

## **Commission of Inquiry**

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November 29<sup>th</sup> 2016

### **Commission's Ruling**

The Commission is concerned to enquire into, among other matters, the award by the Government of Bermuda to BECL, that's the company the Bermuda Emissions Control Limited, of contracts for the construction of vehicle emission testing stations in 2003 and 2006, and for services associated therewith, and for the operation of those facilities against payment of an annual fee.

The Commission has sought to obtain certain financial records of BECL, which it considers may be relevant to its inquiry, and it has issued a subpoena addressed to Mr. Delroy Duncan, who has held them in his capacity as a director of Trocan Limited, itself, a director of BECL.

Mr. Duncan has informed the Commission of Inquiry this morning that BECL, through Mr. Donal Smith, has instructed him not to release the documents to the Commission, and that he, Mr. Duncan, has no authority to do so. Mr. Smith, who is present at this hearing, has confirmed that that is correct. I have informed Mr. Smith that by withholding this evidence, he will compel the Commission to determine issues relating to BECL without reference to any relevant evidence that may be contained in the financial records of BECL, or which the Commission might have obtained if it had had access to them. Because Mr. Smith has persisted in his refusal to authorise Mr. Duncan to release the documents, or to release them himself, it has to be quite clear to Mr. Smith, and others, that that consequence will follow.

The Commission has decided to release Mr. Duncan from the subpoena, and to make no further order in relation to it.