



I assent.
Edmond Donham

Governor.

13th April, 1933.

BRITISH GUIANA.

ORDINANCE NO. 5 OF 1933.

AN ORDINANCE to enable the Governor to issue Commissions of enquiry with special powers.

A.D. 1933.

BE it enacted by the Governor of British Guiana, with the advice and consent of the Legislative Council thereof, as follows:—

1. This Ordinance may be cited as the Commissions of Enquiry Ordinance, 1933. Short Title.

2.—(1) It shall be lawful for the Governor, whenever he shall deem it advisable, to issue a commission, appointing two more commissioners, and authorising such commissioners, or any quorum of them therein mentioned, to enquire into the conduct of any public or local officers or the conduct or management of any department of the public service, or of any public or local institution, or of any municipal or local authority, or into any matter in which an enquiry would, in the opinion of the Governor, be for the public welfare.

Power to issue special commissions of enquiry into matters of a public nature, or for the public welfare.

Particulars of such commissions.

(2) Each commission shall specify the subject of enquiry, and may, in the discretion of the Governor, 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 may appoint another commissioner in his place; and any commission issued under this Ordinance may be altered as the Governor may deem fit by any subsequent commission issued by the Governor or may be revoked altogether by a notification to that effect published in the *Gazette*.

Commission not affected by any change of Governor.

4. No commission issued under this Ordinance shall lapse by reason of, or be otherwise affected by the death, absence, or removal of the Governor issuing the same.

Commissioners to take oath of office, how and before whom.

5. It shall be the duty of each commissioner appointed under this Ordinance 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 magistrate or justice of the peace, and shall be deposited by the commissioner with the colonial secretary.

Power to appoint secretary; his duties.

6. The Governor 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.

Duties of commissioners defined.

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 in writing, the result of such enquiry; and also, when required, to furnish to the Governor a full statement of the proceedings of such commission, and of the reasons leading to the conclusions arrived at or reported.

Division of opinion of commissioners.

8. 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.

9. The commissioners acting under this Ordinance 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.

Commissioners' powers for regulating their proceedings.

10. Commissioners acting under this Ordinance shall have the powers of a judge of the Supreme Court to summon witnesses, and to call for the production of books, plans, and documents, and to examine witnesses and parties concerned on oath, and no commissioner shall be liable to any action or suit for any matter or thing done by him as such commissioner. All summonses for the attendance of witnesses, or other persons, or the production of documents, may be in the form given in the schedule to this Ordinance and shall be signed by one of the commissioners, and oaths may be administered by one of the commissioners, or by the secretary.

Commissioners' powers to summon and examine witnesses, and privileges from suit.

11. Any witness who shall wilfully give false evidence in any such enquiry concerning the subject matter of such enquiry, shall be guilty of perjury, and be liable to be prosecuted and punished accordingly.

False evidence how punishable.

12.—(1) All persons summoned to attend and give evidence, or to produce books, plans, or documents, at any sitting of any such commission, shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey subpoenas issued from the Supreme Court, and shall be entitled to the like expenses as if they had been summoned to attend the Supreme Court on a criminal trial, if the same shall be allowed by the commissioners but the commissioners may disallow the whole or any part of such expenses in any case, if they think fit. The procedure for the payment of such witnesses shall be the same as nearly as may be for the payment of witnesses in the Supreme Court, and they shall be paid at such time and in such manner as the Governor may direct.

Duty of witnesses summoned.

(2) Every person refusing or omitting, without sufficient cause, to attend at the time and place mentioned in the summons served on him, 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 knowledge and belief, all questions put to him by or with the concurrence of the commissioners, or refusing or omitting 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, and every person who shall at any sitting of the commission wilfully insult any commissioner, or

Penalty for contumacy or insult, or interruption of proceedings.

the secretary, or wilfully interrupt the proceedings of the commission, shall be liable to a penalty not exceeding one hundred dollars, to be recovered under the Summary Jurisdiction Ordinances.

(3) A person giving evidence before the commission shall not be compellable to criminate himself, and every such person shall, in respect of any evidence given by him before the commission, be entitled to all privileges to which a witness giving evidence before the Supreme Court is entitled in respect of evidence given by him before such court.

Appearance
of counsel.

13. Any person whose conduct is the subject of enquiry under this Ordinance, or who is in any way implicated or concerned in the matter under enquiry, shall be entitled to be represented by counsel or solicitor 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 manner aforesaid.

Constables
detailed to
attend upon
commissioners;
their duties.

14. The Governor may direct the Inspector-General of Police to detail constables to attend upon any commissioners, to preserve order during the proceedings of the commission, and to perform such other duties as usually pertain to their office when in attendance upon the Supreme Court, and to serve summonses on witnesses, and to perform such ministerial duties as the commissioners shall direct.

Remuneration
to commissioners
and others,
how ascertained
and paid.

15. The Governor may direct what remuneration, if any, shall be paid to any commissioners acting under this Ordinance, and to their 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 Ordinance. Such sums so directed to be paid shall be paid out of general revenue on the warrant of the Governor.

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

16. All commissions under this Ordinance, and all revocations of any such commissions, shall be published in the *Gazette*, and shall take effect from the date of such publication.

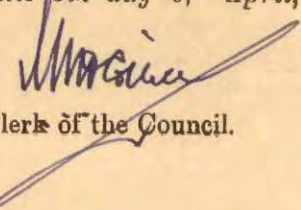
Proceedings
for penalties,
how to be
commenced
and prosecuted.

17. No proceedings shall be commenced for any penalty under this Ordinance, except by the direction of the Attorney-General, or of the commissioners. The commissioners may direct their secretary, or such other person as they may think fit, to commence and prosecute the proceedings for such penalty.

Repeal.
Cap. 258.

18. The Commissioners (Examination of Witnesses) Ordinance is hereby repealed.

Passed by the Legislative Council this 5th day of April,
1933.


Clerk of the Council.

A.D. 1933.]

COMMISSIONS OF ENQUIRY.

[No. 5.]

SCHEDULE.

Section 10.

SUMMONS TO WITNESSES.

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

You are hereby summoned to appear before (here name the commissioners), appointed by the Governor to enquire (state briefly the subject of enquiry) at (place), upon the day of 19 , at o'clock, and to give evidence respecting such enquiry. (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). Therefore fail not at your peril. Summons to witness.

Given under the hand of _____ commissioner, this day of 19 .

(M.P. 3423/33).

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