

*Legal Supplement Part C to the "Trinidad and Tobago Gazette", Vol. 42,
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No. 18 of 2003

**Second Session Eighth Parliament Republic of Trinidad
and Tobago**

SENATE

BILL

**AN ACT to amend the Commissions of Enquiry Act,
Chap. 19:01**

THE COMMISSIONS OF ENQUIRY (AMENDMENT)
(NO. 2) BILL, 2003

Explanatory Notes

(These notes form no part of the Bill but are intended only to indicate its general purport)

This Bill seeks to revise and update some of the provisions of the Commissions of Enquiry Act, Chap. 19:01.

Clause 1 of the Bill would recite the Short title.

Clause 2 would amend section 10 to clarify who are entitled to legal representation during sittings of the Commission.

Clause 3 would amend section 11 to ensure that the Commissioners are immune from suit for any statements in the Commission's Report, or anything done or said by the Commissioners during sittings of the Commission.

Clause 4 would contain three sections. Section 12A would authorize the Commissions to refer certain offences committed in the face of the Commission to the High Court to be treated in the same manner as a contempt of the High Court. Section 12B would give a right of appeal to an offender convicted by the High Court under section 12A while section 12C would authorize the Commission to hold private sittings in certain circumstances.

BILL

AN ACT to amend the Commissions of Enquiry Act,
Chap. 19:01

[, 2003]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Commissions of Short title
Enquiry (Amendment) Act, 2003.

Section 10 deleted
and substituted

2. The Act is amended by deleting section 10 and substituting the following section:

"Representa-
tion by
Counsel

10. A person—

- (a) whose conduct is the subject of enquiry under this Act;
- (b) who is in any way implicated or concerned in the matter under enquiry through the testimony of any witness called to appear before the Commission; or
- (c) who is summoned to give evidence before the Commission, as a witness,

shall be entitled to be represented by counsel at the whole of the enquiry.”.

Section 11 deleted
and substituted

3. The Act is amended by deleting section 11, and substituting the following sections:

"Powers to
summon and
examine
witnesses

11. (1) A Commissioner acting under this Act, shall have the power of the High Court to summon witnesses, to call for the production of books, plans, and documents and to examine witnesses and parties concerned, on oath.

(2) Any summons issued under subsection (1), for the attendance of witnesses or other persons or for the production of books, plans or documents, shall be in the form given in the Schedule and shall be signed by one of the Commissioners.

(3) An oath may be administered by one of the Commissioners or by the Secretary.

(4) No person giving evidence before the Commission shall be compellable to criminate himself, and every person shall, in respect of any evidence given by him before the Commission, be entitled to all privileges to which a witness giving evidence before the High Court is entitled, in respect of evidence given by him before such a Court.

Immunity of
Commissioner
from suit 11A. No civil or criminal proceedings may lie against a Commissioner for anything he may do or say or report in the course of the exercise or intended exercise of his functions as Commissioner.”.

4. The Act is amended by deleting section 12(2) and substituting the following sections: Section 12(2)
amended

“Powers
with respect
to contempt
of court 12A. (1) Where a person to whom a summons is issued pursuant to section 11(1)—

- (a) fails without reasonable cause to attend at the time and place mentioned in the summons;
- (b) refuses or fails without sufficient cause to attend at the time and place mentioned in the summons;
- (c) attends, but leaves the Commission without the permission of the Commissioner;
- (d) refuses without sufficient cause to answer, or to answer fully or satisfactorily to the best of his knowledge and belief all questions put to him, by or with the concurrence of the Commissioner;

(e) refuses or fails 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) willfully insults any Commissioner or the Secretary or willfully interrupts the proceedings of the Commission, and

any one of the above-mentioned acts, had the Commission been a High Court, would be punishable as a contempt of the High Court, the Chairman may, under his own hand, refer the alleged offence to the High Court for enquiry into the matter stating all the particulars of the case.

(2) The High Court shall, thereupon, enquire into the alleged offence and after hearing any witnesses against or on behalf of the alleged offender, or any statement that may be offered in his defence, charge and punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of the High Court.

(3) For the purposes of this section, chairman includes a sole commissioner.

Right of
Appeal

12B. An appeal shall be to the Court of Appeal on a point of law from any decision of the Court made under section 12A(2).

Powers of
Commission
as to
exclusion of
public and
granting
rights of
audience

12C. A Commission to which this Act applies, may refuse to allow the public or any portion of the public to be present at any of the proceedings of the Commission, if in the opinion of the Commission it is in the public interest expedient to do so, for reasons connected with the subject matter of the enquiry or the nature of the evidence to be given.”.

Passed in the Senate this day of ,
2003.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day
of , 2003.

Clerk of the House

I confirm the above.

Speaker

No. 18 of 2003

SECOND SESSION
EIGHTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Commissions of
Enquiry Act, Chap. 19:01

Received and read the

First time.....

Second time.....

Third time.....
