

CAYMAN ISLANDS



COMMISSIONS OF ENQUIRY LAW

(1997 Revision)

Supplement No. 4 published with Gazette No. 11 of 26th May, 1997.

PUBLISHING DETAILS

Revised under the authority of the Law Revision Law (19 of 1975).

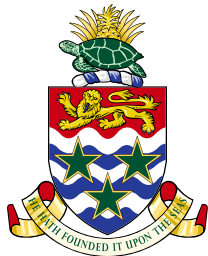
Originally enacted-

Cap. 21-1st January, 1964

Revised this 29th day of April, 1997.



CAYMAN ISLANDS



COMMISSIONS OF ENQUIRY LAW
(1997 Revision)

Arrangement of Sections

Section	Page
1. Short title	5
2. Power to issue Commissions of Enquiry	5
3. Powers to appoint fresh Commissioners, and to alter and revoke Commissions	6
4. Commission not affected by any change of Governor	6
5. Commissioners to take oath of office	6
6. Power to appoint Secretary; his duties	6
7. Duties of Commissioners	6
8. Division of opinion of Commissioners	6
9. Commissioners' powers for regulating their proceedings	7
10. Commissioners' powers to summon and examine witnesses	7
11. Duty of witnesses summoned	7
12. Constables detailed to attend upon Commissioners; their duties.....	8
13. Remuneration to Commissioners and others, how ascertained and paid	8
14. Proceedings free from stamp duties.....	8
15. Commissions, etc., to be published in Gazette.....	8
16. Proceedings for penalties, how to be commenced and prosecuted	8
SCHEDULE	9
COMMISSIONS OF ENQUIRY LAW:	9
Summons to witness	



CAYMAN ISLANDS



COMMISSIONS OF ENQUIRY LAW

(1997 Revision)

ENACTED by the Legislature of the Cayman Islands.

Short title

1. This Law may be cited as the *Commissions of Enquiry Law (1997 Revision)*.

Power to issue Commissions of Enquiry

2. (1) The Governor may, whenever he deems it advisable, issue a Commission, appointing one or more Commissioners, and authorising such Commissioners, or any quorum of them therein mentioned, to enquire into the conduct or management of any department of the public service, any public or local institution or the conduct of any public or local officers of the Islands or of any Island or district thereof, or into any matter in which any enquiry would, in the opinion of the Governor, be for the public welfare.
(2) Each such Commission shall specify the subject of enquiry, and may, in the discretion of the Governor, if there is more than one Commissioner, 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 is or becomes unable or unwilling to act, or dies, the Governor may appoint another commissioner in his place; and any Commission issued under this Law 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 Law 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

5. It shall be the duty of each Commissioner appointed under this Law to make and subscribe an oath for 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 Justice of the Peace and shall be deposited by the Commissioner with the Governor.

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

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 conclusion arrived at or reported.

Division of opinion of Commissioners

8. If the Commissioners are, in any case, 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.



Commissioners' powers for regulating their proceedings

9. The Commissioners acting under this Law 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 to summon and examine witnesses

10. (1) Commissioners acting under this Law shall have the powers of a Judge of the Grand Court to summon witnesses, 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.
- (2) All summonses for the attendance of witnesses or other persons, or the production of documents, may be in the Form in the Schedule, and shall be signed by one of the Commissioners, and oaths may be administered by one of the Commissioners or by their Secretary.

Duty of witnesses summoned

11. 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 Grand Court, and shall be entitled to the like expenses as if they had been summoned to attend the Grand Court on a criminal trial, if the same are allowed by the Commissioners, but the Commissioners may disallow the whole or any part of such expenses in any case, if they think fit. Orders for the payment of such witnesses shall be made as nearly as may be as orders are made for the payment of witnesses at the Grand Court, and shall be paid at such time and in such manner as the Governor may direct. 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, at any sitting of the Commission, wilfully insults any Commissioner, or the Secretary, or wilfully interrupts the proceedings of the Commission is guilty of an offence and liable on summary conviction to a fine of sixty dollars, and in default of payment to imprisonment for three months.

Constables detailed to attend upon Commissioners; their duties

- 12.** The Governor may direct the Commissioner of Police to detail constables to attend upon any such Commissioners, to preserve order during the proceedings of the Commission, to perform such other duties as usually pertain to their office when in attendance upon the Grand Court, to serve summonses on witnesses and to perform such ministerial duties as such Commissioners may direct.

Remuneration to Commissioners and others, how ascertained and paid

- 13.** The Governor may direct what remuneration, if any, shall be paid to any Commissioners acting under this Law, to their Secretary and to any other person 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 Law. Such sums so directed to be paid shall be paid by the Treasurer out of the Treasury.

Proceedings free from stamp duties

- 14.** All Commissions and all process and proceedings before the Commissioners under this Law shall be free from stamp duty.

Commissions, etc., to be published in Gazette

- 15.** All Commissions under this Law, 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

- 16.** No proceedings shall be commenced for any penalty under this Law except by the direction of the Governor 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.



SCHEDULE
COMMISSIONS OF ENQUIRY LAW
(1997 Revision)

(Section 10)

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 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.

Given under the hand of , Commissioner, this day
of , 19 .

**Publication in revised form authorised by the Governor in Council this 29th day of
April, 1997.**

Carmena H. Parsons
Clerk of Executive Council

