

## CHAPTER 166

### THE COMMISSIONS OF INQUIRY ACT.

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## CHAPTER 166

### THE COMMISSIONS OF INQUIRY ACT.

*Commencement:* 15 August, 1914.

#### **An Act to make provision for holding commissions of inquiry.**

#### **1. Power to issue commissions into matters of public nature, etc.**

(1) The Minister may issue a commission appointing one or more commissioners and authorising those commissioners, or any quorum of them mentioned in the commission, to inquire into the conduct of any officer in the public service of Uganda, the conduct of any chief, the conduct or management of any department of the public service or of any public or local institution, or into any matter in which an inquiry would be for the public welfare.

(2) Each such commission shall specify the subject of inquiry and may, 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 of the inquiry rendered, and prescribe how the commission shall be executed, and may direct whether the inquiry shall or shall not be held in public.

(3) 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 for the preservation of order, for the due conduct of the inquiry or for any other reason.

#### **2. Power to appoint fresh commissioners and to alter and revoke commissions.**

If any commissioner is or becomes unable or unwilling to act or dies, the Minister may appoint another commissioner in his or her place; and any commission issued under this Act may be altered by any subsequent commission issued by the Minister, or may be revoked.

#### **3. Commissions not affected by change of Minister.**

No commission issued under this Act shall lapse by reason of, or be

otherwise affected by, the death, absence or removal of the Minister issuing the commission.

**4. Oath of office by commissioners.**

Each commissioner appointed under this Act shall make and subscribe an oath or affirmation in the form in the First Schedule to this Act, which oath or affirmation may be taken before the Minister, or before such person as the Minister may appoint, and shall be deposited by the commissioner with the Minister.

**5. Power to appoint secretary; secretary's duties.**

The Minister may appoint a secretary to attend the sittings of the commission, to record its proceedings, to keep its papers, summon and minute the testimony of witnesses and generally to perform such duties connected with the inquiry as the commissioners shall prescribe.

**6. Duties of commissioners.**

The commissioners shall, after taking the oath or making the affirmation as provided in section 4, make a full, faithful and impartial inquiry into the matter specified in the commission; conduct the inquiry in accordance with the direction, if any, in the commission; in due course, report to the Minister, in writing, the result of the inquiry; and also, when required, furnish to the Minister a full statement of the proceedings of the commission and of the reasons leading to the conclusions arrived at or reported.

**7. Division of opinion of commissioners.**

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

**8. Commissioners' power for regulating proceedings.**

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.

**9. Power to summon and examine witnesses.**

(1) Commissioners acting under this Act shall have the powers of the High Court to summon witnesses, 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 the interrogatories.

(3) Summonses for the attendance of witnesses or other persons or the production of documents may be in the form given in the Second Schedule to this Act, and shall be signed by one of the commissioners or by their secretary, and oaths and affirmations may be administered by the secretary.

(4) An inquiry under this Act shall be deemed to be a judicial proceeding for the purposes of sections 94 and 99 of the Penal Code Act.

**10. Nonliability of commissioners to suit.**

Any commissioner or other person acting under this Act shall be entitled to the like protection as that enjoyed by judicial officers and officers executing warrants and orders under the Judicature Act, or other Act for the time being substituted for that Act.

**11. Witnesses.**

(1) All persons summoned to attend and give evidence, or to produce books, plans or documents at any sitting of any commission of inquiry, 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 High Court, and shall be entitled to like expenses as if they had been summoned to attend at the High Court on a criminal trial, if the expenses shall be allowed by the commissioners, but the commissioners may disallow the whole or any part of those expenses in any case if they think fit.

(2) Orders for the payment of the 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 from the Consolidated Fund.

(3) 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 at any sitting of the commission wilfully insults any commissioner, or the secretary, or wilfully interrupts the proceedings of the commission, is liable to a fine not exceeding one thousand five hundred shillings; but no person giving evidence before the commission shall be compellable to incriminate himself or herself, and every such person shall, in respect of any evidence given by him or her before the commission, be entitled to all the privileges to which a witness giving evidence before the High Court is entitled in respect of evidence given by him or her before that court.

## **12. Appearance of advocate.**

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 an advocate at the whole of the inquiry, and any other person who may consider it desirable that he or she should be so represented may, by leave of the commission, be represented in the manner aforesaid.

## **13. Police officers detailed to attend commissioners.**

The Minister may direct the Inspector General of Police to detail police officers to attend upon any such commissioners, to preserve order during the proceedings of the commission, to serve summonses on witnesses and to perform such ministerial duties as the commissioners shall direct.

**14. Remuneration to commissioners, etc.**

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

**15. Commissions, etc. to be published in Gazette.**

All commissions under this Act, and all alterations to and revocations of any such commission, shall be published in the Gazette and shall take effect from the date of that publication.

**16. Proceedings for penalties.**

No proceedings shall be commenced for any penalty under this Act except by the direction of the Director of Public Prosecutions.

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**SCHEDULES**

*First Schedule.*

s. 4.

**Form of Oath or Affirmation to be taken by a Commissioner.**

I, \_\_\_\_\_, having been appointed under a commission issued by the Minister and dated the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to be a commissioner to inquire into the matters specified in the 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 commission. (*In the case of an oath here add*) (So help me God.)

\_\_\_\_\_  
Commissioner

*Second Schedule.*

s. 9.

**Summons to a Witness.**

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

You are summoned to appear before the commissioners appointed by the Minister to inquire \_\_\_\_\_

\_\_\_\_\_  
(*state briefly the subject of inquiry*) at \_\_\_\_\_  
(*place*) upon the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock, and to give evidence respecting that inquiry. (*If the person summoned is to produce any documents, add: You are required to bring with you \_\_\_\_\_ (specify the books, plans and documents required).*)

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Commissioner

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**History:** Cap. 56; S.I. 91/1965; S.I. 200/1965.

**Cross References**

Judicature Act, Cap. 13.  
Penal Code Act, Cap. 120.

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