

THE COMMISSIONS OF ENQUIRY ACT

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## SCHEDULES

## THE COMMISSIONS OF ENQUIRY ACT

Cap. 68.  
Acts  
42 of 1969  
3rd Sch.  
19 of 1978,  
28 of 2013.

[27th March, 1873.]

1. This Act may be cited as the Commissions of Enquiry Act. Short title.

1A. In this Act—

“Constabulary Force” means—

- (a) the Jamaica Constabulary Force;
- (b) the Island Special Constabulary Force; or
- (c) the Rural Police;

Inter-  
pretation.  
28/2013  
S. 2.

“document” means, in addition to a document in writing, anything in which information of any description is recorded.

2. It shall be lawful for the Governor-General, whenever he shall deem it advisable, to issue a Commission, appointing one or more Commissioners, and authorizing such Commissioners, or any quorum of them therein mentioned, to enquire 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 of this Island, or of any parish, or district thereof, or into any matter in which an enquiry would in the opinion of the Governor-General, be for the public welfare.

Power to  
issue Com-  
missions of  
Enquiry.

Each such Commission shall specify the subject of enquiry, and may, in the discretion of the Governor-General, if there is more than one Commissioner, direct which Commissioner shall be Chairman, and direct where and when such enquiry shall be made, and the report thereof rendered, and prescribe how such Commission shall be executed, and may direct whether the enquiry shall or shall not be held in public. In the absence of a direction to the contrary, the enquiry 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 enquiry, or for any other reason.

Powers to appoint fresh Commissioners, and to alter and revoke Commissions.

3. 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 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*.

Commission not affected by any change of Governor-General.

4. 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 issuing the same.

Commissioners to take oath of office.

5. It shall be the duty of each Commissioner appointed under this Act to make and subscribe an oath or affirmation, 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 or affirmation may be taken before any Justice, and shall be deposited by the Commissioner with the Governor-General's Secretary.

Power to appoint Secretary; his duties.

6. 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 such enquiry as the Commissioners shall prescribe, subject to the directions, if any, of the Governor-General.

Duties of Commissioners.

7. It shall be the duty of the Commissioners, after taking such oath or affirmation, to make a full, faithful and impartial enquiry into the matter specified in such Commission, and to conduct such enquiry 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 such enquiry; and also, when required, to furnish to the Governor-General a full statement of the proceedings of such Commission and of the reasons leading to the conclusions arrived at or reported.

7A.—(1) The Commission shall not include any comment in a report of an enquiry into the matter specified in a Commission that is adverse to a person who is identifiable from the report, unless the Commission acts in accordance with this section.

Procedure where report proposed to include adverse comment. 28/2013 S. 3.

(2) Before making the report, the Commission shall give the person—

(a) a copy of the proposed adverse comment; and

(b) a written notice that—

(i) invites the person to make a written submission or a written statement to the Commission that is relevant to the proposed adverse comment within fourteen days after receipt of the notice, or within such longer period as the Commission may allow; and

(ii) includes the matters specified in the Second Schedule.

Second Schedule.

(3) At the end of the period specified in the notice, the Commission shall consider any written submission or written statement made by the person.

(4) After considering any written submission or written statement, the Commission shall subject to subsection (5), include the written submission or the written statement, or a summary of the submission or the statement, in the Commission's report of the enquiry.

(5) Where a written submission or a written statement is, in the opinion of the Commission, excessively long or contains defamatory or offensive language, the Commission