

## CHAPTER 58

### COMMISSIONS OF INQUIRY ACT

---

• Act • Subsidiary Legislation •

---

#### ACT

#### Amended by

Act No. 15 of 1961

#### ARRANGEMENT OF SECTIONS

1. Short title.
2. Power to issue, and mode of holding, Commissions of inquiry into matters of a public nature.
3. Power to appoint fresh Commissioners and to alter or revoke Commissions.
4. Commission not affected by change of Governor-General.
5. Oath of office by Commissioners.
6. Secretary.
7. Duties of Commissioners.
8. Division of opinion of Commissioners.
9. Commissioners' power for regulating proceedings.
10. Power to summon and examine witnesses, and privilege of Commissioner from suit.
11. Duty of witnesses summoned, expenses of attendance, penalty for contumacy, etc.
12. Making false statements to the Commissioners.
13. Constables to attend Commissioners.
14. Remuneration of Commissioners and others.
15. Proceedings, etc., free from stamp duties.
16. Commissions to be published in *Gazette*.
17. As to proceedings for penalties.
18. Legal representation by counsel.
19. Examination of witnesses.
- Schedule Summons to Witnesses

---

## CHAPTER 58

### COMMISSIONS OF INQUIRY ACT

**An Act to enable the Governor-General to issue Commissions of Inquiry with special powers.**

[Amended by Act No. 15 of 1961.]

[18th June, 1890.]

#### 1. Short title

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

#### 2. Power to issue, and mode of holding, Commissions of inquiry into matters of a public nature

It shall be lawful for the Governor-General, whenever he or she shall deem it advisable, to issue a Commission, appointing one or more Commissioners, and authorising the Commissioners, or any quorum of them therein mentioned, to inquire

into the conduct or management of any department of the public service, or of any public or local institution or the conduct of any public or local officers or of any parish or district of Grenada, or into any matter in which an inquiry would, in the opinion of the Governor-General, be for the public welfare. Each such Commission shall specify the subject of inquiry and may, in the discretion of the Governor-General, if there is more than one Commissioner, direct which Commissioner shall be chairperson, and direct where and when the inquiry shall be made and the report thereof rendered, and prescribe how the 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.

### **3. Power to appoint fresh Commissioners and to alter or revoke Commissions**

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

### **4. Commission not affected by change of Governor-General**

No Commission issued under this Act shall lapse by reason of or be otherwise affected by the death, absence or removal of the Governor-General who issued it.

### **5. Oath of office by Commissioners**

It shall be the duty of each Commissioner appointed under this Act to make and subscribe an oath that he or she will faithfully, fully, impartially, and to the best of his or her ability discharge the trust and perform the duties devolving upon him or her by virtue of the Commission, which oath may be taken before the Governor-General, and shall be deposited by the Commissioner with the Secretary to the Cabinet.

### **6. Secretary**

The Governor-General 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 inquiry as the Commissioners shall prescribe, subject to the directions, if any, of the Governor-General.

### **7. Duties of Commissioners**

It shall be the duty of the Commissioners, after taking the oath, to make a full, faithful and impartial inquiry into the matter specified in the Commission and to conduct the inquiry in accordance with the directions, if any, in the Commission; and, in due course, to report to the Governor-General in writing the result of the inquiry; and also, when required, to furnish to the Governor-General a full statement of the proceedings of the Commission, and of the reasons leading to the conclusions arrived at or reported.

### **8. Division of opinion of Commissioners**

If the Commissioners shall in any case be equally divided on any question that arises during the proceedings of the Commission, the chairperson shall have a second or casting vote.

### **9. Commissioners' power for regulating proceedings**

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.

#### **10. Power to summon and examine witnesses, and privilege of Commissioner from suit**

Commissioners acting under this Act shall have the same powers as 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 be arrested or to any action for any matter or thing done by him or her as 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 their secretary.

#### **11. Duty of witnesses summoned, expenses of attendance, penalty for contumacy, etc.**

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 like expenses as if they had been summoned to attend such 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. 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 Governor-General may direct. Every person refusing or omitting, without sufficient cause, to attend at the time and place mentioned in the summons served on him or her, 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 or her knowledge and belief, all questions put to him or her by or with the concurrence of the Commissioners, or refusing or omitting without sufficient cause to produce any books, plans, or documents in his or her possession, or under his or her control, and mentioned or referred to in the summons served on him or her, 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 guilty of an offence and liable to a fine of one thousand five hundred dollars:

Provided that no person giving evidence before the Commission shall be compellable to criminate himself or herself and every such person shall, in respect of his or her evidence, be entitled to the same privileges as those to which a witness giving evidence before the High Court is entitled.

#### **12. Making false statements to the Commissioners**

(1) Any person who, in the course of giving evidence before the Commission, wilfully makes a statement material to the inquiry knowing it to be false or not believing it to be true, shall be guilty of an offence and—

- (a) if the statement was made on oath, liable to imprisonment for ten years;
- (b) if the statement was made otherwise than on oath, liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for twelve months.

(2) Any person who produces before the Commissioners a false, untrue, fabricated or falsified document with intent to deceive the Commissioners shall be guilty of an offence and liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for twelve months.

#### **13. Constables to attend Commissioners**

The Governor-General may direct the Chief of Police to detail constables to attend upon the 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.

#### **14. Remuneration of Commissioners and others**

The Governor-General 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 the Commission, and may direct payment of any other expenses attendant upon the carrying out of the Commission, or upon any proceedings for any penalty under this Act. Such sums shall be paid by the Accountant-General out of the Consolidated Fund.

#### **15. Proceedings, etc., free from stamp duties**

All Commissions and all processes and proceedings before the Commissioners under this Act shall be free from stamp duties.

#### **16. Commissions to be published in Gazette**

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 such publication.

#### **17. As to proceedings for penalties**

No proceeding shall be commenced for any penalty under this Act 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.

#### **18. Legal representation by counsel**

A person whose conduct is the subject of inquiry, or who is in any way implicated or concerned in the matter under inquiry, before the Commissioners under this Act, may be represented by counsel throughout the whole of the inquiry; any other person who considers it desirable that he or she should be so represented may, by leave of the Commissioners, be represented as aforesaid.

#### **19. Examination of witnesses**

A barrister or solicitor whether appointed by the Attorney-General to assist the Commissioners or authorised by them to attend at an inquiry to represent a person, and any other person authorised by them to appear before them may, so far as the Commissioners think proper, question a witness concerning matters relevant to the inquiry; a witness being questioned shall enjoy the same privileges and be subject to the same liabilities as if he or she were being examined by a Commissioner.

---

### **Schedule**

#### **COMMISSIONS OF INQUIRY ACT**

##### *Summons to Witnesses*

[Section 10.]

To A.B. ....

*(name of person summoned, and his or her calling and residence if known)*

You are hereby summoned to appear before ..... *(here name the Commissioners)*,  
appointed by the Governor-General to inquire ..... *(state briefly*  
*the subject of inquiry)* at ..... *(place)*, on ..... *(day and date)*

at ..... o'clock, and to give evidence respecting the 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.

Dated: etc., .....

---

**CHAPTER 58**  
**COMMISSIONS OF INQUIRY ACT**

**SUBSIDIARY LEGISLATION**

---

*No Subsidiary Legislation*

---