

COMMISSIONS OF INQUIRY ACT

Principal Act

Act. No. 1888-01

Commencement 16.4.1888

Assent 15.3.1888

Amending enactments	Relevant current provisions	Commencement date
Acts 1933-01	s. 11	25.1.1933
1966-13	ss. 2, 3, 4 and 12	2.6.1966
1983-12	ss. 7 and 14	31.3.1983
2007-17	Long title & ss. 2, 3(1), 5, 6, 7, 13	14.6.2007

English source

Tribunals of Inquiry (Evidence) Act 1921 (11 & 12 Geo. 5 c. 7)

ARRANGEMENT OF SECTIONS.

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AN ACT TO AUTHORIZE THE GOVERNMENT TO APPOINT COMMISSIONS OF INQUIRY IN CERTAIN CASES.

Short title.

1. This Act may be cited as the Commissions of Inquiry Act.

Interpretation.

2. In this Act, unless the context otherwise requires –

“the commissioners” mean any person or persons from time to time appointed by the Government to act as commissioners for any purpose under the provisions of this Act.

Appointment of commissioners.

3. (1) The Government may, whenever he shall deem it advisable so to do, issue a commission under his hand and the public seal appointing one or more commissioners to inquire into any matter in which an inquiry would, in the opinion of the Government, be for the public welfare.

(2) Every commission shall specify the subject, nature and extent of the inquiry and may contain directions generally for the carrying out of the inquiry, and in particular, as to the following matters–

- (a) the manner in which the commission is to be executed;
- (b) the appointment of a chairman, where there is more than one commissioner appointed;
- (c) the constitution of a quorum;
- (d) the place and time where and within which the inquiry is to be made and the report thereof rendered; and
- (e) whether or not the inquiry is to be held wholly or partly in public.

(3) Every commission issued under this Act shall be published in the Gazette.

Protection of commissioners.

4. (1) The commissioners shall be subject to the provisions contained in this Act

(2) No commissioner shall be liable to any suit or any proceeding for any act or thing done by him as such commissioner.

Oath by commissioners.

5. Every commissioner before beginning to act under the provisions of this Act shall take the following oath, to be administered by the justice of the peace, that is to say –

"I, A.B., will truly and faithfully execute the powers, trusts and duties vested in me by the warrant of Government, dated the day of _____
SO HELP ME GOD."

Meetings of commissioners.

6. The commissioners shall hold meetings when, where and as often as they shall think fit, and shall by all such lawful means as to them appear best, with a view to the discovery of the truth, inquire into the matters submitted to them, and shall report to the Government the evidence taken by them and their judgment thereon, and may make such recommendations as they may think fit.

Staff to commissioners.

7. The Government may from time to time appoint any public officer or officers as staff to assist the commissioners in the performance of their duties under the provisions of this Act.

Power to summon witnesses.

8. (1) The commissioners, by a summons under the hand and seal of any one of them, may require the attendance before them, at a place and time to be mentioned in the summons, which time shall be a reasonable time from the date of such summons, of any person whose evidence in the judgment of such commissioners may be material to the subject matter of any inquiry to be made by the commissioners under this Act, and may require such person to bring before them all such books, papers and writings as to such commissioners may appear necessary for arriving at the truth of all matters to be inquired into by them under this Act.

(2) Every such person shall attend before the commissioners and shall answer all such questions as may be put by the commissioners touching the matters to be inquired into by them, and shall produce all books, papers and writings required by them, and in his custody or under his control, according to the tenor of the summons:

Provided always that no statement made by any person in answer to any question put by such commissioners shall, except in cases of indictment for

perjury committed in such answers, be admissible in evidence in any proceeding civil or criminal.

Power to examine on oath.

9. The commissioners, or one of them, may administer an oath or an affirmation where an affirmation would be admitted in a court of justice, to all persons who are examined before them touching the things to be inquired into by them under this Act.

Persons not liable for statements or disclosure in evidence.

10. No person who shall give evidence upon any inquiry under this Act shall be liable to any civil proceedings or criminal prosecution for or in respect of any statement or discovery made by such person concerning any matter connected with such inquiry, and no person shall be excused from answering any question put to him by the commissioners on the ground of any privilege, or on the ground that the answer to such question will tend to incriminate such person.

Appearance of counsel at inquiries.

11. Any person whose conduct is the subject of inquiry under this Act, or who is in any way implicated or concerned in the matter under inquiry, shall be entitled to be represented by counsel at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may, by leave of the commissioners, be so represented.

Penalty for non-attendance or refusing to give evidence.

12. If a person—

- (a) on being duly summoned as a witness before the commissioners makes default in attending; or
- (b) being in attendance as a witness refuses to take an oath legally required by the commissioners to be taken, or to produce any document in his power or control legally required by the commissioners to be produced by him, or to answer any question to which the commissioners may legally require an answer; or
- (c) does any other thing, which would, if the commissioners had been a court of law having power to commit for contempt, have been contempt of that court;

the commissioners may certify the offence of that person under their hand to the Supreme Court, and the court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on

behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the court.

Expenses of witnesses.

13. The commissioners shall have the power to include in the expenses of giving effect to the provisions of this Act any reasonable sum, which they may think fit to recommend by certificate under their hand, to be paid to any witness for his expenses and loss of time, and which may be approved by the Government.

General expenses.

14. The expenses of carrying this Act into effect and of all matters and proceedings under this Act are hereby charged upon the Consolidated Fund.