

**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**COMMISSIONS OF INQUIRY ACT**

**(CHAPTER 48)**

**1970 Ed. Cap. 48**  
**Ordinance**  
**5 of 1941**

Amended by  
37 of 1952  
62 of 1959  
11 of 1961  
S 223/59  
S(NS)178/59  
S(NS)179/59

**REVISED EDITION 1985**

PRINTED BY THE GOVERNMENT PRINTER, SINGAPORE

1986

# Commissions of Inquiry Act

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An Act to enable the President to appoint commissioners to inquire into and report on matters referred to them by the President.

[2nd May 1941]

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

2.—(1) It shall be lawful for the President, whenever he considers it advisable, to issue a commission appointing one or more commissioners and authorising such Power to issue commissions.

commissioners, or any quorum of them therein mentioned, to inquire into —

- (a) the conduct of any officer or officers in the public service of Singapore;
- (b) the conduct or management of any department of the public service or any public or local institution; or
- (c) any matter in which an inquiry would, in the opinion of the President, be for the public welfare.

(2) The commission shall specify the subject of the inquiry and may, in the discretion of the President —

- (a) if there is more than one commissioner direct which commissioner shall be chairman;
- (b) direct where and when the inquiry shall be held and the report thereof rendered;
- (c) prescribe how the commission shall be executed; and
- (d) direct whether the inquiry or any part thereof shall or shall not be held in public.

Power to add or substitute commissioners.

3.—(1) The President may from time to time add to the persons named in any such commission, and in case any person appointed or added under this Act shall die or resign or desire to be discharged or refuse or become incapable to act the President may appoint a new commissioner in his place, and all the powers and duties by this Act conferred and imposed on a commissioner shall be exercised and performed by the commissioner so added or appointed.

(2) When a new commissioner has been appointed under subsection (1) it shall not be necessary for any evidence which may have been taken before the commission prior to such appointment to be retaken.

Enlargement of time.

4. The President may from time to time by endorsement under his hand on a commission enlarge the time for the execution of the commission, whether the time for the execution thereof has expired or not.

Change of President.

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

6. The President may appoint a secretary to attend the sittings of the commission, to record their proceedings, to keep their papers, to summon and record the evidence of witnesses, and generally to perform such duties connected with the inquiry as the commissioners shall order, subject to the directions, if any, of the President.

Appointment  
of secretary.

7. The commissioners shall have the following powers:

Powers of  
commis-  
sioners.

- (a) to procure and receive 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 and to determine the order in which those witnesses shall be examined;
- (b) to require the evidence (whether written or oral) of any witness to be made on oath or affirmation (such oath or affirmation to be that which could be required of the witness if he were giving evidence in the High Court) or by statutory declaration;
- (c) to summon any person in Singapore 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;
- (d) to issue a warrant of arrest 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, and also to fine that person a sum not exceeding \$100;
- (e) notwithstanding any of the provisions of the Evidence Act, to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings;
- (f) subject to any direction contained in the commission —
  - (i) to admit or exclude the public from the inquiry or any part thereof;

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- (ii) to admit or exclude the press from the inquiry or any part thereof; and
- (g) to award any person who has attended any meeting of the commissioners, including any interpreter appointed under section 8, such sums as in the opinion of the commissioners may have been reasonably incurred by him by reason of his attendance.

**Interpreters.**     **8.—(1)** The commissioners shall have the power to appoint any person, whether in the service of the Government 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 appointed under this section shall make and subscribe before the commissioners the following affirmation:

“I ..... do solemnly declare and affirm that I will faithfully perform the duties of interpreter and will truly interpret the questions put and the answers given by witnesses and also statements made by the commissioners and will truly translate or explain and transcribe 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.”.

**Allowances.**     **9.** Any sums awarded by the commissioners under section 7 (g) shall be charged on and paid out of the Consolidated Fund.

**Use of evidence in civil and criminal proceedings.**     **10.** No evidence taken under this Act shall be admissible in any civil or criminal proceedings whatsoever against the person who gave the evidence, except when the person is charged with giving or fabricating false evidence.

**Penalty for threats, etc., to witnesses.**     **11.—(1)** 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 on conviction to imprisonment for a term not exceeding 2 years.

(2) 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 on conviction to imprisonment for a term not exceeding 2 years.

**12. Any person who —**

Definition  
of contempt.

- (a) offers any act of disrespect or any insult or threat to the commissioners or any of them while sitting in commission;
- (b) offers any act of disrespect or any insult or threat to a commissioner at any other time and place on account of his proceedings in his capacity as a commissioner; or
- (c) being required by the commissioners to give evidence on oath or affirmation or to produce a document or other thing, refuses to do so,

shall be guilty of contempt.

**13. Any person who is guilty of contempt as defined in section 12 against the commissioners or any of them shall be liable on conviction to a fine not exceeding \$3,000 or to imprisonment for a term not exceeding 2 years.**

Penalty for  
contempt.

**14.—(1) Where an act of contempt is committed in the presence of the commissioners sitting in commission, the commissioners may after hearing the offender in his defence pass sentence upon him forthwith in accordance with section 13.**

Manner of  
dealing  
with  
contempt.

(2) In any other case the commissioners may summon the offender to appear before them at a time and place to be specified in the summons, there to show cause why he should not be adjudged to have committed an act of contempt and dealt with in accordance with section 13.

(3) If any person who has been summoned in accordance with subsection (2) fails to attend at the time and place specified in the summons, the commissioners may issue a warrant to compel the attendance of that person.

**15.—(1) The commissioners may require the Public Prosecutor to cause any matter relevant to the inquiry to be investigated.**

Public  
Prosecutor  
to aid com-  
missioners.

(2) Any person appointed by the Public Prosecutor to investigate any such matter shall for the purposes of such investigations have all the powers in relation to police investigations given to police officers in any seizable case under the provisions of Chapter XIII of the Criminal Procedure Code and shall when authorised in writing by the Public Prosecutor search any premises and take possession of any articles or documents as specified in the authority.

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Preservation  
of order  
by police.

**16.** The President may direct the Commissioner of Police to detail police officers to attend upon any such commissioners, to preserve order during the proceedings and to serve summonses on witnesses and to perform such ministerial duties as the commissioners shall direct.

Right to  
representa-  
tion by  
counsel.

**17.—(1)** 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 should be so represented may, by leave of the commissioner or commissioners, be represented in the manner aforesaid.

(2) The Attorney-General, the Solicitor-General or any State Counsel shall be entitled at any time to appear before and address the commissioners on any matter which to the Attorney-General appears to be relevant to the inquiry.

Commis-  
sioners to  
be public  
servants and  
inquiries to  
be judicial  
proceedings  
under  
Penal Code.  
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**18.** Every commissioner appointed under this Act shall, so long as he is acting as such commissioner, be deemed to be a public servant within the meaning of the Penal Code, and every inquiry under this Act shall be deemed to be a judicial proceeding within the meaning of the same Code.

Commis-  
sioners  
to have  
powers of  
Judge.

**19.** For the purposes of recovering any costs awarded or enforcing the payment of any fine ordered or imposed or giving effect to any warrant of arrest or order of imprisonment the commissioners or any of them shall have the powers of a Judge of the Supreme Court.

Protection of  
commis-  
sioners and  
witnesses.

**20.—(1)** No commissioner shall be liable to any suit or other proceeding for any act or thing done by him as such commissioner.

(2) All evidence given for the purposes of any inquiry under this Act shall be absolutely privileged so that the witness giving such evidence shall not be liable to any suit or other civil proceeding in respect of that evidence.

21. Subject to the provisions of this Act, the procedure to be followed by the commissioners and the form of any order, summons, warrant or other document made or issued for the purposes of this Act shall be in the discretion of the commissioners. Procedure and forms.