ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER C50

COMMISSIONS OF INQUIRY ACT

Showing the Law as at 15 December 2010

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates Act 7/2010, in force 1 November 2010

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COMMISSIONS OF INQUIRY ACT

TABLE OF CONTENTS

SECTION

1. Power to Governor to appoint commissions of inquiry
2. Filling up of vacancies and alterations of commissions
3. Death, etc., of Governor not to affect commission
4. Oath of commissioner
5. Appointment of secretary
6. Duties of commissioners
7. Chairman to have casting vote
8. Commissioners may make rules, and adjourn meetings
9. Powers in relation to witnesses
10. Representation by counsel
11. Punishment of witnesses for perjury
12. Attendance of witnesses, payment of expenses
13. Statement of witness before commission not admissible
14. Police to attend at commissions
15. Remuneration of commissioners and secretary
16. Commissions free from stamp duty
17. Publication of commissions
18. Recovery of penalties
19. Citation

SCHEDULE: Summons to Witness

COMMISSIONS OF INQUIRY ACT

Power to Governor to appoint commissions of inquiry

1. 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 or management of any department of the public service in Anguilla, or of any public officer of Anguilla, or of any district thereof, 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, but, when any inquiry, as aforesaid, shall be directed not to be held in public, it shall not be lawful for any person, without the authority of the Governor, to write, print, publish, circulate, or make public, or to procure for the purpose of writing, printing, publishing, circulating, or making public, or to cause to be written, printed, published, circulated, or made public, or to be in any way concerned in the writing, printing, publication, circulation, or making public of, the evidence, or any part thereof, taken on such inquiry, or the proceedings, or any part thereof, on such inquiry; and any person so offending is guilty of an offence, and is liable to pay a fine of $19,200, or to be imprisoned for any period of 1 year or to both.

Filling up of vacancies and alterations of commissions

2. 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 Act 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*.

Death, etc., of Governor not to affect commission

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

Oath of commissioner

4. It shall be the duty of each commissioner appointed under this Act 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 any Justice of the Peace or the Magistrate, and shall be deposited by the commissioner with the Governor.

Appointment of secretary

5. 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 commissioners shall prescribe, subject to the directions, if any, of the Governor.

Duties of commissioners

6. 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 to 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.

Chairman to have casting vote

7. If the commissioners shall, in any case, be equally divided in any question that arises during the proceedings of the commission, the chairman of the commission shall have a second or casting vote.

Commissioners may make rules, and adjourn meetings

8. 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.

Powers in relation to witnesses

9. Commissioners acting under this Act shall have the powers of a Judge of the High Court within Anguilla 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 is 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 for 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 any one of the commissioners, or by their secretary.

Representation by counsel

10. 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 commission, be represented in the manner aforesaid.

Punishment of witnesses for perjury

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

Attendance of witnesses, payment of expenses

12. All persons summoned to attend and give evidence, or to produce books, plans or documents, or any other matter, 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 subpœnas 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. Orders for the payment of such witnesses shall be made, as nearly as may be, as orders are made for

the payment of witnesses at the High Court, and shall be paid at such time and in such manner as the Governor may direct. 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 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, or other matters 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, is liable, on summary conviction, to a penalty of $5,760.

Statement of witness before commission not admissible

13. No statement made by any person who is called as a witness before any commission of inquiry, or any commissioners appointed in pursuance of this Act, in answer to any question put by or before such commission or commissioners, shall, except in cases of indictments for perjury, be admissible in evidence in any proceeding, civil or criminal.

Police to attend at commissions

14. The Governor may direct the Commissioner of Police in Anguilla to detail police officers to attend upon any such 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 such commissioners shall direct.

Remuneration of commissioners and secretary

15. (1) The Governor 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.

(2) Any sum directed to be paid by the Governor under subsection (1) shall be paid by the Accountant General out of the Consolidated Fund.

(Act 7/2010, s. 26 and am in L.R. 15/12/2010)

Commissions free from stamp duty

16. All commissions and all process and proceedings before the commissioners under this Act shall be free from stamp duty.

Publication of commissions

17. 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.

Recovery of penalties

18. No proceedings 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.

Citation

19. This Act may be cited as the Commissions of Inquiry Act, Revised Statutes of Anguilla, Chapter C50.

SCHEDULE

(Section 9)

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 ……, 20……, at ..……. o'clock in the …… noon, 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…… .
