

[L.S.]

BICKHAM ESCOTT,
High Commissioner.



No. IV. of 1914.

KING'S REGULATION

TO PROVIDE FOR THE ISSUE OF COMMISSIONS OF
INQUIRY IN THE BRITISH SOLOMON ISLANDS
AND THE GILBERT AND ELLICE ISLAND PRO-
TECTORATES.

Made by His Britannic Majesty's High Commissioner for the
Western Pacific under the provisions of the Pacific Order in
Council, 1893.

In the name of His Majesty, George the Fifth, by the Grace of God
of the United Kingdom of Great Britain and Ireland and of the
British Dominions beyond the Seas King, Defender of the
Faith, Emperor of India.

1. This Regulation may be cited as the Solomon and Gilbert ^{Short title.} and Ellice Islands (Commissions of Inquiry) Regulation, 1914.

2. In this Regulation unless the context ^{otherwise requires}— ^{Interpretation.}

“Commission” means a commission of inquiry issued under
this Regulation.

“Commissioner” means a member of a Commission;

“Commissioners” where only one Commissioner is appointed,
means the Commissioner;

“Protectorate” means either the British Solomon Islands
Protectorate or the Gilbert and Ellice Islands Protectorate;

“Resident Commissioner” means the Resident Commissioner
of the Protectorate wherein a Commission is issued;

“the Court” means His Britannic Majesty's High Commis-
sioner's Court for the Western Pacific.

Commissions of Inquiry.

3.—(1) It shall be lawful for the Resident Commissioner, whenever he deems it advisable, to issue a Commission appointing one or more Commissioners and authorising them, or any of them, to inquire into any matter in which an inquiry would, in the opinion of the Resident Commissioner, be for the public welfare.

(2) The Commission shall specify the subject of inquiry and shall be accompanied by a statement of the case upon which the inquiry was ordered and may, in the discretion of the Resident Commissioner, if there are more than one Commissioner, direct which Commissioner shall be chairman, where and when the inquiry shall be made and the report thereof rendered, and whether the inquiry shall, or shall not, be held in public.

(3) In the absence of a direction to the contrary, the inquiry shall be held in public, but the Commissioners shall, nevertheless, be entitled to exclude any particular person or persons for the preservation of order, or for the due conduct of the inquiry, or for any other reason.

Inability of Commissioner to act.

4. If any Commissioner is or becomes unable or unwilling to act, or dies, the Resident Commissioner may appoint another Commissioner in his place, and any Commission may be altered as the Resident Commissioner deems proper by a subsequent Commission, or may be revoked altogether by a notification to that effect publicly given in the Protectorate.

Death, &c., of Resident Commissioner not to affect Commission.

5. No Commission shall lapse by reason of, or be otherwise affected by, the death, absence, or removal of the Resident Commissioner who has issued the same.

Commissioner's oath.

6.—(1) Every Commissioner shall make and subscribe an oath, or affirmation and declaration, that he will fully, faithfully, impartially, and to the best of his ability discharge the trust, and perform the duties, devolving upon him by virtue of the Commission.

(2) The oath or affirmation and declaration aforesaid may be taken or made before the Resident Commissioner, or before such person as he may appoint to receive the same, and shall be committed to writing and deposited by the Commissioner with the Resident Commissioner.

Secretary of Commission.

7. The Resident Commissioner may appoint a Secretary to attend the sittings of the Commission, to record its proceedings and keep its papers, to summon witnesses and minute their testimony, and generally to perform such duties connected with an inquiry as the Commissioners prescribe.

Rules of procedure.

8. The Commissioners may make such rules, not inconsistent with the terms of their Commission, for the conduct of proceedings before them, for the times and places of their meetings and the adjournment thereof, as they think proper.

Powers of Commissioners.

9.—(1) The Commissioners shall have the powers of the Court to summon witnesses, to call for the production of books and documents, and to examine on oath witnesses and parties concerned.

Schedule.

(2) A summons to a witness shall be in the form given in the schedule hereto.

Appearance of Counsel.

10. Any person who satisfies the Commissioners that he has a *bona fide* interest in the subject matter of inquiry under this Regulation, and any other person by leave of the Commissioners may attend the inquiry in person or may be represented by counsel or solicitor.

Penalty for non-attendance and misconduct of witnesses.

11.—(1) Any person summoned to attend as a witness or to produce documents before the Commissioners who, without sufficient cause, refuses or neglects to do so, or refuses to answer any question put to him by or with the concurrence of the Commissioners, or

having attended leaves the Commission without the permission of the Commissioners, or in any way insults the Commissioners or any of them, or wilfully interrupts the proceedings before them, shall be liable on summary conviction to a fine not exceeding fifty pounds.

Provided that no witness shall be bound to incriminate himself, and every witness shall, in respect of any evidence given by him before a Commission, be entitled to all the privileges to which a witness giving evidence before the Court is entitled.

(2) Any witness who wilfully gives false evidence in any inquiry concerning the subject matter thereof shall be guilty of perjury and liable to prosecution and punishment accordingly.

12.—(1) The Commissioners shall make a report of their proceedings and of the result of their inquiry to the Resident Commissioner and shall record the reasons leading to their conclusions.

(2) A Commissioner dissenting from the conclusions, or any of them, shall give the reasons for his dissent.

13.—(1) Commissioners shall not be entitled to any remuneration, unless sanctioned by the High Commissioner for the Western Pacific, beyond the actual expenses incurred in holding the inquiry, but the Resident Commissioner may direct what remuneration, if any, shall be paid to the secretary and to any other person employed in or about a Commission, and may direct payment of any other expenses attendant upon carrying out a Commission, or upon any proceedings for any penalty under this Regulation.

(2) Witnesses who attend at the request of, or upon a summons by, the Commissioners shall, subject to any order made by the Commissioners, be entitled to like expenses as if they had been summoned to attend the Court on a criminal trial, and payment thereof shall be made in such manner as the Resident Commissioner may direct.

(3) Sums of money so directed to be paid as aforesaid shall be paid out of the general revenue of the Protectorate where an inquiry under this Regulation is made on the warrant of the Resident Commissioner therein.

14. No proceedings shall be commenced for any penalty under this Regulation except by direction of the Commissioners who may direct their secretary, or such other person as they think proper, to commence and prosecute proceedings therefor.

Published and exhibited in the Public Office of the High Commissioner for the Western Pacific this twentieth day of April, one thousand nine hundred and fourteen.

By Command,

C. H. HART-DAVIS,

Secretary to His Britannic Majesty's High Commissioner
for the Western Pacific.

SCHEDULE.

SUMMONS TO A WITNESS.

To A.B. (name of person summoned and his calling and residence if known).
 You are hereby summoned to appear before (here name the Commissioners) appointed
 by the Resident Commissioner to inquire (state briefly the subject of the inquiry) at
 on the day of 19 , at
 of the clock in the noon and to give evidence respecting the said inquiry
 (if the person summoned is to produce any documents, add). And you are required to bring
 with you (specify books and documents required).

Therefore fail not at your peril.

a Commissioner this

Given under the hand of
 day of 19 .

INSTRUCTIONS RELATING TO INQUIRIES INTO SHIPPING CASUALTIES.

The following instructions are intended for the guidance and assistance of persons appointed under the provisions of King's Regulation No. IV. of 1914, to hold an inquiry into a shipping casualty. That Regulation and these instructions should be studied by Commissioners of Inquiry before they enter upon their inquiry. It should be noted that inquiries are not to be held into casualties affecting *foreign* ships, and that the object of inquiries into casualties affecting British ships is merely to collect information, and that consequently the report of a commission of inquiry in such cases should not include any recommendation for disciplinary action. A copy of the Report should be forwarded through the High Commissioner to the Government of that part of the British Empire in which the ship was registered.

In these instructions the words "shipping casualty" refer to the wreck, abandonment, loss of or damage to a ship, and any loss of life consequent on any casualty happening to or on board any ship.

1. A summons in the form given in the schedule to the Regulation should be served on the Master of the vessel in every case, on any of the officers or engineers and any member of the crew having or likely to have knowledge of the circumstances attending the casualty and on any other person who, in the opinion of the Commissioners, ought to be served therewith.
2. When a person attending the inquiry under section 10 of this Regulation is not represented by counsel or solicitor such person should be allowed to be present when any evidence is taken and to cross-examine the witnesses, to examine and re-examine any witnesses whose evidence he desires to put before the Commission and to make a statement on his own behalf. Any witness summoned at his instance may be examined by the Commissioners and other parties so attending.
3. Witnesses should be called in such order as the Commissioners may direct and any person attending the inquiry will then produce his witnesses.
4. Every deposition of a witness should be taken and duly signed and attested.
5. The fullest possible inquiry should be made as to the cause of the shipping casualty and the circumstances attending it—
 - (a) Whenever it is alleged that the shipping casualty is due to a defect in a ship, her machinery or equipment, the stowage of the cargo, overloading, under-manning, &c., the allegations should be fully investigated;
 - (b) When a shipping casualty has been attended with loss of, or danger to, health or life, the circumstances of the loss should be fully investigated and a careful report made thereon, which should state clearly the opinion the Commissioners have formed as to the cause of the loss or danger;
 - (c) When there is reason to believe that the shipping casualty is due to unseaworthiness, every effort should be made to ascertain its character and cause, the time and date of its origin or discovery.
6. The report of the Commissioners should contain—
 - (a) A statement of the proceedings of the Commission;
 - (b) A certified copy of the statement of the case upon which the inquiry was ordered;
 - (c) The depositions and any other evidence taken before the Commission;
 - (d) The conclusions of the Commissioners.
7. Depositions of evidence and all documents annexed or referred to in the Commissioner's report must be originals. If for any reason originals of particular documents cannot possibly be annexed to the report certified copies must be annexed.

Suva, Fiji: Printed by S. BACH,

Printer to the Government of His Britannic Majesty's High Commission for the Western Pacific.
 [Price, 1s.] 1914.