
CHAPTER 184**COMMISSIONS OF INQUIRY****ARRANGEMENT OF SECTIONS**

SECTION

1. Short title
2. Appointment of commissioners.
3. Death, etc., of a commissioner.
4. President, quorum, etc.
5. Commission not affected by change of Governor-General.
6. Secretary.
7. Duties of commissioners.
8. Oath of office.
9. Commissioners' power for regulating proceedings.
10. Commissioner's powers to summon and examine witnesses.
11. Immunity of persons executing, and of witnesses, before a commission.
12. Appearance of counsel, etc.
13. Duty of witnesses summoned.
14. Attendance of peace officers to preserve order, etc.
15. Payment of commissioners, etc.
16. Proceedings, etc., free from stamp duties.
17. Commissions to be published in *Gazette*.

FIRST SCHEDULE (Section 2) — Form of Commission

SECOND SCHEDULE (Section 8) — Form of Oath to be Taken by a Commissioner

THIRD SCHEDULE (Section 10) — Summons to Witness

CHAPTER 184

COMMISSIONS OF INQUIRY

An Act to enable the Governor-General to appoint Commissioners to inquire into and report on matters referred to them.

13 of 1911
 8 of 1935
 31 of 1962
 G.N. 172/1964
 E.L.A.O., 1974
 19 of 1975
 10 of 1983
 4 of 1996

[Commencement 13th July, 1911]

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

Short title

2. Whenever it shall appear to the Governor-General that it will be for the public benefit so to do, the Governor-General may issue a commission in the form of the First Schedule to this Act appointing persons, not less than three in number, to inquire into and report upon any matter stated in such commission as the subject of inquiry.

Appointment of commissioners.
 31 of 1962, s. 2.

First Schedule.

3. The Governor-General may add to the persons named in any such commission, and in case any person appointed or added under this Act shall die, or resign, or desire to be discharged, or refuse, or become incapable to act, the Governor-General may appoint a new commissioner in his place, and all powers and duties by this Act conferred and imposed on a commissioner shall be exercised and performed by the commissioner so added or appointed.

Death, etc., of a commissioner.

4. (1) Every such commission shall state the name of one of such commissioners as president and shall state the number of commissioners necessary to form a quorum. All the powers of the commissioners under this Act may be exercised by such quorum; and if the president is not present at any meeting a vice-president for the meeting shall be appointed by a majority of votes of those present at the meeting, and so long as he acts as vice-president he shall have all the powers, rights and privileges of president.

President, quorum, etc.

(2) If the commissioners shall in any case be equally divided on any question that arises during the proceedings of the commission, the president or vice-president shall have a second or casting vote.

Division of opinion of commissioners.

Particulars of
commission.

31 of 1962, s. 3.

(3) Every such commission shall also specify when such inquiry shall be made, and the report thereof rendered, and prescribe how such commission shall be executed.

(4) The commission shall be held in public unless the commissioners shall deem it in the public interest, or necessary for the efficient conduct of the inquiry, that it should be held in camera; but the commissioners may in any event, if they see fit, hear the evidence of any witness in camera, and exclude any person or persons for the preservation of order, for the efficient conduct of the inquiry, or for any other reason.

Commission not
affected by
change of
Governor-
General.

5. 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.

Secretary.

6. The commissioners may appoint, subject to the approval of the Governor-General, 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.

Duties of
commissioners.

7. (1) It shall be the duty of the commissioners 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.

31 of 1962, s. 5.

(2) The Governor-General shall at the earliest possible date, transmit a copy of the commissioners' report duly signed by the commissioners, to both Houses of Parliament.

Oath of office.

31 of 1962, s. 4;
G.N. 172/1964
s. 8.
Second Schedule.

8. It shall be the duty of each commissioner appointed under this Act to make and subscribe an oath in the form of the Second Schedule to this Act, which oath may be taken before the Governor-General, or before such person as the Governor-General may appoint, and shall be deposited by the commissioner with the Registrar General.

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 within or outside The Bahamas as they may think fit, subject only to the terms of their commission.

Commissioners' power for regulating proceedings.
10 of 1983, s. 2.

10. (1) Subject to the provisions of this Act, any commissioner shall have the powers of a justice of the Supreme Court to —

Commissioner's powers to summon and examine witnesses.
10 of 1983, s. 3.

- (a) summon and compel the attendance of witnesses;
- (b) call for the production of documents or things including the power to retain and examine the same;
- (c) examine persons appearing before them on oath;
- (d) subject to the Rules of the Supreme Court, issue a commission or request to examine witnesses abroad,

and a summons in the form set out in the Third Schedule signed by one or more of the commissioners may, with such modifications and adaptations as may be necessary, be substituted for and shall be equivalent to, and for the purposes of any law have the same effect as, in any formal proceedings in the Supreme Court for summoning or enforcing the attendance of witnesses and compelling the production of documents or things.

(2) Oaths may be administered by one of the commissioners or the secretary.

(3) For the purpose of the exercise by a commissioner of any of the powers mentioned in subsection (1) references to a justice of the Supreme Court in any other law applicable thereto shall, subject to this Act, have effect as including such a commissioner save that, where any such power is exercised in respect to the summoning of any person to give or produce evidence as to any banker's book within the meaning of section 177 of the Evidence Act, such summons shall only be issued by the president of the commission.

4 of 1996, s. 180 and Sch. Ch. 65.

Immunity of
persons
executing, and of
witnesses, before
a commission.
10 of 1983, s. 3.

11. (1) No commissioner or person assisting a commission in the conduct of its inquiry shall be liable to any action, suit or proceedings for any matter or thing done in the due execution or carrying out of the commission.

(2) No person attending before a commission shall be excused from answering any question or producing any document or thing by reason that the answer thereto or the production thereof, as the case may be, would tend to be self incriminating but notwithstanding any other law to the contrary no answer given or the fact of such production shall be used or be admissible as evidence against that person in any proceedings except in criminal proceedings in which that person may be charged with having given false evidence before the commission or having conspired with or procured others to do so.

Appearance of
counsel, etc.
8 of 1935, s. 2.

12. (1) 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.

(2) 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.

Duty of witnesses
summoned.
10 of 1983, s. 4.

13. (1) If any person —

- (a) on being duly summoned as a witness before a commission makes default in attending; or
- (b) being in attendance as a witness refuses to take an oath legally required by the commission to be taken, or to produce any document in his power or control legally required by the commission to be produced by him, or to answer any question to which the commission may legally require an answer; or
- (c) does any other thing which would, if the commission had been a court of law having power to commit for contempt, have been in contempt of that court,

the president of the commission may certify the offence of that person under his hand to the Supreme Court and the Court may thereupon inquire into the alleged offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt in the Court.

(2) A person referred to in section 12(1), any witness and their respective representatives appearing before a commission shall be entitled, subject to section 11(2), to the same immunities and privileges as are parties, witnesses and representatives in civil proceedings before the Supreme Court.

14. The Governor-General may direct the Commissioner of Police to detail peace officers to attend upon the commissioners to preserve order during the proceedings of the commission, and to serve summonses and to perform such other duties as the commissioners shall direct.

Attendance of peace officers to preserve order, etc.

15. The commissioners, the secretary and any other person whose services a commission deems necessary to engage shall be entitled to receive and shall be paid remuneration for their attendance at an inquiry under this Act at such rates as may be approved by the Governor-General from time to time and the said remuneration and the incidental expenses of the inquiry shall be payable out of the Consolidated Fund by warrant in the usual manner.

Payment of commissioners, etc.
*10 of 1983, s. 5.;
31 of 1962, s. 6.*

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

Proceedings, etc., free from stamp duties.

17. 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.

Commissions to be published in *Gazette*.

FIRST SCHEDULE (Section 2)

FORM OF COMMISSION

THE BAHAMAS.

ELIZABETH THE SECOND by the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

L.S.

Governor-General.

To

(Names of Commissioners)

WHEREAS We have deemed it expedient, for divers good causes and considerations, that a diligent and full inquiry should forthwith be made into *(here state subject or subjects of inquiry)*.

KNOW YE THEREFORE that, reposing great trust and confidence in your zeal, discretion and integrity, We by these presents authorise and appoint you, or any *(here state the number of quorum)* or more of you, to make a diligent and full inquiry into *(here state subject or subjects)*, and We do by these presents give and grant to you or any *(here state the number of quorum)* or more of you, all the powers conferred on commissioners by the Commissions of Inquiry Act for the purposes of making the aforesaid inquiry, and We require that within *(here state numbers of months)* months after the date of this commission you do certify to Us, under your hands, or under the hands of any *(here state number of quorum)* or more of you, your several proceedings, and your opinion and recommendations on the premises; and this commission shall continue in full force, although the proceedings thereunder shall not be continued by adjournment from time to time, and you or any *(here state number of quorum)* or more of you, may from time to time, if you see fit, without waiting for your full and complete report, certify your several proceedings as the same shall be respectively perfected; and We hereby command all Government Officers, and other persons whomsoever, within The Bahamas, that they be assistant to you and each of you in the execution of these presents, and We appoint you *(here state name of president)* to be the president of this commission, and give and grant to you the powers conferred on such a president by the Commissions of Inquiry Act.

IN TESTIMONY WHEREOF We have caused these Our Letters to be made patent and the Public Seal of The Bahamas to be hereunto affixed.

WITNESS His Excellency

Governor-General of The Bahamas this

day of 19

BY HIS EXCELLENCY’S COMMAND.

Minister responsible for Inquiries.

N.B. Any of the powers in this form may be struck out by the Governor-General at his discretion, in granting the commission.

The time for executing this commission may be extended, by order of the Governor-General endorsed on the commission, under the hand of the Minister responsible for Inquiries.

SECOND SCHEDULE (Section 8)

FORM OF OATH TO BE TAKEN BY A COMMISSIONER

I, having been appointed under a commission, dated the day of 19 issued by the Governor-General to be a commissioner to inquire into the matter specified in the said commission, do swear by Almighty God that I will faithfully, fully and impartially, and to the best of my ability discharge the trust and perform the duties devolving upon me by virtue of the said commission.

*E.L.A.O., 1974;
19 of 1975, s. 2*

.....
Commissioner.

THIRD SCHEDULE (Section 10)

31 of 1962, s. 7.

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 Governor-General 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 person summoned is to produce any documents, add) and you are required to bring with you (specify the documents required).

10 of 1983.

Given under the hand of
Commissioner this day 19