

**Act No: CAP. 103**

## **Act Title: FIRE INQUIRY**

An Act of Parliament to provide for the holding of inquiries in cases of fire

[Act No. 33 of 1929, Cap. 41 (1948), L.N. 604/1963, L.N. 2/1964, Act No. 21 of 1966, Act No. 13 of 1982.]

[ Date of commencement:31st December, 1929. ]

Arrangement of Sections

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#### **1. Short title**

This Act may be cited as the Fire Inquiry Act.

#### **2. Police officer to make due investigation into the cause of certain fires**

Whenever any fire causing injury to person or property takes place in any part of Kenya, it shall be the duty of the police officer to whom the fire first becomes known to proceed himself or to send some other police officer forthwith to the spot where the fire has occurred, and the officer who so proceeds, after performing such services as he may be required to perform in the due execution of his duty as a police officer, shall make all due investigation into the origin or cause of the fire.

#### **3. Further specific duties of police officer**

(1) The police officer shall receive the statements of any person who is liable to give information respecting the fire.

(2) The police officer shall further, as soon after as he conveniently can, fill in the form set out in the Schedule, and shall attach thereto the substance of any information given to him as to the origin or cause of the fire.

(3) The police officer shall, as soon as possible, forward to the Commissioner of Police and to the magistrate of a subordinate court of the first or second class exercising jurisdiction in the district in which the fire has taken place copies of the form filled in by him under subsection (2).

#### **4. Holding inquiry**

(1) The magistrate to whom the form has been transmitted shall, if he thinks fit, or if information on oath is made to the effect that the informant has reasonable grounds for believing that the fire was unlawfully and maliciously set, hold an inquiry into the origin or cause of the fire so reported.

(2) The magistrate shall hold an inquiry if so directed in writing by the Attorney-General.

#### **5. Time and place of holding inquiry**

An inquiry may be held at such time and place as the magistrate may direct, and for the purposes of the inquiry the magistrate may enter together with any witnesses on the land on which the fire occurred.

#### **6. Power to summon witnesses**

The magistrate may issue summonses free of charge to any witnesses that he may deem proper to attend the inquiry at such place as the magistrate may fix; and any such summonses shall be served in the same manner as are other summonses issuing from the subordinate courts, and any person disobeying any summons may be proceeded against in the same manner and be subject to the same penalties as provided for in the Criminal Procedure Code (Cap. 75); and the provisions of that Code generally which relate to trials before a subordinate court shall, so far as is possible consistently with the provisions of this Act, apply to proceedings under this Act.

#### **7. Evidence on inquiry to be on oath**

All evidence given before a magistrate by virtue of this Act shall be given upon oath, and shall be taken down by the magistrate in the same manner as the evidence of witnesses in trials before a magistrate.

**8. Magistrate to forward result of inquiry to Minister**

The magistrate shall, after making an inquiry, record his finding in writing and shall forward a certified copy of the proceedings (including the finding) to the Minister, and a certified copy of the proceedings (including the finding) may be obtained by any member of the public from the magistrate holding the inquiry upon payment of the usual fees charged for making copies of documents as laid down in the table of court fees.

**9. False witnesses liable to be indicted for perjury**

Any person giving false evidence at any inquiry held under the provisions of this Act shall be guilty of willful and corrupt perjury and shall be liable to be proceeded against and punished accordingly.

**10. Provisions relating to charges and answering questions**

Nothing in this Act shall prevent any person from at any time being charged with having caused any fire, nor shall anything in this Act entitle any person, except any person against whom a charge has been laid for having maliciously caused the fire about which the inquiry is held, to refuse to answer any question put by the magistrate as to the cause of the fire; but no statement or answer made by any person under this Act shall be admissible in evidence in any proceeding either civil or criminal against that person, except in any criminal proceeding for perjury committed under this Act.

**11. Duties of administration police in areas where there are no other police**

Whenever any fire causing injury to person or property takes place in any district or area in which there are no police other than administration police, then the duties imposed upon a police officer under sections 2 and 3 shall be carried out by an administration police officer, who shall as soon as possible make his report to a magistrate of a subordinate court of the first or second class exercising jurisdiction in the district.