

**CHAPTER 54.**

**COMMISSIONS OF INQUIRY.**

**ARRANGEMENT OF SECTIONS.**

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**SCHEDULE.**

**CHAPTER 54.**

**COMMISSIONS OF INQUIRY.**

**An Ordinance to enable the Governor to issue Commissions of inquiry with Special Powers.** 23 of 1909.  
20 of 1938.

[6TH NOVEMBER, 1909.]

**1.** This Ordinance may be cited as the Commissions of Inquiry Ordinance, and shall apply to the Colony and Protectorate. Short title.

**2.** It shall be lawful for the Governor, whenever he shall deem it advisable, to issue a commission appointing one or more Commissioners and authorising such Commissioners, or any quorum of them therein mentioned, to inquire into the conduct Power to issue commissions of inquiry into matters of public nature, etc.

of any officer in the public service, the conduct of any native chief, the conduct or management of any department of the public service or of any public or local institution, or into any matter in which an inquiry would, in the opinion of the Governor, be for the public welfare. Each such commission shall specify the subject of inquiry, and may, in the discretion of the Governor, if there is more than one Commissioner, direct which Commissioner shall be chairman, and direct where and when such inquiry shall be made, and the report thereof rendered, and prescribe how such commission shall be executed, and may direct whether the inquiry shall or shall not be held in public. 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, for the due conduct of the inquiry, or for any other reason.

Power to appoint fresh commissioners and to alter and revoke commissions.

3. In case any Commissioner shall be or become unable or unwilling to act, or shall die, the Governor may appoint another Commissioner in his place; and any commission issued under this Ordinance may be altered, as the Governor may deem fit, by any subsequent commission issued by the Governor, or may be revoked altogether by a notification to that effect published in the *Gazette*.

Commissions not affected by change of Governor.

4. No commission issued under this Ordinance shall lapse by reason of, or be otherwise affected by, the death, absence or removal of the Governor issuing the same.

Oath of office of Commissioners.

5. It shall be the duty of each Commissioner appointed under this Ordinance to make and subscribe an oath that he will faithfully, fully, impartially and to the best of his ability discharge the trust and perform the duties devolving upon him by virtue of such commission, which oath may be taken before the Governor, or before such person as the Governor may appoint, and shall be deposited by the Commissioner with the Governor.

Power to appoint secretary.

6. The Governor may appoint a secretary to attend the sittings of the commission, to record their proceedings, to keep their papers, summon and minute the testimony of witnesses, and generally to perform such duties connected with such inquiry as the Commissioner shall prescribe.

Duties of Commissioners.

7. It shall be the duty of the Commissioners, after taking such oath, to make a full, faithful and impartial inquiry into the

matter specified in such commission, and conduct such inquiry in accordance with the directions (if any) in the commission; and, in due course, to report to the Governor, in writing, the result of such inquiry; and also, when required, to furnish to the Governor a full statement of the proceedings of such commission, and of the reasons leading to the conclusions arrived at or reported.

8. If the Commissioners shall, in any case, be equally divided on any question that arises during the proceedings of the commission, the Chairman of the commission shall have a second or casting vote. Division of opinion of commissioners.

9. The Commissioners acting under this Ordinance may make such rules for their own guidance, and the conduct and management of proceedings before them and the hours and times and places for their sittings, not inconsistent with their commission, as they may from time to time think fit, and may from time to time adjourn for such time and to such place as they may think fit, subject only to the terms of their commission. Commissioners' power to regulate proceedings.

10. Commissioners acting under this Ordinance shall have the powers of the Supreme Court to summon witnesses, and to call for the production of books, plans, documents, and to examine witnesses and parties concerned on oath, and no Commissioner shall be liable to any action or suit for any matter or thing done by him as such Commissioner. All summonses for the attendance of witnesses, or other persons, or the production of documents, may be in the form given in the schedule to this Ordinance, and shall be signed by one of the Commissioners and oaths may be administered by one of the Commissioners or by the secretary. Power to summon and examine witnesses and privilege of Commissioner from suit.

11. Any witness who shall wilfully give false evidence in any such inquiry concerning the subject-matter of such inquiry shall be guilty of perjury, and be liable to be prosecuted and punished accordingly. False evidence.

12. (1) All persons summoned to attend and give evidence, or to produce books, plans or documents at any sitting of any such Commission, shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey subpoenas issued from the Supreme Court, and shall be entitled to like expenses as if they had been summoned to attend at such Court on a criminal trial, if the same shall be allowed by the Commissioners, but the Commissioners may disallow the whole Duty of witnesses summoned.

Expenses of witnesses.

or any part of such expenses in any case if they think fit. Orders for the payment of such witnesses shall be made, as nearly as may be, as orders are made for the payment of witnesses in the Supreme Court, and shall be paid in such manner as the Governor may direct.

Penalty for contumacy, insult or interruption of proceedings.

(2) Every person refusing or omitting, without sufficient cause, to attend at the time and place mentioned in the summons served on him, and every person attending, but leaving the commission without the permission of the Commissioners, or refusing without sufficient cause to answer, or to answer fully and satisfactorily, to the best of his knowledge and belief all questions put to him by or with the concurrence of the Commissioners, or refusing or omitting without sufficient cause to produce any books, plans or documents in his possession or under his control, and mentioned or referred to in the summons served on him, and every person who shall at any sitting of the commission wilfully insult any Commissioner, or the Secretary, or wilfully interrupt the proceedings of the commission, shall be liable upon summary conviction to a penalty not exceeding fifty pounds:

Indemnity to witnesses.

Provided always that no person giving evidence before the commission shall be compellable to criminate himself, and every such person shall, in respect of any evidence given by him before the commission, be entitled to all the privileges to which a witness giving evidence before the Supreme Court is entitled in respect of evidence given by him before such Court.

Appearance of counsel.

**13.** Any person whose conduct is the subject of inquiry under this Ordinance, 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 commission, be represented in manner aforesaid.

Attendance on Commissioners.

**14.** The Governor may direct the Commissioner of Police or a District Commissioner to detail constables to attend upon any such Commissioners, to preserve order during the proceedings of the commission, and to serve summonses on witnesses, and perform ministerial duties as such Commissioners shall direct.

Remuneration to Commissioners etc.

**15.** Commissioners appointed under this Ordinance shall not be entitled to any remuneration, unless such remuneration shall be specially voted by the House of Representatives, beyond the actual expenses incurred in holding the inquiry, but the Governor may direct what remuneration, if any, shall be paid to the

Secretary, and to any other persons employed in or about any such Commission, and may direct payment of any other expenses attendant upon the carrying out of any such Commission, or upon any proceedings for any penalty under this Ordinance; such sums, so directed to be paid, shall be paid out of the general revenue, as the case requires, on the warrant of the Governor.

16. All commissions under this Ordinance, all revocations of any such commission, shall be published in the *Gazette*, and shall take effect from the date of such publication. Publication of commissions, in *Gazette*.

17. No proceedings shall be commenced for any penalty under this Ordinance except by the direction of the Attorney General or of the Commissioners. The Commissioners may direct their secretary, or such other person as they may think fit, to commence and prosecute the proceedings for such penalty. As to proceedings for penalties.

SCHEDULE.

Sec. 10.

SUMMONS TO 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 Governor to inquire.....(*state briefly the subject of inquiry*) at.....(*place*) upon the.....day of .....19....., at.....o'clock, and to give evidence respecting such inquiry. (*If the person summoned is to produce any documents add*) and you are required to bring with you.....(*specify the books, plans and documents required*). Therein fail not at your peril.

Given under the hand of.....Commissioner, this.....day of.....19.....

(*Signed*).....