

Uganda

Commissions of Inquiry Act

Chapter 166

Legislation as at 31 December 2000

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Commissions of Inquiry Act Contents

1. Power to issue commissions into matters of public nature, etc.	1
2. Power to appoint fresh commissioners and to alter and revoke commissions	1
3. Commissions not affected by change of Minister	1
4. Oath of office by commissioners	1
5. Power to appoint secretary; secretary's duties	1
6. Duties of commissioners	2
7. Division of opinion of commissioners	2
8. Commissioners' power for regulating proceedings	2
9. Power to summon and examine witnesses	2
10. Nonliability of commissioners to suit	2
11. Witnesses	2
12. Appearance of advocate	3
13. Police officers detailed to attend commissioners	3
14. Remuneration to commissioners, etc.	3
15. Commissions, etc. to be published in Gazette	3
16. Proceedings for penalties	3
First Schedule (Section 4)	3
Second Schedule (Section 9)	4

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Commissions of Inquiry Act

Chapter 166

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An Act to make provision for holding commissions of inquiry.

1. Power to issue commissions into matters of public nature, etc.

- (1) The Minister may issue a commission appointing one or more commissioners and authorising those commissioners, or any quorum of them mentioned in the commission, to inquire into the conduct of any officer in the public service of Uganda, the conduct of any chief, the conduct or management of any department of the public service or of any public or local institution, or into any matter in which an inquiry would be for the public welfare.
- (2) Each such commission shall specify the subject of inquiry and may, if there is more than one commissioner, direct which commissioner shall be chairperson, and direct where and when the inquiry shall be made, and the report of the inquiry rendered, and prescribe how the commission shall be executed, and may direct whether the inquiry shall or shall not be held in public.
- (3) 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 for the preservation of order, for the due conduct of the inquiry or for any other reason.

2. Power to appoint fresh commissioners and to alter and revoke commissions

If any commissioner is or becomes unable or unwilling to act or dies, the Minister may appoint another commissioner in his or her place; and any commission issued under this Act may be altered by any subsequent commission issued by the Minister, or may be revoked.

3. Commissions not affected by change of Minister

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

4. Oath of office by commissioners

Each commissioner appointed under this Act shall make and subscribe an oath or affirmation in the form in the First Schedule to this Act, which oath or affirmation may be taken before the Minister, or before such person as the Minister may appoint, and shall be deposited by the commissioner with the Minister.

5. Power to appoint secretary; secretary's duties

The Minister may appoint a secretary to attend the sittings of the commission, to record its proceedings, to keep its papers, summon and minute the testimony of witnesses and generally to perform such duties connected with the inquiry as the commissioners shall prescribe.

6. Duties of commissioners

The commissioners shall, after taking the oath or making the affirmation as provided in [section 4](#), make a full, faithful and impartial inquiry into the matter specified in the commission; conduct the inquiry in accordance with the direction, if any, in the commission; in due course, report to the Minister, in writing, the result of the inquiry; and also, when required, furnish to the Minister a full statement of the proceedings of the commission and of the reasons leading to the conclusions arrived at or reported.

7. Division of opinion of commissioners

If the commissioners are, in any case, 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.

8. Commissioners' power for regulating proceedings

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.

9. Power to summon and examine witnesses

- (1) Commissioners acting under this Act shall have the powers 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) Where the commissioners consider it desirable for the purpose of avoiding expense or delay or for any other special reason, they may receive evidence by affidavit or administer interrogatories and require the person to whom the interrogatories are administered to make a full and true reply to the interrogatories.
- (3) Summonses for the attendance of witnesses or other persons or the production of documents may be in the form given in the Second Schedule to this Act, and shall be signed by one of the commissioners or by their secretary, and oaths and affirmations may be administered by the secretary.
- (4) An inquiry under this Act shall be deemed to be a judicial proceeding for the purposes of sections 94 and 99 of the Penal Code Act.

10. Nonliability of commissioners to suit

Any commissioner or other person acting under this Act shall be entitled to the like protection as that enjoyed by judicial officers and officers executing warrants and orders under the Judicature Act, or other Act for the time being substituted for that Act.

11. Witnesses

- (1) All persons summoned to attend and give evidence, or to produce books, plans or documents at any sitting of any commission of inquiry, shall be bound to obey the summons served upon them as fully in all respects as witnesses are bound to obey a summons issued from the High Court, and shall be entitled to like expenses as if they had been summoned to attend at the High Court on a criminal trial, if the expenses shall be allowed by the commissioners, but the commissioners may disallow the whole or any part of those expenses in any case if they think fit.
- (2) Orders for the payment of the witnesses shall be made as nearly as may be as orders are made for the payment of witnesses in the High Court, and shall be paid from the Consolidated Fund.

- (3) Every person refusing or omitting, without sufficient cause, to attend at the time and place mentioned in the summons served on him or her, 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 or her knowledge and belief all questions put to him or her by or with the concurrence of the commissioners, or refusing or omitting without sufficient cause to produce any books, plans or documents in his or her possession or under his or her control, and mentioned or referred to in the summons served on him or her, 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 liable to a fine not exceeding one thousand five hundred shillings; but no person giving evidence before the commission shall be compellable to incriminate himself or herself, and every such person shall, in respect of any evidence given by him or her before the commission, be entitled to all the privileges to which a witness giving evidence before the High Court is entitled in respect of evidence given by him or her before that court.

12. Appearance of advocate

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 an advocate at the whole of the inquiry, and any other person who may consider it desirable that he or she should be so represented may, by leave of the commission, be represented in the manner aforesaid.

13. Police officers detailed to attend commissioners

The Minister may direct the Inspector General of Police to detail police officers to attend upon any such commissioners, to preserve order during the proceedings of the commission, to serve summonses on witnesses and to perform such ministerial duties as the commissioners shall direct.

14. Remuneration to commissioners, etc.

- (1) Commissioners appointed under this Act shall not be entitled to any remuneration, unless the remuneration shall be specially granted by the Minister, beyond the actual expenses incurred in holding the inquiry, but the Minister may direct what remuneration, if any, shall be paid to the secretary, and to any other persons 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 Act.
- (2) Such sums, so directed to be paid, shall be paid out of money provided by Parliament.

15. Commissions, etc. to be published in *Gazette*

All commissions under this Act, and all alterations to and revocations of any such commission, shall be published in the *Gazette* and shall take effect from the date of that publication.

16. Proceedings for penalties

No proceedings shall be commenced for any penalty under this Act except by the direction of the Director of Public Prosecutions.

First Schedule (Section 4)

Form of oath or affirmation to be taken by a Commissioner

I, _____, having been appointed under a commission issued by the Minister and dated the _____ day of _____, 20 _____, to be a commissioner to inquire into the matters specified in the commission, do swear (or do solemnly and sincerely affirm) that I will faithfully, fully, impartially and to the best

of my ability discharge the trust and perform the duties devolving upon me by virtue of the commission. *(In the case of an oath here add)* (So help me God.)

Commissioner

Second Schedule (Section 9)

Summons to a witness

To _____

(name of person summoned, and his or her calling and residence, if known)

You are summoned to appear before the commissioners appointed by the Minister to inquire

(state briefly the subject of inquiry) at _____ *(place)* upon the _____ day of _____, 20 __, at _____ o'clock, and to give evidence respecting that inquiry. *(If the person summoned is to produce any documents, add: You are required to bring with you _____ (specify the books, plans and documents required).)*

Given under my hand at _____, this _____ day of _____, 20 ____.

Commissioner