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The following Act was passed by Parliament on 19th September 2007 and assented to by the President on 4th October 2007:—

**INQUIRIES ACT 2007**

**(No. 43 of 2007)**

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**REPUBLIC OF SINGAPORE**

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**No. 43 of 2007.**

I assent.



S R NATHAN,  
*President.*  
*4th October 2007.*

An Act to enable the President to appoint a commission of inquiry and to enable the relevant Minister to appoint a committee of inquiry, and to provide for matters related thereto, to repeal the Commissions of Inquiry Act (Chapter 48 of the 1985 Revised Edition) and to make related amendments to certain other written laws.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

## PART I

### PRELIMINARY

#### **Short title and commencement**

1. This Act may be cited as the Inquiries Act 2007 and shall come into operation on such date as the Minister may, by notification in the *Gazette*, appoint.

#### **Interpretation**

2. In this Act, unless the context otherwise requires —

“appointing authority”, in relation to a commission of inquiry, means the President and, in relation to a committee of inquiry, means the Minister who appointed the committee of inquiry under section 9 and includes his successor in office;

“commission” or “commission of inquiry” means any commission of inquiry appointed by the President under section 3, and includes the members of the commission, or a quorum thereof, or the sole member, sitting for the purposes of the inquiry;

“committee” or “committee of inquiry” means any committee of inquiry appointed by the Minister under section 9, and includes the members of the committee, or a quorum thereof, or the sole member, sitting for the purposes of the inquiry;

“inquiry body” means a commission of inquiry or a committee of inquiry, and includes the members of such commission of inquiry or committee of inquiry, or a quorum thereof, or the sole member, sitting for the purposes of the inquiry;

“member” means a member of any commission of inquiry or committee of inquiry, as the case may be, and includes the chairman of such commission or committee;

“Minister”, in relation to a committee of inquiry, means the Minister who appointed the committee of inquiry under section 9 and includes his successor in office;

“terms of reference”, in relation to an inquiry body, means the terms of reference issued to the inquiry body under section 3(2) or 9(2),

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as the case may be, and includes any modification made thereto under section 3(3) or 9(3).

## PART II

### COMMISSIONS OF INQUIRY

#### **Power to issue commissions**

3.—(1) The President may, whenever he considers it expedient to do so, issue a commission appointing one or more commissioners and authorising such 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 or in the public interest.

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

- (a) specify any particular matters as to which the commissioners are to determine the facts;
- (b) direct whether the commissioners are to make recommendations;
- (c) direct where and when the inquiry shall be held and the report of the inquiry submitted;
- (d) prescribe how the inquiry is to be conducted, including whether the Attorney-General is appointed to lead evidence in the inquiry; and
- (e) direct whether the inquiry or any part of the inquiry shall or shall not be held in public.

(3) The President may modify the terms of reference issued under subsection (2) on the recommendation of the commissioners.

(4) The President may extend the time for the inquiry to be completed and for the submission of the report of the inquiry by the commission.

**Composition of commission**

**4.—**(1) A commission of inquiry shall consist of one or more persons (at least one of whom shall be a person who is qualified to be a Judge of the High Court).

(2) Where a commission consists of more than one commissioner, the President shall appoint one of the commissioners to be the chairman.

(3) Where a commission consists of one commissioner only, he shall be vested with the powers of the chairman.

(4) The President may, from time to time, add to the members of any such commission.

(5) The President may appoint a person to replace any commissioner —

(a) who has died or resigned; or

(b) whom the President is satisfied —

(i) is incapacitated by reason of physical or mental disability;  
or

(ii) is unwilling, unable or unfit to discharge the functions of a commissioner.

(6) When a new commissioner has been appointed under subsection (4) or (5), it shall not be necessary for any evidence which may have been taken before the commission prior to such appointment to be retaken.

(7) A commissioner may resign from his office at any time by notice in writing to the President.

(8) Every commissioner appointed under this Part shall, so long as he is acting as such commissioner, be deemed to be a public servant within the meaning of the Penal Code (Cap. 224), and every inquiry under this Part shall be deemed to be a judicial proceeding within the meaning of the Penal Code.

**Change of President**

**5.** No commission issued and no appointment made under this Part shall lapse by reason of, or be otherwise affected by, the death, absence, resignation, retirement or removal of the President who issued the commission or made the appointment.

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**Appointment of secretary**

6. The President may appoint a secretary —
- (a) to attend the sittings of the commission;
  - (b) to record their proceedings;
  - (c) to keep their papers;
  - (d) to summon and record the evidence of witnesses; and
  - (e) generally to perform such duties connected with the inquiry as the commissioners may instruct, subject to the directions, if any, of the President.

**Appointment of assessors**

7.—(1) One or more persons may be appointed as assessors to assist the commissioners.

- (2) The power to appoint assessors is exercisable —
- (a) before the appointment of the chairman, by the President; or
  - (b) by the chairman (whether or not the President has appointed assessors).

(3) The chairman may at any time terminate the appointment of an assessor, but only with the consent of the President in the case of an assessor appointed by the President.

**Role of police**

8. The President may direct the Commissioner of Police to detail police officers to attend upon any such commissioners, to preserve order during the proceedings, to serve summonses on witnesses and to provide such other assistance in relation to the inquiry as the commissioners may direct.

### PART III

#### COMMITTEES OF INQUIRY

##### **Appointment of committee**

9.—(1) Any Minister may, whenever he considers it expedient to do so, in writing appoint a committee of inquiry and direct the committee to inquire into —

- (a) any accident or occurrence resulting in or involving death, serious personal injury or serious property damage;
- (b) any occurrence that may endanger public safety or public health;
- (c) the conduct or management of a ministry, department or statutory body falling under the responsibility of that Minister; or
- (d) the conduct of any officer employed by or seconded to any such ministry, department or statutory body.

(2) The Minister shall issue to the committee terms of reference which shall specify the subject of the inquiry and may —

- (a) specify any particular matters as to which the committee is to determine the facts;
- (b) direct whether the committee is to make recommendations;
- (c) direct where and when the inquiry shall be held and the report of the inquiry submitted;
- (d) prescribe how the inquiry is to be conducted, including whether the Attorney-General is appointed to lead evidence in the inquiry; and
- (e) direct whether the inquiry or any part of the inquiry shall or shall not be held in public.

(3) The Minister may modify the terms of reference issued under subsection (2) on the recommendation of the committee.

(4) The Minister may extend the time for the inquiry to be completed and for the submission of the report of the inquiry by the committee.

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**Composition of committee**

**10.**—(1) A committee of inquiry shall consist of one or more persons (at least one of whom shall be a person who is qualified to be a District Judge).

(2) Where a committee consists of more than one person, the Minister shall appoint one of the members to be the chairman.

(3) Where a committee consists of one member only, he shall be vested with the powers of the chairman.

(4) The Minister may, from time to time, add to the members of any such committee.

(5) The Minister may appoint a person to replace any member —

(a) who has died or resigned; or

(b) whom the Minister is satisfied —

(i) is incapacitated by reason of physical or mental disability;  
or

(ii) is unwilling, unable or unfit to discharge the functions of a member.

(6) When a new member has been appointed under subsection (4) or (5), it shall not be necessary for any evidence which may have been taken before the committee prior to such appointment to be retaken.

(7) A member may resign from his office at any time by notice in writing to the Minister.

(8) Every member appointed under this Part shall, so long as he is acting as such member, be deemed to be a public servant within the meaning of the Penal Code (Cap. 224), and every inquiry under this Part shall be deemed to be a judicial proceeding within the meaning of the Penal Code.

**Change of Minister**

**11.** No appointment made under this Part shall lapse by reason of, or be otherwise affected by, the death, absence, resignation, retirement or removal of the Minister who made the appointment.

**Appointment of secretary**

**12.** The Minister may appoint a secretary —

- (a) to attend the sittings of the committee;
- (b) to record their proceedings;
- (c) to keep their papers;
- (d) to summon and record the evidence of witnesses; and
- (e) generally to perform such duties connected with the inquiry as the committee may instruct, subject to the directions, if any, of the Minister.

**Appointment of assessors**

**13.—**(1) One or more persons may be appointed as assessors to assist the committee.

(2) The power to appoint assessors is exercisable —

- (a) before the appointment of the chairman, by the Minister; or
- (b) by the chairman (whether or not the Minister has appointed assessors).

(3) The chairman may at any time terminate the appointment of an assessor, but only with the consent of the Minister in the case of an assessor appointed by the Minister.

**PART IV****INQUIRY POWERS AND PROCEEDINGS AND RULES****Inquiry powers and proceedings**

**14.** The powers of inquiry bodies and the provisions on inquiry proceedings shall be as set out in the First Schedule.

**Rules in relation to commissions of inquiry**

**15.—**(1) The President may make rules generally for carrying out the purposes and provisions of this Act in respect of commissions of inquiry.

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(2) Without prejudice to the generality of subsection (1), the President may make rules for or with respect to all or any of the following matters in respect of commissions of inquiry:

- (a) matters of evidence and procedure in relation to commissions of inquiry under this Act;
- (b) the assessment and payment of sums referred to in paragraph 1(7) of the First Schedule.

(3) Rules under subsection (2)(b) may in particular —

- (a) make provision as to how and by whom the sums referred to in paragraph 1(7) of the First Schedule are to be assessed, including provision allowing the assessment to be undertaken by the commissioners or by such other person as the commissioners may nominate; and
- (b) make provision for review of an assessment at the instance of any person dissatisfied with it.

### **Rules in relation to committees of inquiry**

**16.**—(1) The Minister for Law may make rules generally for carrying out the purposes and provisions of this Act in respect of committees of inquiry.

(2) Without prejudice to the generality of subsection (1), the Minister for Law may make rules for or with respect to all or any of the following matters in respect of committees of inquiry:

- (a) matters of evidence and procedure in relation to committees of inquiry under this Act;
- (b) the assessment and payment of sums referred to in paragraph 1(7) of the First Schedule.

(3) Rules under subsection (2)(b) may in particular —

- (a) make provision as to how and by whom the sums referred to in paragraph 1(7) of the First Schedule are to be assessed, including provision allowing the assessment to be undertaken by the committee of inquiry or by such other person as the committee of inquiry may nominate; and
- (b) make provision for review of an assessment at the instance of any person dissatisfied with it.

## PART V

### MISCELLANEOUS

#### **Repeal**

17. The Commissions of Inquiry Act (Cap. 48) is repealed.

#### **Savings and transitional provisions**

18. In respect of any commission of inquiry appointed under section 2 of the repealed Commissions of Inquiry Act (referred to in this section as the repealed Act) before the date of commencement of this Act, the repealed Act shall continue to apply to such commission of inquiry and all matters arising therefrom as if the repealed Act had not been repealed.

#### **Related amendments to other written laws**

19. The provisions of the Acts specified in the first column of the Second Schedule are amended in the manner set out in the second column thereof.

### FIRST SCHEDULE

Section 14

#### INQUIRY POWERS AND PROCEEDINGS

##### **Powers of inquiry body**

1.—(1) An inquiry body shall not rule on and has no power to determine the civil or criminal liability of any person, but an inquiry body is not to be inhibited in the discharge of its functions by any likelihood of liability being inferred from facts that it determines or recommendations that it makes.

(2) For the purposes of conducting an inquiry under this Act, the inquiry body shall have powers to —

- (a) procure and receive all such evidence, written or oral, as the inquiry body may think it necessary or desirable to procure;
- (b) examine all such persons as witnesses as the inquiry body may think it necessary or desirable to examine, and determine the order in which those witnesses shall be examined;
- (c) 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

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required of the witness if he were giving evidence in a court) or by statutory declaration;

- (d) summon any person in Singapore to attend any meeting of the inquiry body to do all or any of the following:
  - (i) give evidence;
  - (ii) produce any document, record or other thing in his custody or under his control;
- (e) 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 inquiry body, and 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
- (f) require a witness to execute a bond binding himself to attend when called upon before the inquiry body to give evidence.

(3) The inquiry body shall have the powers of a judge for the purposes of —

- (a) recovering any costs awarded;
- (b) enforcing any forfeiture of a bond; or
- (c) giving effect to any warrant of arrest.

(4) In addition to the powers described in sub-paragraph (3), a commission of inquiry shall have the powers of a Judge of the High Court for the purposes of giving effect to any order of imprisonment and enforcing the payment of any fine imposed.

(5) Notwithstanding any of the provisions of the Evidence Act (Cap. 97), the inquiry body may admit any evidence (whether written or oral) which might be inadmissible in civil or criminal proceedings.

(6) Subject to any direction contained in the terms of reference, the inquiry body may admit or exclude the public or the press from the proceedings or any part of the proceedings of the inquiry body.

(7) The inquiry body may award any person who has attended any proceedings of the inquiry body, including any interpreter appointed under paragraph 3, such sums as may be assessed in accordance with rules made under section 15(2)(b) or 16(2)(b) (as the case may be) to have been reasonably incurred by the person by reason of his attendance.

(8) Any sums awarded pursuant to sub-paragraph (7) shall be charged on and paid out of the Consolidated Fund.

### **Power to suspend inquiry**

2.—(1) The chairman may at any time, with the consent of the appointing authority, issue a notice to suspend an inquiry for such period as appears to him to be necessary to allow for —

- (a) the completion of any other investigation relating to any of the matters to which the inquiry relates; or
- (b) the determination of any civil or criminal proceedings (including proceedings before a disciplinary tribunal) arising out of any of those matters.

(2) The power conferred by sub-paragraph (1) may be exercised whether or not the investigation or proceedings have begun.

(3) A notice under sub-paragraph (1) may suspend the inquiry until a specified day, until the happening of a specified event or until the chairman, with the consent of the appointing authority, gives further notice to the other members of the inquiry body.

### **Interpreters**

3. An inquiry body 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 the inquiry body and to translate any books, papers or writings produced to the inquiry body.

### **Admissibility of evidence**

4. No evidence taken in the course of any inquiry shall be admissible as evidence in any proceedings against the person who gave the evidence, other than proceedings, whether criminal or disciplinary, for an offence under this Act or an offence of giving or fabricating false evidence under any written law.

### **Offences**

5.—(1) Any person who, during the course of an inquiry —

- (a) wilfully gives false evidence when examined on oath or on affirmation before an inquiry body;
- (b) does anything that is intended to have the effect of, or anything that he knows or believes is likely to have the effect of —
  - (i) distorting or otherwise altering any evidence, document, record or other thing that is given, produced or provided to the inquiry; or
  - (ii) preventing any evidence, document, record or other thing from being given, produced or provided to the inquiry;
- (c) intentionally suppresses or conceals any document that is, and that he knows or believes to be, a relevant document; or
- (d) intentionally alters or destroys any document that is, and that he knows or believes to be, a relevant document,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 7 years or to both.

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(2) For the purposes of sub-paragraph (1)(c) and (d), a document is a “relevant document” if it is likely that the inquiry body would (if aware of the existence of the document) wish to be provided with it.

### **Penalty for threats, etc., to witnesses**

6.—(1) Any person who —

- (a) hinders or attempts to hinder any person, who has been summoned to attend as a witness before any inquiry body, from attending as a witness or from giving evidence before the inquiry body; or
- (b) by threats or coercion, deters or attempts to deter any person from giving such evidence,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 7 years or to both.

(2) Any person who wilfully threatens, insults, injures or causes loss or disadvantage to any person for having given evidence, or on account of the evidence which he has given before the inquiry body, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 7 years or to both.

### **Contempt**

7.—(1) Any person who —

- (a) offers any act of disrespect or any insult or threat to an inquiry body or to any member in the exercise of that member’s powers or functions as a member while sitting in the inquiry body;
- (b) offers any act of disrespect or any insult or threat at any other time and place to an inquiry body or to any member on account of the exercise of that member’s powers or functions as a member;
- (c) wilfully interrupts, obstructs or disturbs the proceedings of an inquiry body;
- (d) without lawful excuse, refuses to take an oath or make an affirmation when required to do so by an inquiry body;
- (e) having been served with a summons referred to in paragraph 1(2)(d), without lawful excuse, disobeys the summons;
- (f) as a witness, without lawful excuse, refuses to answer any question relevant to the inquiry to which a member requires an answer; or
- (g) does any other act or thing that would, if the inquiry body were a court of record, constitute a contempt of court,

shall be guilty of contempt.

(2) Any person who is guilty of contempt shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

**Commissioners' powers to punish contempt**

8.—(1) Where an act of contempt referred to in paragraph 7(1) 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 immediately in accordance with paragraph 7(2).

(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, to show cause why he should not be adjudged to have committed an act of contempt and dealt with in accordance with paragraph 7(2).

(3) If any person who has been summoned in accordance with sub-paragraph (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.

**Public Prosecutor to aid inquiry body**

9.—(1) An inquiry body may require the Public Prosecutor to cause any matter relevant to the inquiry to be investigated.

(2) Any person appointed by the Public Prosecutor to investigate any such matter shall for the purposes of such investigations —

- (a) 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 (Cap. 68); and
- (b) when authorised in writing by the Public Prosecutor, have the power to search any premises and take possession of any articles or documents as specified in the authorisation.

**Representation before inquiry body**

10.—(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.

(2) Any other person who considers it desirable that he should be represented by an advocate may, by leave of the inquiry body, be represented by an advocate.

**Role of Attorney-General**

11.—(1) If the Attorney-General has been appointed to lead evidence in an inquiry under the terms of reference, the Attorney-General or, at the direction of the Attorney-General, the Solicitor-General or State Counsel shall lead evidence in the inquiry.

(2) Notwithstanding sub-paragraph (1), the Attorney-General or, at the direction of the Attorney-General, the Solicitor-General or State Counsel shall be entitled at any time to appear before and address the inquiry body on any matter which appears to the Attorney-General to be relevant to the inquiry.

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**Protection of members, advocates, assessors and witnesses**

12.—(1) Every member of an inquiry body shall, in the exercise of his duty as a member, have the same protection and immunity as a judge.

(2) Every witness summoned to attend or appearing before the inquiry body shall have the same privileges and immunities, and shall in addition to the penalties provided by this Act be subject to the same liabilities in any civil or criminal proceedings, as a witness in any case tried in a court.

(3) An assessor assisting an inquiry body shall have the same protection and immunity as an assessor assisting in proceedings in a court.

(4) An advocate assisting an inquiry body or an advocate appearing on behalf of a person at a hearing before an inquiry body shall have respectively the same protection and immunity as an advocate assisting in or an advocate appearing for a party in proceedings in a court.

(5) For the purposes of the law of defamation, that same privilege attaches to —

- (a) any statement made in or for the purposes of proceedings before an inquiry body (including the report and any interim report of the inquiry body); and
- (b) reports of proceedings before an inquiry body,

as would be the case if those proceedings were proceedings before a court.

**Procedure and form**

13. Subject to the provisions of this Act, the procedure to be followed by an inquiry body and the form of any order, summons, warrant or other document made or issued for the purposes of this Act shall be determined by the inquiry body.

**Payment of remuneration or expenses**

14.—(1) The appointing authority may agree to pay such remuneration and expenses as the appointing authority may determine to —

- (a) any of the members of the inquiry body;
- (b) any assessor to the inquiry; and
- (c) any person engaged to provide assistance to the inquiry body.

(2) Any sums agreed by the appointing authority under sub-paragraph (1) shall be charged on and paid out of the Consolidated Fund.

**Reports**

15.—(1) The inquiry body shall deliver a report to the appointing authority setting out —

- (a) the facts determined by the inquiry body; and
- (b) the recommendations of the inquiry body (where the terms of reference require the inquiry body to make recommendations).

- (2) The report may also contain anything else that the inquiry body considers to be relevant to the terms of reference (including any recommendations the inquiry body sees fit to make despite not being required to do so by the terms of reference).
- (3) Before making a report under sub-paragraph (1), the inquiry body may submit to the appointing authority an interim report containing anything that a report under that sub-paragraph may contain.
- (4) A report of an inquiry must be signed by each member of the inquiry body.
- (5) If the inquiry body is unable to produce a unanimous report, the report must reflect the points of disagreement.
- (6) In sub-paragraphs (4) and (5), “report” includes an interim report submitted under sub-paragraph (3).
- (7) The appointing authority may cause the report of the inquiry body to be made public at such time and in such manner as he thinks fit.

**Reference to court and judge**

16. In this Schedule —
- (a) where the inquiry body is a commission of inquiry, a reference to a court shall be construed as a reference to the High Court and a reference to a judge shall be construed as a reference to a Judge of the High Court; and
  - (b) where the inquiry body is a committee of inquiry, a reference to a court shall be construed as a reference to a District Court and a reference to a judge shall be construed as a reference to a District Judge.

SECOND SCHEDULE

Section 19

RELATED AMENDMENTS  
TO OTHER WRITTEN LAWS

<i>First column</i>	<i>Second column</i>
(1) Oaths and Declarations Act (Chapter 211, 2001 Ed.)  Section 2	Insert, immediately after the word “commission” in the definition of “person acting judicially”, the word “, committee”.

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<i>First column</i>	<i>Second column</i>
(2) Parliament (Privileges, Immunities and Powers) Act (Chapter 217, 2000 Ed.)	
(a) Section 5	Insert, immediately after the words “commission of inquiry”, the words “, committee of inquiry”.
(b) Section 9(1)(b)	Insert, immediately after the words “commission of inquiry”, the words “or committee of inquiry”.
(3) Subordinate Courts Act (Chapter 321, 2007 Ed.)	
Section 64(2)	Insert, immediately after the words “commission of inquiry”, the words “, committee of inquiry”.
(4) Supreme Court of Judicature Act (Chapter 322, 2007 Ed.)	
Section 75(2)	Insert, immediately after the words “commission of inquiry”, the words “, committee of inquiry”.

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