

LAWS OF GUYANA

COMMISSIONS OF INQUIRY ACT

CHAPTER 19:03

Act

5 of 1933

Amended by

4	of	1972	O. 80/1980
6	of	1997	

Current Authorised Pages

<i>Pages (inclusive)</i>	<i>Authorised by L.R.O.</i>
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**Note
on
Subsidiary Legislation**

This Chapter contains no subsidiary legislation.

**Note
on
Repeal**

This Act repealed the Commissioners (Examination of Witnesses (Ordinance, (1929 Edition Cap. 258).

CHAPTER 19:03
COMMISSIONS OF INQUIRY ACT
ARRANGEMENT OF SECTIONS

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CHAPTER 19:03

COMMISSIONS OF INQUIRY ACT

1953 Ed.
c. 59

5 of 1933

An Act to enable the President to issue Commissions of Inquiry with special powers.

[15TH April, 1933]

Short title.

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

Power to issue
commission.
[4 of 1972]

2. (1) The President may issue a commission appointing one or more commissioners and authorising such commissioner or commissioners to inquire into any matter in which an inquiry would, in the opinion of the President, be for the public welfare.

(2) Every such Commission shall specify the subject, nature and extent of the inquiry, and may contain directions in the following matters:

- (a) in what manner the Commission shall be executed;
- (b) if there be more Commissioners than one, which of them shall act as chairman;
- (c) what number of them shall constitute a quorum;
- (d) the place and time where and within which the inquiry shall be made and the report thereof rendered;

- (e) whether or not the inquiry shall be held in public, with reservation nevertheless to the Commissioners to exclude any person or persons if they deem fit for the due conduct of the inquiry, the preservation of order or for any other reason;
- (f) and generally for the better giving effect to the purpose of the inquiry.

Powers 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 President may appoint another commissioner in his place; and any commission issued under this Act may be altered as the President may deem fit by any subsequent commission issued by the President or may be revoked altogether by a notification to that effect published in the *Gazette*.

Commission not affected by any change of President.

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

Commissioners to take oath of office, how and before whom.

5. It shall be the duty of each commissioner appointed under this Act to make and subscribe an oath or affirmation 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 or affirmation may be taken before any magistrate or justice of the peace, and shall be deposited by the commissioner with the Secretary to the Office of the President.

Power to appoint secretary; his duties.

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 such inquiry as the commissioners shall prescribe, subject to the directions, if any, of the President.

Duties of commissioners defined.

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

Division of opinion of commissioners.

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.

Commissioners' powers for regulating their proceedings.

9. The 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.

Commissioners' powers to summon and examine witnesses, and privileges from suit.

10. Commissioners acting under this Act shall have the powers of a judge of the High Court to summon witnesses, and 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, and oaths may be administered by one of the commissioners, or by the secretary.

False evidence, how

11. Any witness who shall wilfully give false

punishable. 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.

Duty of witnesses summoned. [4 of 1972] [6 of 1997]

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 High Court, and shall be entitled to the like expenses as if they had been summoned to attend the High Court on a criminal trial, if the same shall be allowed by the commissioners but the commissioners may disallow the whole or any part of such expenses in any case, if they think fit. The procedure for the payment of such witnesses shall be the same as nearly as may be for the payment of witnesses in the High Court, and they shall be paid at such time and in such manner as the Minister responsible for finance may direct.

Penalty for contumacy or 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 on summary conviction to a fine of thirty-two thousand five hundred dollars and to imprisonment for six months.

(3) A person giving evidence before the

commission shall not be compellable to incriminate 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.

Appearance of
counsel.

13. 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 or solicitor 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.

Constables
detailed to
attend upon
commissioners;
their duties.
[4 of 1972]

14. The Commissioner of Police shall detail constables to attend upon any commissioners, to preserve order during the proceedings of the commission, and to perform such other duties as usually pertain to their office when in attendance upon the High Court, and to serve summonses on witnesses, and to perform such ministerial duties as the commissioners shall direct.

Remuneration
to
commissioners
and others,
how
ascertained and
paid.

15. The President may direct what remuneration, if any, shall be paid to any commissioners acting under this Act, and to their 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 Act. Such sums so directed to be paid shall be paid out of moneys provided by Parliament.

Commissions,
etc, to be
published in
Gazette.

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

Proceedings for
penalties, how
to be

17. Subject to article 47 of the Constitution, no proceedings shall be commended for any penalty under this

commenced
and
prosecuted.
[O. 80/1980]
c. 1:01

Act, except by the direction 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.

s. 10

SCHEDULE

SUMMONS TO WITNESSES

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 President to inquire (state briefly the subject of inquiry) at (place), upon the day of 20 , 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). Therefore fail not at your peril.

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