

**Commissions of Inquiry Act
(CHAPTER 48)**

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COMMISSIONS OF INQUIRY ACT

(CHAPTER 48)

(Original Enactment: Ordinance 5 of 1941)

REVISED EDITION 1985

(30th March 1987)

An Act to enable the President to appoint commissioners to inquire into and report on matters referred to them by the President.

[2nd May 1941]

Short title

1. This Act may be cited as the Commissions of Inquiry Act.

Power to issue commissions

2.—(1) It shall be lawful for the President, whenever he considers it advisable, to 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.

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

- (a) if there is more than one commissioner direct which commissioner shall be chairman;
- (b) direct where and when the inquiry shall be held and the report thereof rendered;
- (c) prescribe how the commission shall be executed; and
- (d) direct whether the inquiry or any part thereof shall or shall not be held in public.

Power to add or substitute commissioners

3.—(1) The President may from time to time add to the persons named in any such commission, and in case any person appointed or added under this Act shall die or resign or desire to be discharged or refuse or become incapable to act the President may appoint a new commissioner in his place, and all the powers and duties by this Act conferred and imposed on a commissioner shall be exercised and performed by the commissioner so added or appointed.

(2) When a new commissioner has been appointed under subsection (1) it shall not be necessary for any evidence which may have been taken before the commission prior to such appointment to be retaken.

Enlargement of time

4. The President may from time to time by endorsement under his hand on a commission enlarge the time for the execution of the commission, whether the time for the execution thereof has expired or not.

Change of President

5. No commission issued under this Act shall lapse by reason of, or be otherwise affected by, the death, absence, retirement or removal of the President issuing the commission.

Appointment of secretary

6. The President may appoint a secretary to attend the sittings of the commission, to record their proceedings, to keep their papers, to summon and record the evidence of witnesses, and generally to perform such duties connected with the inquiry as the commissioners shall order, subject to the directions, if any, of the President.

Powers of commissioners

7. The commissioners 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 commissioners may think it necessary or desirable to procure or examine and to determine the order in which those witnesses shall be examined;
- (b) to require the evidence (whether written or oral) of any witness to be made on oath or affirmation (such oath or affirmation to be that which could be required of the witness if he were giving evidence in the High Court) or by statutory declaration;
- (c) to summon any person in Singapore to attend any meeting of the commissioners to give evidence or produce 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) to issue a warrant of arrest to compel the attendance of any person who, after having been summoned to attend, fails to do so, and does not excuse such failure to the satisfaction of the commissioners, and to order him to pay all costs which may have been occasioned in compelling his attendance or by reason of his refusal to obey the summons, and also to fine that person a sum not exceeding \$100;
- (e) notwithstanding any of the provisions of the Evidence Act [Cap. 97], to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings;
- (f) subject to any direction contained in the commission —
 - (i) to admit or exclude the public from the inquiry or any part thereof;
 - (ii) to admit or exclude the press from the inquiry or any part thereof; and
- (g) to award any person who has attended any meeting of the commissioners, including any interpreter appointed under section 8, such sums as in the

opinion of the commissioners may have been reasonably incurred by him by reason of his attendance.

Interpreters

8.—(1) The commissioners shall have the power to appoint any person, whether in the service of the Government or not, to act as interpreter in any matter brought before them and to translate any books, papers or writings produced to them.

(2) Any interpreter appointed under this section shall make and subscribe before the commissioners the following affirmation:

“I.....do solemnly declare and affirm that I will faithfully perform the duties of interpreter and will truly interpret the questions put and the answers given by witnesses and also statements made by the commissioners and will truly translate or explain and transcribe all documents entrusted to me for such purpose to the best of my ability, and that I will not except as authorised by the commissioners directly or indirectly reveal the contents of such documents as may be entrusted to me, nor the evidence given by witnesses which may have been interpreted by me.”.

Allowances

9. Any sums awarded by the commissioners under section 7(g) shall be charged on and paid out of the Consolidated Fund.

Use of evidence in civil and criminal proceedings

10. No evidence taken under this Act shall be admissible in any civil or criminal proceedings whatsoever against the person who gave the evidence, except when the person is charged with giving or fabricating false evidence.

Penalty for threats, etc., to witnesses

11.—(1) Any person who hinders or attempts to hinder any person from giving evidence before the commissioners, or by threats deters or attempts to deter any person from giving such evidence, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years.

(2) Any person who threatens, insults or injures any person for having given evidence, or on account of the evidence which he has given before the commissioners, shall be guilty of an offence and shall be liable on conviction to imprisonment for a term not exceeding 2 years.

Definition of contempt