

COMMISSIONS OF ENQUIRY ACT

CHAPTER 19:01

Act

2 of 1892

Amended by

27 of 1932

172/1961

8/1962

16 of 1962

136/1976

Current Authorised Pages

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

Note

For the issuance of a Commission under section 2, *See* LN 69/1982.

CHAPTER 19:01

COMMISSIONS OF ENQUIRY ACT

ARRANGEMENT OF SECTIONS

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CHAPTER 19:01

COMMISSIONS OF ENQUIRY ACT

An Act relating to commissions of enquiry.

1950 Ed.
Ch. 7 No. 2.
2 of 1892.

Commencement.

[23RD JANUARY 1892]

Short title.

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

Power to issue commissions of enquiry.

2. The President may whenever he deems it advisable, issue a commission appointing one or more commissioners, and authorising such commissioners, or any quorum of them therein mentioned, to enquire into the conduct of any officer in the public service in Trinidad and Tobago, 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 enquiry would, in the opinion of the President, be for the public welfare. Each such commission shall specify the subject of enquiry, and may, in the discretion of the President if there is more than one commissioner, direct which commissioner shall be chairman, and direct where and when such enquiry shall be made and the report thereof rendered, and prescribe how such commission shall be executed, and may direct whether or not the enquiry shall be held in public. In the absence of a direction to the contrary, the enquiry 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 enquiry, or for any other reason.

Power to appoint fresh commissioners, and to alter commissions.

3. In case any commissioner is or becomes unable or unwilling to act, or dies, the President may appoint another commissioner in his place; and any commission issued under this Act may be altered as the President thinks fit by any subsequent commission issued by him, or may be revoked altogether by notice in the *Gazette*.

4. A commission issued under this Act shall not lapse by reason of, or be otherwise affected by, the death, absence or removal of the President issuing the same.

Change of President.

5. Each commissioner appointed under this Act shall 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 as a commissioner, which oath may be taken before the President, and shall be deposited by the commissioner with the Secretary to the Cabinet and Head of the Public Service.

Oath by commissioners. [16 of 1962].

6. The President 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 the enquiry as the commissioners shall prescribe, subject to the directions, if any, of the President.

Secretary.

7. The commissioners shall, after taking the oath, make a full, faithful and impartial enquiry into the matter specified in the commission, and conduct the enquiry in accordance with the directions, if any, in the commission; and, in due course, report to the President, in writing, the result of the enquiry; and also, when required, furnish to the President a full statement of the proceedings of the commission, and of the reasons leading to the conclusions arrived at or reported.

Duties of commissioners.

8. If the commissioners are, in any case, 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.

Casting vote of chairman.

9. Commissioners acting under this Act 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.

Power to regulate proceedings.

Appearance of
Attorney-at-law.

10. Any person whose conduct is the subject of enquiry under this Act or who is in any way implicated or concerned in the matter under enquiry, shall be entitled to be represented by an Attorney-at-law at the whole of the enquiry, and any other person who may consider it desirable that he should be so represented may, by leave of the commissioners, be represented in the same manner.

Power to
summon and
examine
witnesses, and
privilege of
commissioner
from suit.

11. Commissioners acting under this Act shall have the powers of the High Court to summon witnesses, to call for the production of books, plans, and 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, and shall be signed by one of the commissioners. Oaths may be administered by one of the commissioners or by the secretary.

Schedule.

Witnesses.

12. (1) All persons summoned to attend and give evidence, or to produce books, plans, or documents, at any sitting of any 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 High 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 are allowed by the commissioners, but the commissioners may disallow the whole or any part of such expenses in any case, if they think fit. Orders for the payment of witnesses shall be made as nearly as may be as orders are made for the payment of witnesses in the High Court, and shall be paid in such manner as the President may direct.

Offences.

(2) Any person who refuses or fails, without sufficient cause, to attend at the time and place mentioned in the summons served on him, and any person who attends, but leaves the commission without the permission of the commissioners, or refuses 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 refuses or fails 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 any person who

at any sitting of the commission wilfully insults any commissioner or the secretary, or wilfully interrupts the proceedings of the commission, is liable on summary conviction to a fine of two thousand dollars.

(3) 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 privileges to which a witness giving evidence before the High Court is entitled in respect of evidence given by him before such Court.

13. The President may direct the Commissioner of Police to detail constables to attend upon any of the commissioners, to preserve order during the proceedings of the commission, and to serve summonses on witnesses, and to perform such ministerial duties as the commissioners shall direct.

Constables to attend commissioners.

14. Commissioners appointed under this Act shall not be entitled to any remuneration, unless such remuneration is specially voted by Parliament, beyond the actual expenses incurred in holding the enquiry, but the President may direct what remuneration, if any, shall be paid to the secretary, and to any other person 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 Act. Such sums, so directed to be paid, shall be paid out of moneys provided by Parliament.

Remuneration to commissioners and others.

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

Commissions, etc., to be published in *Gazette*.

16. No proceedings shall be commenced for any penalty under this Act except by the direction of the Director of Public Prosecutions, 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.

Proceedings for penalties. [136/1976].

Section 11.

SCHEDULE

SUMMONS TO WITNESS

To A.B., [*name of person summoned and his calling and residence*].

You are hereby summoned to appear before..... [*here name the commissioners*] appointed by the President to enquire [*state briefly the subject of enquiry*] at..... [*place*] upon the day of, 20, ato'clock, and to give evidence respecting such enquiry. [*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*].

Therefore fail not at your peril.

Given under the hand ofCommissioner, this
..... day of, 20..... .
