

TITLE 6 – PUBLIC PROCEEDINGS AND RECORDS
CHAPTER 3 - COMMISSION OF INQUIRY



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

COMMISSIONS OF INQUIRY ACT 1986

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AN ACT to enable the appointment of Commissions of Inquiry, to prescribe their powers and procedure, to facilitate the performance of their functions and to provide for matters connected with or incidental to the aforesaid matters.

<i>Commencement:</i>	<i>January 6, 1987</i>
<i>Source:</i>	<i>P.L. 1986-29</i>
<i>Amended By:</i>	<i>P.L. 1989-62</i>

§301. Short title.

This Chapter may be cited as the “Commissions of Inquiry Act 1986”.
[P.L. 1986-29, §1.]

§302. Power to appoint Commissions of Inquiry.

- (1) Whenever it appears to the President to be necessary that an inquiry should be held and information obtained as to any of the following, the President may, by warrant under the Public Seal of the Republic, appoint a Commission of Inquiry consisting of one or more members to inquire into and report upon such administration, conduct or matter:
 - (a) the administration of any Department of the Government of the Marshall Islands or of any public or local authority or institution;
 - (b) the conduct of any member of the Public Service; or

- (c) any matter with respect to which an inquiry will, in his opinion, be in the interest of the public safety, national security or welfare.
- (2) Every warrant issued under this Chapter shall:
 - (a) set out the name of the member or each of the members of the Commission;
 - (b) where a Commission consists of more than one member, specify the member who is to be the Chairman of the Commission;
 - (c) contain the terms of reference of the Commission; and
 - (d) include a direction whether the inquiry or any part thereof shall or shall not be held in public. [P.L. 1986-29, §2.]

§303. Appointment of additional members.

- (1) The President may add to the numbers of any Commission appointed under Section 302 of this Chapter, and where any member so appointed or added dies, resigns, desires to be discharged, or refuses or becomes unable to act, the President may appoint a new member in his place.
- (2) When a new member has been appointed under the provisions of Subsection (1) of this Section, it shall not be necessary for any evidence which may have been taken before the Commission prior to such appointment to be retaken. [P.L. 1986-29, §3.][section references modified to reflect new numbering format]

§304. Extension of time.

The President may, from time to time, by endorsement under his hand on a warrant issued under this Chapter, extend the time for the rendering of the report of the Commission appointed by such warrant, whether the time for the rendering of such report has expired or not. [P.L. 1986-29, §4.]

§305. Alteration or revocation of warrant.

The President may at any time alter (for the purposes of Section 303 or 304 of this Chapter) or revoke any warrant issued under this Chapter . [P.L. 1986-29, §5.][section references modified to reflect new numbering format]

§306. Change of President.

No warrant issued under this Chapter shall lapse by reason of, or be affected by, the death, absence, retirement, resignation or removal of the President who issued the warrant. [P.L. 1986-29, §6.]

§307. Powers of Commission.

A Commission appointed under this Chapter shall have the following powers:

- (a) to procure and receive all such evidence, written or oral, and to examine all such persons as witnesses, as the Commission may think it necessary or desirable to procure or examine;
- (b) to require the evidence (whether written or oral) of any witness to be given on oath or affirmation, such oath or affirmation to be that which is required of the witness if he were giving evidence in a court of law, and to administer or cause to be administered by an officer authorized in that behalf by the Commission an oath or affirmation to every such witness;
- (c) to summon any person residing in the Republic to attend any meeting of the Commission to give evidence or introduce any document or other thing in his possession, and to examine him as a witness or require him to produce any document or other thing in his possession;
- (d) notwithstanding any of the provisions of the rules of evidence in force, to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings;
- (e) subject to any direction contained in the warrant:
 - (i) to admit or exclude the public from the inquiry or any part thereof; and
 - (ii) to admit or exclude the press from the inquiry or any part thereof; and
- (f) to recommend that any person whose conduct is the subject of inquiry under this Chapter or who is in anyway implicated or concerned in the matter under inquiry be awarded such sum of money as, in the opinion of the Commission, may have been reasonably incurred by such person as costs and expenses in