his choice who shall be a member of the Force.

(2) For the purposes of these Regulations, a person subject to the Act would be adversely affected by the findings of the board if as a result of the findings he might be subjected to disciplinary action or suffer a deduction from pay.

(3) (a) When an affected person is not present at the sitting of the board, the chairman shall inquire into what steps were taken to ensure that the person was notified of both the date of the sitting of the board and the nature of the matters to be investigated by the board.

(b) If the chairman is not satisfied that reasonable steps were taken to enable the person to be present and represented by a member of the Force of his choice, he shall adjourn and report his opinion to the convening authority.

(c) Where an affected person states that he does not wish to be present or to be represented by a member of the Force of his choice, the chairman shall make note of that fact in the record of proceedings.

(4) The chairman shall consider the interests of security and may direct that an affected person shall only be present at specified times, or that at certain times during the proceedings that person's representative shall not be present.

(5) An affected person may give evidence, question witnesses or produce any witness to give evidence on matters which may affect him and, if he is represented by a member of the Force of his choice, the representative may question witnesses, but the representative shall not address the board without the permission of the chairman.

(6) Where an affected person has not been given notice of any sitting of a board, and has not had an opportunity of being present and represented by a member of the Force of his choice, the board shall —

(a) enable that person or his representative to read the written record of the evidence or a part thereof given by such witness as the chairman of the board may specify; and

(b) inform that person that he may give evidence to the board, examine any witness who has given evidence before the board, or produce such other witness as the board may allow to give evidence before the board on any matter inquired into by it which may adversely affect that person.

(7) Where a board has, pursuant to paragraph (6), enabled an affected person or his representative to read the written record of the evidence or a part thereof given by a

witness before the board, the board shall, if the affected person so desires, allow him —

- (a) to give evidence to the board on any matter inquired into by it which may adversely affect that person; and
- (b) to examine any witness who has given evidence before the board and to produce such other witness as the board may allow to give evidence before it on such matter.

Evidence

9. A board may receive any evidence which it considers relevant to the matter referred to the board, whether oral or written, and whether or not it would be admissible in a civil court.

Oaths and affirmations

10.—(1) Subject to paragraph (3), a witness at any sitting of the board shall only be examined on oath where the convening authority so directs, except that where any person called as a witness does not in the opinion of the board understand the nature of an oath, his evidence may be received, though not given on oath, if in the opinion of the board he possesses sufficient intelligence to justify the reception of the evidence and understands the duty of speaking the truth.

(2) Subject to paragraph (3), an oath shall only be administered to a person in attendance as interpreter when the convening authority so directs.

(3) If —

- (a) a person objects to taking an oath, and states as the ground of his objection that he has no religious belief or that the taking of an oath is contrary to his religious belief; or
- (b) it is not reasonably practicable without inconvenience or without delaying the proceedings to administer an oath in the manner appropriate to his religious belief,

he shall be permitted to make a solemn affirmation instead of taking an oath.

(4) An oath shall be administered, or an affirmation made, before a board in Form 2 and in the manner set out in the Schedule.

Exhibits

11.—(1) Subject to paragraph (2), any document or thing produced to a board by a witness when giving his evidence shall be made an exhibit.