

Commission OF Inquiry

What is a Commission of Inquiry?

Commissions of Inquiry may be established by the Governor or Premier to inquire into matters of major public importance and concern. A Commission may inquire into the conduct of any civil servant, the conduct or management of any department of the public service, or into any matter in which an inquiry would be deemed to be for the public welfare.

The scope of a Commission is determined by its Terms of Reference.

A Commission of Inquiry has certain powers. It may require the attendance of witnesses and the presentation of certain documentation. This enables the Commission to uncover information which might otherwise be difficult to obtain. The Commission also has credibility in the eyes of the public as, once in train, the Government cannot interfere in the direction taken by a Commission of Inquiry or influence the findings.

Commissions may call as a witness any person with an interest in an inquiry. Those interested persons retain the same privileges and immunities as witnesses and counsel in courts of law.

Unless otherwise determined by the Commission, an inquiry is held in public, although the Commissioners are entitled to exclude anyone for the preservation of order, for the due conduct of the inquiry, or for any other reason.

Commissioners will conduct an inquiry in an impartial manner and in accordance with the direction in the commission. Commissioners will report the result of the inquiry in writing to the Premier and provide the Premier with a statement of the proceedings of the Commission and of the reasons leading to the conclusions arrived at or reported.

In Bermuda, matters relating to the structure and operation of a Commission of Inquiry are bound by the Commissions of Inquiry Act 1935 and its amendments.