

CHAPTER C17 - COMMISSIONS OF INQUIRY LAW

ARRANGEMENT OF SECTIONS

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SCHEDULE

Forms

COMMISSIONS OF INQUIRY LAW

A Law to provide for the holding of commissions of inquiry.

[NN 1983, Cap. 25. KWS LN 1 of 1982, No 4 of 1994, No. 4 of 2006.]

[Date of commencement: 22nd *February*, 1940]

1. Short title

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

2.

(1) *Power to issue commissions of inquiry.*—Subject to the provisions of section 128 of the Constitution, the Governor may, whenever he shall deem it desirable, issue a commission appointing one or more commissioners, and authorising such commissioners, or any quorum of them therein mentioned, to hold a commission of inquiry into 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. The Governor may appoint a secretary to the commission, who shall perform such duties as the commissioners shall prescribe.

[KWS LN 1 of 1982, No. 4 of 2006.]

(1A) Subject to the foregoing provisions of this section, the Commission of Inquiry shall identify and recover all public funds and property from any person or persons, corporate or incorporate, in all circumstances where the Commission from its inquiries is of the view that such funds and property belong to the Government or its agency and are losses to the Government or its agency.

[No. 4 of 1994.]

(2) *Particulars of commission.*—Each commission shall specify the subjects of inquiry, 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 inquiry shall be made and the report thereof rendered, and prescribe how such commission shall be executed.

(3) *Inquiry normally.*—Such inquiry shall, subject to the powers of the commissioners under section 7, 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.

3. New commissioners and alterations

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.

4. Commissions not affected by change of Governor

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.

5. Oath of members

(1) Every commissioner appointed under this Law shall make and subscribe an oath that he 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.

(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.

6. Procedure

(1) Procedure.—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.

(2) Chairman's casting vote.—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.

7. Powers of commissioners with regard to the obtaining of evidence and conduct of proceedings

The commissioners shall have the following powers:

[KWS LN 1 of 1982.]

(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 thing 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 commissioners, 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;

[KWS LN 1 of 1982.]

- (e) to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings;
- (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 attended any meeting of the commissioners, including any interpreter appointed under section 9 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, 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;
- (j) for the most effective performance of its functions under this Law, the Commission may make any order (including the order of the forfeiture and sale of any property) on or against any person or persons, corporate or unincorporate, as it may deem fit and necessary in order to recover any public fund or property from such persons;
- (k) effect the Collection and payment into the State revenue, of any fund recovered and payable to the Government of the State;
- (l) the Commission shall keep proper accounts and records in relation thereto, and shall prepare a statement of accounts which should be submitted along with its reports to the Administrator
- (m) the Commission shall, to the greatest possible extent and in consistence with the performance of its functions under this Law, consult with, seek assistance from or summon any officer of any departments, branches and agencies of

Government

(n) the Commission may, with the approval of the Administrator make Regulations for

carrying into effect the provisions of this Law:

In this Law "Governor" includes the Military Administrator of Kwara State of Nigeria
Provided that the commissioners shall withhold the exercise of any power under this section if the President or a Governor of a State 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 such State.

[No. 4 of 1994.]

8. Forms

(1) Form of summons.—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 A.]

(2) Form of warrant.—A warrant to arrest a person who has failed to obey a summons to attend as a witness may be as in Form B in the Schedule and may be executed by any member of the police force. Where the person to be arrested is subject to the jurisdiction of a local government council such warrant may also be executed by any person authorised by a local government council to effect arrests.

[Form B.]

9. Interpreters

(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 declare) 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 authorised 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 interpreted by me."

10. Use of evidence taken under this Law in judicial proceedings

No evidence taken under this Law shall be admissible against any person in any civil or criminal proceedings whatever, except in the case of a person charged under section 12 of this Law with giving false evidence before the commissioners.

11. Penalty for threats to witnesses

(1) 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 be liable upon summary conviction to imprisonment for two years.

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

12. False evidence and false interpretation

(1) Any person who shall give false evidence before the commissioners, upon oath or declaration as provided for in paragraph (b) of section 7 of this Law, shall be guilty of an offence and shall be liable upon summary conviction 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 9 of this 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 be liable upon summary conviction to imprisonment for two years.

13. Penalty for failing to give evidence

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 on

summary conviction to a fine of five thousand naira or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

[KWS LN 5 of 1982.]

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 commissioners, be entitled to the same privileges to which he would have been entitled if giving evidence before a court of justice.

[No. 4 of 2006.]

14. Appearance of counsel

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 manner aforesaid.

15. Definition of contempt

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 his proceedings in his capacity as a commissioner.

16. Proceedings in respect of contempt generally

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 on summary conviction before a court of competent jurisdiction to a fine often thousand naira.

[KWS LN 5 of 1982, No. 4 of 2006.]

17. Witnesses' fees and interpreters' remuneration

- (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.

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

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

18. Report

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

19. Protection of commissioners

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

20. Governor may restrict powers of commissioners

(1) 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.

(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.

21. Matters in respect of which Governor may exercise powers

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

SCHEDULE

FORMA

COMMISSIONS OF INQUIRY LAW

[Section 8.]

Summons to Witness under Section 8 of the Commissions of Inquiry Law

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 thisday of....., 20.....

.....

Commissioner

FORM B

COMMISSIONS OF INQUIRY LAW

[Section 8.]

Warrant of Arrest

[No. 4 of 2006.]

To P.Cand any member of the Police Force.

Whereas a summons under section 8 of the Commissions of Inquiry Law has been served upon one

.....

.....

.....(name of witness) of.....

.....(address) 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 [or 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 other of the said commissioners (if there be more than one
commissioner) appointed as aforesaid].
Given under my hand
at.....
thisday of.....,20.....

.....
Commissioner

CHAPTER C17 COMMISSIONS OF INQUIRY LAW

SUBSIDIARY LEGISLATION

No Subsidiary Legislation

