

CHAPTER 24
COMMISSIONS OF INQUIRY LAW

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COMMISSIONS OF INQUIRY LAW

A Law to provide for the holding of commissions of inquiry

A.N.S.L.
Cap.31

[27th August 1991]

I. This Law may be cited as the Commissions of Inquiry Law

Short title

2. In this Law—

Interpretation

"Governor" means Governor of the State

"State" means Enugu State of Nigeria.

3. The powers conferred by this Law upon the Governor may be exercised by him in respect of any matter within his competence

Matters in
respect of which
Governor may
exercise powers

4. (1). The Governor may, whenever he shall deem it desirable, issue a commission appointing one or more commissioners, and authorizing such commissioners, or any quorum of them therein mentioned, to hold a commission of inquiry in the conduct of any officer in the public service of the State, or of any chief, or the management of any department of the public service, or of any local institution, or into any matter in respect of which, in his opinion, an inquiry would be for the public welfare

Power to
issue
commission
of inquiry

(2). The Governor may appoint a secretary to the commission, who shall perform such duties as the commissioners shall prescribe

Particulars
of
Commission

(3) Each commission shall specify the subjects of inquiry, and may, in the discretion of the Governor, if there are more than one commissioner direct which commissioner shall be Chairman and direct where and when such inquiry shall be made and the report thereof rendered, and prescribe how such commission shall be executed

(4) Such inquiry shall, subject to the powers of the commissioners under section 9, be held in public, unless the Governor shall give a direction to the contrary but the commissioners shall nevertheless be entitled to exclude any particular person for the preservation of order, for the due conduct of the inquiry, or for any other reason.

Inquiry
normally

5. In case any person appointed to act on a commission shall be or become unable to act, the Governor may appoint another person in his place, and any such commission may be altered or revoked, as the Governor may see fit

New
Commissio
ners and
alterations

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

Commissioner
s Not affected
by Charge of
Governor

7. (1) Every commissioner appointed under this Law shall take and subscribe an oath that the will faithfully and impartially and to the best of his ability discharge the duties devolving upon him by virtue of such commission, and, if the inquiry should not be held in public, that he will not divulge the proceedings or the vote or opinion of any commissioner.

Oath of
Members

(2) Such oath may be taken before the Governor, or before such person as the Governor may appoint, and shall be attached to the proceedings in the inquiry

Procedure

8. (1). The commissioners may make such rules for the conduct of the proceedings, the time and place of meeting and of adjournment as they may think fit, subject to the terms of their commission.

Chairman
Casting
vote

(2) 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. This commissioners shall have power—

Powers of
Commissioners
with regard to
obtaining of
evidence and
conduct of
proceedings

(a) to procure 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

(b). to require the evidence (whether written or oral) of any witness to be made on oath or declaration, such oath or declaration to be that which could be required of the witness if he were giving evidence in a Magistrate's Court

(c). to summon any person in Nigeria to attend any meeting of the commissioners to give evidence or produce any document or other things in his possession and to examine him as a witness or require him to produce any document or other thing in his possession, subject to all just exceptions;

(d). to issue a warrant 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 commissioner, 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 such person a sum not exceeding ten naira, such fine to be recoverable in the same manner as a fine imposed by a Magistrate's Court;

(e). to admit any evidence whether written or oral, notwithstanding that such evidence might have been inadmissible in civil or criminal proceedings before a court, and to act on such evidence;

- (f). to admit or exclude the public or any member of the public from any meeting of the commissioners;
- (g). to admit or exclude the press from any meeting of the commissioners;
- (h). to award any person who has intended any meeting of the commissioners, including any interpreter appointed under section 11 of this law, such sum or sums as in the opinion of the commissioners may have been reasonably expended by him by reason of such attendance;
- (i). to enter upon any land whether State land, communal lands, lands at the disposal or any local government, land occupied by any person of community or unoccupied lands for the purpose of obtaining evidence or information required by, or which may be required by , or which may be of assistance to, the commissioners

Provided that the commissioners shall withhold the exercise of any power under this section if the President or the Governor shall certify to them that the exercise of such a power would in his opinion encroach unduly upon the territorial or other jurisdiction of the Government of the Federation or of the State

Form of
summon
Form A

10. (10) Summonses to witnesses may be as in Form A in the Schedule and shall be served by the police, or by such person as the commissioners may direct

Form of
summon
Form B

(2) A warrant to arrest a person who has failed to obey a summons to attend as witness may be as in Form B in the Schedule and may be executed by any member of the police force.

(3). Where the person to be arrested is subject to the jurisdiction of a local government such warrant may also be executed by any person authorized by a local government to effect arrests.

Interpreter

11. (1). The commissioners shall have the power to appoint any person, whether in the Government service 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 under this section shall take and subscribe the following oath, or, as the case may be, make and subscribe before the commissioners the following affirmation or declaration-
"I -----, do swear (or solemnly affirm or declareo that I will faithfully perform the duties of interpreter, and will truly translate or explain all documents entrusted to me for such purpose to the best of my ability, and that I will not except as authorized 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 interpreter by me"

Use of evidence
Taken under this
Law in Judicial
proceedings

12. No evidence taken under this Law shall be admissible- against any person in any civil or

Penalty
for
threats to
witness

criminal proceedings whatever, except in the case of a person charged under section 14 of this Law with giving false evidence before the commissioners

13. 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 upon summary conviction be liable to imprisonment for two years

(2) Any person who hinders or attempts to hinder any person from giving such evidence, shall be guilty of an offence and shall upon summary conviction be liable to imprisonment of two years.

False
evidence and
false
interpretation

14. (1) Any person who shall give false evidence before the commissioners, upon oath or declaration as provided for in section 9(b) of this law, shall be guilty of an offence and shall upon summary conviction be liable to imprisonment for two years

(2) Any person who, being appointed by the commissioners to act as interpreter in any matter brought before them or to translate any documents produced to them, and having taken the oath or made the affirmation or declaration prescribed in section 11 of the Law, shall wilfully give a false interpretation of any evidence or make an untrue translation of any such document, shall be guilty of an offence and shall upon summary conviction be liable to imprisonment for two years.

Penalty for
failing to
give
evidence

15. Any person who being summoned to attend as a witness or produce a book document or any other thing refuses or neglects to do so or to answer any question put to him by or with the concurrence of the commissioners shall be liable —

(a). to a fine of ten naira to be imposed by the commissioners and recoverable in the same manner as a fine imposed by a Magistrate's Court; or

(b). on summary conviction to a fine of one hundred naira;

Provided that no person shall be bound to incriminate himself and every witness shall, in respect of any evidence written by him for or given by him before the commissioner, be entitled to the same privileges to which he would have been entitled if giving evidence before a court of justice and no person shall be punished under both paragraph (a) and paragraph (b) of this section in respect of the same offence.

16. Any person who, being in attendance as a witness, refuses to take an oath legally required by the commissioners to be taken or to produce any document in his power or control legally required by the commissioners to be produced by him, or to answer any question to which the commissioners may legally require an answer shall be liable-

(a) on summary conviction before a court of competent jurisdiction to a fine of one hundred naira

Penalty for
refusing to take
oath or give
evidence by
persons in
attendance as
witnesses

or

(b). on the order of the commissioners to a fine of ten naira

Appearance
of counsel

17. Any person whose conduct is the subject of inquiry under this Law or who is in any way implicated or concerned in the matter under inquiry shall be entitled to be represented by counsel 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 commissioners be represented in the manner aforesaid.

Definition of
contempt

18. The following shall be deemed to be an act of contempt within the meaning of this Law—

(a). any act of disrespect and any insult or threat offered to the commissioners or any of them while sitting in commission:

(b). any act of disrespect and any insult or threat offered to a commissioner at any other time and place on account of the in his capacity as a commissioner

Proceedings in
Respect of
Contempt not
in presence of
commissioners

19. (1) .Any person who commits an act of contempt, whether the act is or is not committed in the presence of the commissioners sitting in commission, shall be liable-

(a). on summary conviction before a court of competent jurisdiction to a fine of two hundred naira, or

(b). on the order of the commissioners to a fine of twenty naira:

Provided that no fine shall be imposed by the commissioners under this subsection until the commissioners shall have heard the offender in his defence.

(2) Any fine imposed by the commissioners under subsection (I) shall be recoverable in the same manner as a fine imposed by a Magistrate's Court

(3).An appeal shall lie to the High Court on a point of law and also on fact against an order of the commissioners under subsection (1) as if such order were a decision of a Magistrate against which an appeal lay.

20. (1). Where an act of contempt is alleged to have been committed but not in the presence of the commissioners sitting in commission the commissioners may summon the offender to appear before them at a time and place to be specified in such summons, there to show cause why he should not be judged to have committed an act of contempt and be dealt with accordingly

(2) If any person who has been summoned in accordance with subsection (1) hereof fails to attend at the time and place specified in the summons, the commissioners may issue a warrant to compel the attendance of such person and order such person to pay all costs which may have been occasioned in compelling his attendance and may also fine such person a sum of ten naira,

Procedure in
respect of
contempt not
in presence of
commissioners

such fine to be recoverable in the same manner as a fine imposed by Magistrates, court.

(3) The summons under subsection (1) and the warrant issued under subsection (2) may respectively be as in Forms C and D in the Schedule,

(4). The summons shall be served by the police or by such person as the commissioners may direct

21. (1). Witnesses and other persons, other than interpreters, attending at the request of or upon summons by the commissioners shall, subject to any order made by the commissioners, be entitled to like expenses as if summoned to attend the High Court in a criminal trial

Witnesses fees
and interpreters
remuneration

(2). Interpreters shall receive such remuneration as the commissioners may direct

(3). The payment to witnesses and other persons and to interpreters shall be made out of the public revenue.

22. (1) The commissioners shall make and furnish to the Governor a full report in writing of their proceedings, and shall record an opinion and reasons leading to their conclusions.

Reports

(2) Any commissioner dissenting from the conclusions, or any part thereof, shall note the reason for such dissent.

23. No commissioner shall be liable to any action or suit for any matter or thing done by him as such commissioner.

Protection of
commission
ers

24 (I) When issuing any commission, the Governor, if he considers it advisable to do so, may direct that the commissioners shall not exercise all the powers conferred on them by this Law.

Governor may
restrict powers
of
commissioners

(2) Any such directions shall be in writing and shall specify which powers the commissioners are not to exercise.

(3) On receipt of such directions the commissioners shall perform their duty as if the powers specified in such directions had not been conferred by this Law upon commissioners appointed under this Law.

SCHEDULE

FORM A

COMMISSIONS OF INQUIRY LAW

Summons to witness

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 inquire (state briefly the subject of the inquiry), at (place) upon

the..... day of.20... at...o'clock and to give evidence respecting such inquiry (if the person summoned is to produce any documents, add) and you are required to bring with you (specify the books and documents required) Therefore fail not at your peril.

Given under my hand this -----day of -----20 -----

Commissioner.

FORM B

COMMISSIONS OF INQUIRY LAW

Warrant of Arrest

To P.C ----- and any member of the Nigeria Police force. Whereas a summons under section 9 of the Commissions of Inquiry Law has been served upon (name of witness) to attend and give evidence before the (here name the commissioners) appointed by the Governor to inquire (state briefly the subject of the inquiry) at (place) upon the -----
-----day of -----20 -----

And whereas the said (name of witness) has neglected to be or appear at the time and place as aforesaid and it has been proved to me upon oath that the said summons has been duly served upon the said (name of witness) and who has not excused such failure to my satisfaction tor that of one of the other commissioners (if there be more than one commissioner) appointed as aforesaid]; I have to command you forthwith to apprehend the said (name of witness) and to bring him before me (or one of the said commissioners (if there be more one commissioned appointed as aforesaid]

Give under my hand at.this.....day of..... 20...

Commissioner.

FORM C

COMMISSIONS OF INQUIRY LAW

Summons to person charged with committing a Contempt

To A.B (name of person summoned) of (address)

You are hereby summoned to appear before the commissioners appointed by the Governor to

inquire into (state briefly the subject of the inquire) at (place) upon the -----day of -----
-----20 -----at -----o'clock to show cause why you should not be judged to
have committed an act of contempt and death with accordingly in that you on the -----
-----day of -----20 ----- (date of act of contempt), committed an act of
contempt against the said commissioners or one of them, namely by (state briefly the act of
contempt complained of).

Given under my hand this -----day of -----20 -----

Commissioner.

FORM D

COMMISSIONS OF INQUIRY LAW

Warrant to arrest person failing to obey Summons of a Commissioner

To any member for the police force;

Whereas A. B (name person to be arrested) of (address) has failed to obey summons dated (date
of summons) issued under section 19 of the Commissions of Inquiry Law:

You are commanded forthwith to apprehend the said A B (name of person to be arrested) and
produce him before me, or some other commissioner appointed by the Governor with me, at
(place where person arrested is to be produced)

Dated this -----day of -----20 -----

Commissioner

SUBSIDIARY LEGISLATION

(No subsidiary legislation)