

NEW ZEALAND.

ANNO VICESIMO SEPTIMO

VICTORIÆ REGINÆ.

No. 5.

ANALYSIS.

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AN ACT to constitute Courts of Enquiry into the Causes of Wrecks. Title.

[3rd December 1863.]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled and by the authority of the same as follows

I. The Short Title of this Act shall be "The Enquiry into Wrecks Act 1863." Short Title.

II. In any of the cases following that is to say

- (1.) Whenever any ship is lost abandoned or materially damaged on or near the coasts of New Zealand.
- (2.) Whenever any ship causes any loss or material damage to any other ship on or near the coasts of New Zealand.
- (3.) Whenever by reason of any casualty happening to or on board of any ship on or near the coast of New Zealand loss of life ensues.
- (4.) Whenever any such loss abandonment damage or casualty happens elsewhere and any competent witnesses thereof arrive or are found at any place in New Zealand.

Inquiries to be instituted in cases of wreck and casualty.

It shall be lawful for the Principal Officer of Customs residing at or near the place where such loss abandonment damage or casualty occurred if the same occurred on or near the coasts

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of New Zealand but if elsewhere at or near the place where such witnesses as aforesaid arrive or are found or can be conveniently examined or for any other person appointed for that purpose by the Governor to make enquiry respecting such loss abandonment damage or casualty.

Powers of Officer of Customs or person appointed by the Governor.

III. For the purposes of such enquiry every such Officer of Customs and every such person appointed by the Governor shall have the following powers (that is to say)

- (1.) He may go on board any ship and may inspect the same or any part thereof or any of the machinery boats equipments or articles on board thereof to which the provisions of this Act apply not unnecessarily detaining or delaying her from proceeding on any voyage.
- (2.) He may enter and inspect any premises the entry or inspection of which appears to him to be requisite for the purpose of the Report which he is directed to make.
- (3.) He may by summons under his hand require the attendance of all such persons as he thinks it fit to call before him and examine for such purpose and may require answers or returns to any enquiries he thinks fit to make.
- (4.) He may require and enforce the production of all books papers or documents which he considers important for such purpose.
- (5.) He may administer Oaths or may in lieu of requiring or administering an Oath require any person examined by him to make and subscribe a Declaration of the truth of the statements made by him in his examination.

Witnesses to be allowed expenses.

IV. Every witness so summoned as aforesaid shall be allowed such expenses as would be allowed to a witness attending on subpoena to give evidence before the Supreme Court and in case of any dispute as to the amount of such expenses the same shall be referred to the nearest Registrar or Deputy-Registrar of the Supreme Court who on request made to him for that purpose under the hand of such Officer of Customs or person appointed by the Governor as aforesaid shall ascertain and certify the proper amount of such expenses.

Penalty for refusing to give evidence.

V. Every person who refuses to attend as a witness after having been required so to do in the manner hereby directed and after having had a tender made to him of the expenses (if any) to which he is entitled as aforesaid or who refuses or neglects to make any answer or to give any return or to produce any document in his possession or to make or subscribe any Declaration which any such Officer of Customs or other person appointed by the Governor is hereby empowered to require aforesaid shall for each such offence incur a penalty not exceeding Twenty Pounds.

Penalty for obstructing Officer of Customs &c. in the execution of his duty.

VI. Every person who wilfully impedes any such Officer of Customs or person appointed by the Governor as aforesaid in the execution of his duty whether on board any ship or elsewhere

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shall incur a penalty not exceeding Twenty Pounds and may be seized and detained by such Officer of Customs or other person or by any person or persons whom he may call to his assistance until such offender can be conveniently taken before some Justice of the Peace.

VII. If it appears to such Officer or person as aforesaid either upon or without any such preliminary enquiry as aforesaid that a formal investigation is requisite or expedient or if the Governor so directs it he shall apply to any two Justices of the Peace or to a Resident Magistrate to hear the case and such Justices or Magistrate shall thereupon proceed to hear and try the same.

Formal investigation
before Justices.

VIII. Such Justices of the Peace or Magistrate shall so far as relates to the summoning of parties compelling the attendance of witnesses and the regulation of the proceedings have the same powers as if the same were a proceeding relating to an offence or cause of complaint upon which they or he have power to make a summary conviction or order or as near thereto as circumstances permit.

Power of Justice or
Resident Magistrate.

IX. It shall be the duty of such Officer of Customs or other person appointed by the Governor as aforesaid to superintend the management of the case and to render such assistance to the said Justices or Magistrate as in his power and upon conclusion of the case the said Justices or Magistrate shall send a report to the Governor containing a full statement of the case and of their or his opinion thereon accompanied by such report of or extracts from the evidence and such observations (if any) as they or he may think fit.

Officer of Customs or
other person to render
assistance.

X. In cases where nautical skill and knowledge are required the Governor or such principal Officer of Customs or such other person appointed by the Governor as aforesaid shall have the power either at the request of such Justices or Magistrate or without such request to appoint some person of nautical skill and knowledge to act as Assessor to such Justices or Magistrate and such Assessor shall upon the conclusion of the case either signify his concurrence in their report by signing the same or if he dissent therefrom shall signify such dissent and his reasons therefor to the Governor.

Power to appoint a
Nautical Assessor.

XI. The said Justices or Magistrate may make such order with respect to the costs of any such investigation or any portion thereof as they or he may deem just and such cost shall be paid accordingly and shall be recoverable in the same manner as other costs incurred in summary proceedings before them or him And the Governor may in any case he thinks fit cause the expense of any such investigation to be paid by the Colonial Treasury and such Assessor as aforesaid to be paid such remuneration as the Governor thinks fit.

Costs of investigation.

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Investigation to be reported to Board of Trade.

XII. All proceedings taken in the course of any investigation held under this Act shall be transmitted through the Governor as soon as possible after the conclusion of such investigation to the Lords of the Committee of the Privy Council for Trade in England.

Application of Act.

XIII. This Act shall not apply to ships belonging to Her Majesty.