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BIBLIOTECA DO ESTADO MAIOR DO EXERCITO
(Antiga Biblioteca do Estado Maior do Exercito)
N.º 911
Custo
CIRCULAR LETTER 17-9-19
LIVRO N.º
Pag.

BIBLIOTECA DO EXERCITO

[S.S. 499.]

FIRES.

INSTRUCTIONS AS TO INQUIRY AND LIABILITY.

(Circular Letter No. A.G. (b) 1650, dated 4-8-16, is cancelled.)

1. Whenever a fire occurs in a locality occupied by British Troops, and such damage to, or destruction of, private property is involved as may give occasion for the preferment of a claim against the British Government, the General Officer Commanding, or Officer Commanding Troops, will, as soon as possible after the occurrence, assemble a Court of Inquiry, which will always be composed of officers unconnected with the unit concerned.

In cases where Government property only is involved, G.O.S.C. have authority to dispense with a Court of Inquiry when they are satisfied that no good purpose would be served by convening one.

2. When a Court of Inquiry is held to investigate a fire which has occurred within the area of an Army, and there are claims from inhabitants, or loss of Government property, exceeding £100 severally or jointly, application will be made for the Inspector of Fires to sit as President of the Court of Inquiry. This Officer's address is c/o Town Major, Doullens (telegraphic address, "Fires. Doullens"). He is in possession of a motor car.

3. The Inspector of Fires will not as a rule attend inquiries in the Lines of Communication Area, but in cases of special importance or difficulty application may be made for his services.

4. *In cases where civilian property is involved*, the following instructions will be observed:—
Previously to the sitting of the Court of Inquiry—

(a) The Divisional Claims Officer will investigate the case immediately after the fire, according to the instructions in the memorandum issued by the Claims Commission.

(b) He will arrange for the attendance at the Court of Inquiry of all witnesses, both military and civilian, and will be responsible for their presence and that of an interpreter. He will attend the Court of Inquiry himself.

(c) He will be prepared to put in a list showing in detail the losses caused by the fire, and the amount at which he estimates them.

(d) The A.P.M. will, as soon as possible, send his Gendarmes to draw up a Procès-Verbal, and this will be submitted to the Court by the Gendarme who drew it up.

(e) The Gendarmes will be ordered by the A.P.M. to procure the attendance of such civilian witnesses as the Divisional Claims Officer may think necessary.

5. *In all cases when a Court of Inquiry is held to investigate a fire* a sketch plan of the site of the fire, with appropriate measurements, will be made by an Officer of the unit concerned and will be submitted to the Court.

The plan should show, if possible:—

(a) The burned portion of the building.

(b) The portion of the premises previously in military occupation.

(c) The portion of the premises previously in civilian occupation.

6. The Court will take and record evidence as to:—

(a) The cause of the fire.

(b) The extent of British and other occupation of the burned premises at the time of the occurrence.

(c) The nature and extent of the damage or loss, and whether any portion thereof is attributable to British troops.

(d) The precautions adopted by the troops in the case under investigation.

(e) The equipment of lanterns in the possession of the unit or provided for the building.

(f) The issue of Orders by the unit concerned for the prevention of fires. The Officer Commanding the Company or other detachment which was in occupation of the burned premises will attend the Court of Inquiry and will produce all fire orders published in his unit during the six months previous to the fire.

7. The Court will record an opinion as to:—

(a) The cause of the fire,

(b) Whether the fire is attributable to British troops.

(c) Whether orders for prevention of fires were correct and properly promulgated.

8. (a) The proceedings of the Court of Inquiry, together with a sketch plan and all other documents, will be forwarded with the recommendation of the General Officer Commanding formation through the usual channels to the Quartermaster General. An estimate should at the same time be furnished of the amount of the damage done both to civilian and to Government property. If these facts do not appear in the proceedings of the Court of Inquiry they should be ascertained before the case is submitted to the Quartermaster General.

(b) In cases where the loss of Government property is involved and this is dealt with locally under powers delegated to Army Commanders, G.O.C. L. of C. Area, and G.O.C. Cavalry Corps, a statement will be made indicating the action taken with respect to the liability of any officer or man.

(c) In cases where the loss of Government property is of an amount which cannot be dealt with locally no disciplinary action will be taken without reference to General Headquarters, but in such cases a recommendation as to the action proposed will be forwarded to General Headquarters with the proceedings.

(d) In cases where a recommendation is forwarded to the effect that an officer be called upon to contribute towards making good a loss, the officer should be given an opportunity of stating any reasons which he may wish to offer why he should not be held financially responsible, and this statement should be forwarded with the recommendation.

9. In cases where civilian property is involved, and in these cases only, a duplicate copy of the proceedings, plan and all other documents, will be sent at the same time to the President, Claims Commission, a note being made on the forwarding minute of any action taken locally which might affect the question of any subsequent compensation to the owners of the property.

10. With regard to the financial liability of officers and men in the event of negligence on their part, it will be observed:—

(a) That no Military Authority has power to order an officer to pay money as compensation for damage caused to public property owing to his negligence, except a Court-Martial or the Army Council under Army Act, Section 137 (2) and (4).

(b) That a soldier has the right to be tried by Court-Martial instead of making good any damage done to public property owing to his negligence under para. 1029 King's Regulations. (Army Act, Section 138 (4).)

(c) That in those cases, however, where a General Officer Commanding is empowered under para. 670 King's Regulations to deal with the case by writing off the loss, he may dispose of it by allowing the individuals responsible for the damage to pay the whole or part of the loss. Army Commanders, G.O.C. L. of C. Area, and G.O.C. Cavalry Corps, therefore, have power to allow an officer to pay in order to make good the whole or part of a loss of public property due to his negligence, in cases where such loss is of an amount which can be dealt with by them. If the officer declines to make good such loss, he can be tried by Court-Martial, or application can be made to the Army Council that he be ordered to pay under Army Act, Section 137 (4).

11. Attention is called to the fact that any powers to write off Government property delegated to G.O.s.C. do not affect the system of dealing with claims of inhabitants for damage done to their property. Such claims can only be settled by the Claims Commission, with the exception that those which involve a sum not exceeding £5 may be disposed of by a Divisional Commander or O.C. Troops under G.R.O. 763.

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GENERAL HEADQUARTERS.

10/10/1917.

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