

**Inquiries Act
(CHAPTER 139A)**

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INQUIRIES ACT

(CHAPTER 139A)

(Original Enactment: Act 43 of 2007)

REVISED EDITION 2008

(31st December 2008)

An Act to enable the President to appoint a commission of inquiry and to enable the relevant Minister to appoint a committee of inquiry, and to provide for matters related thereto.

[1st November 2007]

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Inquiries Act.

Interpretation

2. In this Act, unless the context otherwise requires —

“appointing authority”, in relation to a commission of inquiry, means the President and, in relation to a committee of inquiry, means the Minister who appointed the committee of inquiry under section 9 and includes his successor in office;

“commission” or “commission of inquiry” means any commission of inquiry appointed by the President under section 3, and includes the members of the commission, or a quorum thereof, or the sole member, sitting for the purposes of the inquiry;

“committee” or “committee of inquiry” means any committee of inquiry appointed by the Minister under section 9, and includes the members of the committee, or a quorum thereof, or the sole member, sitting for the purposes of the inquiry;

“inquiry body” means a commission of inquiry or a committee of inquiry, and includes the members of such commission of inquiry or committee of inquiry, or a quorum thereof, or the sole member, sitting for the purposes of the inquiry;

“member” means a member of any commission of inquiry or committee of inquiry, as the case may be, and includes the chairman of such commission or committee;

“Minister”, in relation to a committee of inquiry, means the Minister who appointed the committee of inquiry under section 9 and includes his successor in office;

“terms of reference”, in relation to an inquiry body, means the terms of reference issued to the inquiry body under section 3(2) or 9(2), as the case may be, and includes any modification made thereto under section 3(3) or 9(3).

[Aust RCA, s. 1B]

PART II

COMMISSIONS OF INQUIRY

Power to issue commissions

3.—(1) The President may, whenever he considers it expedient to do so, issue a commission appointing one or more commissioners and authorising such commissioners, or any quorum of them therein mentioned, to inquire into —

- (a) the conduct of any officer or officers in the public service of Singapore;
- (b) the conduct or management of any department of the public service or any public or local institution; or
- (c) any matter in which an inquiry would, in the opinion of the President, be for the public welfare or in the public interest.

(2) The commission issued by the President shall specify the subject of the inquiry and, at the discretion of the President, may —

- (a) specify any particular matters as to which the commissioners are to determine the facts;
- (b) direct whether the commissioners are to make recommendations;
- (c) direct where and when the inquiry shall be held and the report of the inquiry submitted;
- (d) prescribe how the inquiry is to be conducted, including whether the Attorney-General is appointed to lead evidence in the inquiry; and
- (e) direct whether the inquiry or any part of the inquiry shall or shall not be held in public.

(3) The President may modify the terms of reference issued under subsection (2) on the recommendation of the commissioners.

(4) The President may extend the time for the inquiry to be completed and for the submission of the report of the inquiry by the commission.

[UK Inquiries Act, s. 5(3) and (6)(b) and (c); COI Act, ss. 2(1) and (2)(b), (c) and (d), 4]

Composition of commission

4.—(1) A commission of inquiry shall consist of one or more persons (at least one of whom shall be a person who is qualified to be a Judge of the High Court).

(2) Where a commission consists of more than one commissioner, the President shall appoint one of the commissioners to be the chairman.

(3) Where a commission consists of one commissioner only, he shall be vested with the powers of the chairman.

(4) The President may, from time to time, add to the members of any such

commission.

(5) The President may appoint a person to replace any commissioner —

- (a) who has died or resigned; or
- (b) whom the President is satisfied —
 - (i) is incapacitated by reason of physical or mental disability; or
 - (ii) is unwilling, unable or unfit to discharge the functions of a commissioner.

(6) When a new commissioner has been appointed under subsection (4) or (5), it shall not be necessary for any evidence which may have been taken before the commission prior to such appointment to be retaken.

(7) A commissioner may resign from his office at any time by notice in writing to the President.

(8) Every commissioner appointed under this Part shall, so long as he is acting as such commissioner, be deemed to be a public servant within the meaning of the Penal Code (Cap. 224), and every inquiry under this Part shall be deemed to be a judicial proceeding within the meaning of the Penal Code.

[CE Act, s. 5(6)(c) and (d); COI Act, ss. 2(2)(a), 3, 18; PF Act, s. 45(1), (2) and (3); Prisons Act, s. 9(1), (2) and (3)]

Change of President

5. No commission issued and no appointment made under this Part shall lapse by reason of, or be otherwise affected by, the death, absence, resignation, retirement or removal of the President who issued the commission or made the appointment.

[COI Act, s. 5]

Appointment of secretary

6. The President may appoint a secretary —

- (a) to attend the sittings of the commission;
- (b) to record their proceedings;
- (c) to keep their papers;
- (d) to summon and record the evidence of witnesses; and
- (e) generally to perform such duties connected with the inquiry as the commissioners may instruct, subject to the directions, if any, of the