

Seychelles

Commissions of Inquiry Act

Act 10 of 1962

Legislation as at 30 June 2012

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Seychelles

Commissions of Inquiry Act

Act 10 of 1962

Commenced on 15 October 1962

[This is the version of this document at 30 June 2012 and includes any amendments published up to 30 June 2014.]

[Act 10 of 1962; S.I 95 of 1975; S.I 72 of 1976; Act [23 of 1997](#)]

1. Short title

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

2. Power of President to issue Commissions of Inquiry

- (1) The President may, whenever he shall deem it advisable, issue a Commission appointing one or more Commissioners to inquire into—
 - (a) the conduct of any officer in the public service; or
 - (b) the conduct or management of any department of the public service, or of any public or local institution; or
 - (c) any matter relating to the public service; or
 - (d) any matter of public interest or concern; or
 - (e) any matter in which an inquiry would be for the public welfare.
- (2) Every such Commission shall specify the subject of the inquiry, and shall, if there is more than one Commissioner, direct which Commissioner shall be Chairman, and may, in the discretion of the President further direct where and when the inquiry shall be held and the report rendered, and prescribe how the Commission shall be executed, and whether the inquiry shall or shall not be held in public.

3. Power to add or replace Commissioners and to alter or revoke Commissions

- (1) The President may from time to time add to the number of Commissioners and if any Commissioner dies or is or becomes unable or unwilling to act the President may appoint another Commissioner in his place.
- (2) Any Commission issued under this Act may be altered or revoked by the President.

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

Every Commission issued under this Act and any alteration or revocation thereof shall be published in the *Gazette* and shall take effect from the date of such publication.

5. Commissions not affected by change of President

No commission issued under this Act shall lapse by reason of, or otherwise be affected by, the death, absence or removal of the President who issued such Commission.

6. Oath of office of Commissioners

Every Commissioner appointed under this Act shall make and subscribe an oath or affirmation in the form in the schedule hereto, which oath or affirmation may be taken or made before the President, or before

such person as the President may appoint, and shall be forwarded for safe keeping to the proper officer under section 15 of the Official Oaths Act.

7. Power to appoint secretary: His duties

- (1) 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 require.
- (2) A secretary appointed under this section shall be deemed to be a public officer for the purposes of the Public Officers (Protection) Act.

8. Duties of Commissioners defined

The Commissioners shall, after taking the oath or making the affirmation prescribed in [section 6](#), make a full, faithful and impartial inquiry into the matter specified in the Commission, and shall conduct such inquiry in accordance with the directions (if any) in the Commission; and, in due course, shall report to the President in writing the result of such inquiry; and also, when required, shall furnish to the President a full statement of the proceedings of the Commission, and of the reasons leading to any conclusion arrived at or reported.

9. Quorum. Chairman's casting vote

- (1) When more than two Commissioners are appointed, any two Commissioners shall be a quorum and may exercise the powers given by this Act.
- (2) 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.

10. Commissioners power for regulating proceedings

Subject to the terms of the Commission, the Commissioners may regulate the conduct and management of the proceedings before them, may fix hours and times and places for their sittings 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.

11. Mode of holding inquiry

In the absence of a direction to the contrary in the Commission, the inquiry shall be held in public, but the Commissioners may exclude any particular person or persons for the preservation of order, for the due conduct of the inquiry or for any other reason.

12. Power to summon and examine witnesses

- (1) Commissioners acting under this Act shall have power to summon witnesses, and to call for the production of books, plans and documents, and to examine witnesses and parties concerned on oath.
- (2) Where the Commissioners consider it desirable for the purpose of avoiding expense or delay or for any other special reason they may receive evidence by affidavit or administer interrogatories and require the person to whom the interrogatories are administered to make a full and true reply to such interrogatories.
- (3) Summonses for 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 or by their secretary, and oaths, affirmations or declarations, as the case may be, may be administered by one of the Commissioners or by their secretary.

13. Duty of witnesses summoned

All persons summoned to attend and give evidence, or to produce books, plans, or documents at any sitting of the Commission shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey a summons issued from the Supreme Court, and the Commissioners shall have the powers of that Court to compel the attendance of any witness failing to obey such summons.

14. Penalty for contumacy, insult, interruption of proceedings and other contempt

Every person who—

- (i) refuses or omits, without sufficient cause, to attend at the time and place mentioned in the summons served on him; or
- (ii) attends but leaves the Commission without the permission of the Commissioners; or
- (iii) refuses to be sworn or to make an affirmation or declaration, as the case may be; or
- (iv) 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
- (v) refuses or omits 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; or
- (vi) shall, at any sitting of the Commission, wilfully insult any Commissioner, or the secretary, or wilfully and improperly interrupt the proceedings of the Commission, or be guilty of any contempt of any Commissioner,

shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand rupees or to imprisonment not exceeding one year or to both such fine and imprisonment:

Provided always that no person giving evidence before the Commission shall 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 the privileges and immunities to which a witness giving evidence before the Supreme Court is entitled in respect of evidence given by him before that Court.

15. Remuneration to witness

- (1) All witnesses attending to give evidence shall be entitled to the fees allowed to witnesses attending the Supreme Court on a criminal trial, and their fees shall be taxed and paid as in such trial.
- (2) The Commissioners may disallow the whole or any part of a witness' fees in any case in which they think fit so to do.

16. Representation by counsel or attorney

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 attorney 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 Commissioners, be represented in the manner aforesaid.

17. Indemnity of Commissioners. Non-liability of Commissioners to arrest

- (1) No civil or criminal proceedings may be instituted against a Commissioner for any matter or thing done by him as Commissioner.
- (2) A Commissioner shall not be liable to arrest under civil process at any sitting of the Commission or while going thereto or returning therefrom.

18. Indemnity to witness making full and true disclosure

- (1) The Commissioners may in their discretion grant to any person examined before them a certificate of indemnity if they are satisfied that the person has made a full and true disclosure of all the facts on which he has been examined and that it is in the public interest that such a certificate be granted.
- (2) Such a certificate may be pleaded as a bar to any civil or criminal proceedings (other than a prosecution for perjury) instituted against the person to whom the certificate is granted in respect of any act or thing previously done by him and revealed by no evidence other than that given by him before the Commission and referred to in the said certificate. On production and proof of the certificate any such proceedings shall be dismissed and the Court may make such order as to costs as to it may seem just.

19. Remuneration to Commissioners, etc.

Commissioners appointed under this Act shall not be entitled to any remuneration unless such remuneration shall be specially granted by the President beyond the actual expenses incurred in holding the inquiry, but the President may direct what remuneration (if any) shall be paid to the 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. Such sums, so directed to be paid, shall be paid out of general revenues.

20. Police officers detailed to attend Commissioners: Their duties

The President may direct the Commissioner of Police to detail police officers to attend upon 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.

21. Fiat of the Attorney General for prosecution under this Act

No proceedings shall be commenced for any penalty under this Act except by direction or with the consent of the Attorney General.

Schedule**Form of oath or affirmation to be taken by a Commissioner**

I, _____, having been appointed under a Commission issued by the President and dated the ____ day of ____ 19 ____, to be a Commissioner to inquire into the matters specified in the said Commission, do swear (or do solemnly and sincerely affirm) that I will faithfully, fully, impartially, and to the best of my ability discharge the trust, and perform the duties devolving upon me by virtue of the said Commission.

____ (In the case of an oath here add)

So help me God.

____ Commissioner.

Summons to witness***(The Commissions of Inquiry Act)***

To A.B. (name of person summoned, and his calling and residence, if known).

You are hereby summoned to appear before the Commissioners appointed by the President 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 the person summoned is to produce any documents, add - And you are required to bring with you (specify the books, plans and documents required).)

Given under my hand this ____ day of ____ 19 ____.

Commissioner

or

Secretary to the Commission