



**BELIZE**

**COMMISSIONS OF INQUIRY ACT  
CHAPTER 127**

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**CHAPTER 127****COMMISSIONS OF INQUIRY****ARRANGEMENT OF SECTIONS**

1. Short title.
2. Prime Minister may issue Commissions of Inquiry.
3. Death, etc., of Commissioner. Revocation of Commission.
4. Oath of Commissioners.
5. Secretary to Commission.
6. Commissioners to report.
7. Chairperson to have casting vote.
8. Conduct of proceedings.
9. Commissioners empowered to summon witnesses and examine them on oath.
10. Penalties on witnesses.
11. Protection of witnesses.
12. Payment of witnesses.
13. General offences.
14. Right of person affected by inquiry to be represented thereat.
15. Police officers to attend Commissions.
16. Payment of Commissioners.

17. Commissions to be published in *Gazette*.
18. Proceedings for penalties.

Schedule – Summons to Witness

## CHAPTER 127

## COMMISSIONS OF INQUIRY

Ch. 14,  
R.L., 1958.  
CAP 70,  
R.E. 1980-1990.  
40 of 1963.  
1 of 1969.

*[13th December, 1892]*

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

Short title.

2.-(1) Whenever it may seem desirable to the Prime Minister, he may issue a Commission, appointing one or more Commissioners, and authorising such Commissioners, or any quorum of them therein mentioned, to inquire into,

Prime Minister may issue Commissions of Inquiry.

- (a) the conduct or management of any department of the public service;
- (b) the conduct or management of any public or local institution;
- (c) the conduct of any public officer of Belize; or
- (d) any other matter in which an inquiry would, in the opinion of the Prime Minister, be for the public welfare.

40 of 1963.

(2) Every such Commission shall specify the subject of inquiry, and may, in the discretion of the Prime Minister, direct which Commissioner shall be chairman, and where and when such inquiry shall be made, and the report thereof rendered.

40 of 1963.

(3) The Commission may also prescribe how it shall be executed, and may direct whether the inquiry shall or shall not be held in public and, in the absence of a direction to the contrary, the inquiry 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 inquiry or for any other reason.

Death, etc., of Commissioner. Revocation of Commission. 40 of 1963.

3.-(1) In case any Commissioner is or becomes unable or unwilling to act, or dies, the Prime Minister may appoint another Commissioner in his place.

(2) Any Commission issued under this Act may be altered as the Prime Minister may think fit by any subsequent Commission issued by the Prime Minister, or may be revoked altogether by a notification to that effect published in the *Gazette*.

Oath of Commissioners.

40 of 1963.

4. It shall be the duty of each Commissioner appointed under this Act 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, and that oath or affirmation may be taken before a Magistrate and shall be deposited by the Commissioner with the Secretary to the Cabinet.

Secretary to Commission.

5. The Prime Minister may appoint a Secretary,

- (a) to attend the sittings of the Commission;
- (b) to record its proceedings and to keep its papers;
- (c) to summon and minute the testimony of witnesses; and
- (d) generally to perform such duties connected with such inquiry as the Commissioners may prescribe, subject to the directions, if any, of the Prime Minister.

Commissioners to report.

6.-(1) It shall be the duty of the Commissioners, after taking such oath or affirmation, to make a full, faithful and impartial inquiry into the matter specified in the Commission, and to conduct such inquiry in accordance with the directions, if any, therein.

(2) The Commissioners shall in due course report to the Prime Minister, in writing, the result of such inquiry.

(3) The Commissioners shall when required furnish to the Prime Minister a full statement of the proceedings of such Commission, and of the reasons leading to the conclusions arrived at or reported.

7. If the Commissioners shall, in any case, be equally divided on any question that arises during the proceedings of the Commission, the Chairperson of the Commission shall have a second or casting vote.

Chairperson to have casting vote.

8. The Commissioners acting under this Act 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.

Conduct of proceedings.

9.-(1) Commissioners acting under this Act shall have power to summon witnesses and to call for the production of books, plans and documents, and to examine witnesses and parties concerned on oath.

Commissioners empowered to summon witnesses and examine them on oath.

(2) No Commissioner shall be liable to any action or suit for any matter or thing done by him as such Commissioner.

(3) All summonses for the attendance of witnesses, or other persons, or the production of documents, may be in the form given in the Schedule, and shall be signed by one of the Commissioners.

(4) Oaths may be administered by any one of the Commissioners, or by their Secretary.

10.-(1) Every person summoned to attend and give evidence or to produce books, plans or documents at any sitting of a Commission shall be bound to obey the summons served upon him.

Penalties on witnesses.

(2) Every person who,

- (a) refuses or omits, without sufficient cause, to attend at on him; or
- (b) attends at the time and place aforesaid, but leaves the Commission without the permission of the

Commissioners; or

- (c) refuses to take an oath when required to do so; or
- (d) refuses 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
- (e) refuses or omits 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; or
- (f) at any sitting of the Commission wilfully insults any Commissioner, or the Secretary, or wilfully interrupts the proceedings of the Commission or otherwise misbehaves during any hearing of the Commission,

is guilty of an offence and is liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months.

Protection of witnesses.

**11.** No person giving evidence before the Commission shall be compellable to incriminate himself and every such person shall in respect of any evidence given by him before the Commission be entitled to all the privileges to which a witness giving evidence before the Supreme Court is entitled in respect of evidence given by him before such Court.

Payment of witnesses.

**12.** Commissioners acting under this Act are hereby authorised and empowered to order payment to any witnesses who may appear and give evidence before them of such sums of money not exceeding those which the Prime Minister may from time to time by Order prescribe as the Commissioners think reasonable and sufficient to reimburse to such witnesses the travelling or other expenses which they have severally incurred in attending the said Commission and to compensate them for their trouble and loss of time therein, but it shall be lawful for the Commissioners to abate or wholly disallow payment to any witness.



**13.**-(1) Any person who,

General offences.

- (a) wilfully hinders or deters any person from attending, giving evidence or producing any article or document; or
- (b) threatens, insults or causes any loss to be suffered by any person who has attended before the Commission, on account of such attendance; or
- (c) threatens, insults or causes a loss to be suffered by any Commissioner at any time on account of the performance of his duties as a Commissioner; or
- (d) publishes or otherwise discloses any material which the Commission had prohibited him from publishing or disclosing; or
- (e) publishes or otherwise discloses any material received by the Commission *in camera*,

is guilty of an offence and is liable on conviction on indictment to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding one year.

(2) It shall be a good defence in the case of a prosecution under subsection (1)(e) of this section for the person charged to prove to the satisfaction of the court that he did not know nor had any reason of knowing that the material published or disclosed had been received by the Commission *in camera*.

**14.** Any person whose conduct is the subject of inquiry under this Act, or who is in any way implicated or concerned in the matter under inquiry, shall be entitled to be represented by counsel throughout 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 the manner aforesaid.

Right of person affected by inquiry to be represented thereat.

Police officers to attend Commissions.

**15.** The Prime Minister may direct the Commissioner of Police to detail police officers to attend upon any such Commission, for the following purposes,

- (a) to preserve order during the proceedings of the Commission;
- (b) to perform such other duties as usually pertain to their office when in attendance upon the Supreme Court;
- (c) to serve summonses on witnesses; and
- (d) to perform such ministerial duties as the Commissioners may direct.

Payment of Commissioners.

**16.**—(1) The Prime Minister may direct,

- (a) what remuneration, if any, shall be paid to any Commissioner acting under this Act, and to their Secretary and to any other persons employed in or about any such Commission; and
- (b) payment of any other expenses attendant upon the carrying out of any such Commission, or upon any proceedings for any penalty under this Act.

(2) The sums directed to be paid under this section shall be paid by the Accountant General out of the Consolidated Revenue Fund.

Commissions to be published in *Gazette*.

**17.** Every Commission issued under this Act and every revocation of any such Commission shall be published in the *Gazette* and shall take effect from the date of such publication.

Proceedings for penalties.  
1 of 1969.

**18.**—(1) No proceedings shall be commenced for any penalty under this Act, except by the direction of the Director of Public Prosecutions, or of the Commissioners.

(2) The Commissioners may direct their Secretary, or such other persons as they may think fit, to commence and prosecute the proceedings for such penalty.

