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INQUIRIES (EVIDENCE) ACT 2003

Chapter 8

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Signed in Tynwald: 17th June 2003
Received Royal Assent: 17th June 2003
Announced to Tynwald: 17th June 2003
Passed: 17th June 2003

AN ACT

to make provision for evidence, representation and attendance at inquiries, the costs of and incidental to inquiries, and for connected purposes.

WE, your Majesty's most dutiful and loyal subjects, the Council and Keys of the said Isle, do humbly beseech your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows (that is to say):—

1. Application of Act

- (1) This Act applies to —
 - (a) an inquiry held by a person appointed by the Governor, the Governor in Council or the Council of Ministers to inquire into any matter; or
 - (b) an inquiry held or caused to be held by a Department —
 - (i) pursuant to any statutory power to do so, or
 - (ii) into the proposed exercise of any function of the Department,

where Tynwald has resolved that the powers conferred by this Act shall be exercisable in relation to the inquiry.

- (2) Where an inquiry to which this Act applies is conducted by 2 or more persons, the powers conferred by this Act on the person conducting the inquiry may be exercised by any of those persons.

(3) The powers conferred by this Act are in addition to and not in substitution for the powers conferred by any other statutory provision in relation to inquiries.

2. Summons to give evidence at inquiry etc.

(1) The person conducting an inquiry to which this Act applies may —

- (a) by summons require any person to attend at the inquiry at such time and place as is specified in the summons —
 - (i) to give evidence, or
 - (ii) to produce any document in his custody or under his control which relates to any matter in question at the inquiry; and
- (b) take evidence on oath at the inquiry, and for that purpose administer oaths, affirmations or declarations.

(2) If any person —

- (a) refuses or fails without reasonable excuse to attend in obedience to a summons issued under this section, or to give evidence, or
- (b) intentionally suppresses, conceals, destroys or refuses to produce any document which he is required to produce under this section, or
- (c) does anything which would, if the inquiry had been a court having power to commit for contempt, have been contempt of that court,

the person conducting the inquiry may certify the offence of that person under his hand to the High Court.

(3) On production of a certificate under subsection (2) the High Court may inquire into the alleged offence, and after hearing —

- (a) any witnesses who may be produced against or on behalf of the person charged, and
- (b) any statement that may be offered in his defence,

may punish that person as if he had been guilty of contempt of the High Court.

(4) A witness before an inquiry to which this Act applies shall be entitled to the same immunities and privileges as if he were a witness in civil proceedings before the High Court.

3. Appearance

Any person appearing to the person conducting an inquiry to which this Act applies to be interested in the subject matter at the inquiry may appear and be heard at the inquiry —

- (a) in person,
- (b) by an advocate, or
- (c) with the leave of the person conducting the inquiry, by a representative other than an advocate.

4. Public access

(1) Subject to subsection (2), a person conducting an inquiry to which this Act applies shall not refuse to allow the public or any member of the public to be present at any of the proceedings of the inquiry.

(2) Subsection (1) does not apply where the person conducting the inquiry considers that the presence of the public would be contrary to the public interest for reasons connected with —

- (a) the subject matter of the inquiry, or
- (b) the nature of the evidence to be given.

(3) Subsection (1) does not prohibit the person conducting the inquiry from excluding any person from any of the proceedings of the inquiry for the purpose of preventing disorder.

5. Costs

(1) The person holding an inquiry falling within section 1(1)(b) may order that a public authority interested in the subject-matter of the inquiry pay the costs of the inquiry.

(2) The person holding an inquiry to which this Act applies may order that the expenses (including legal costs and disbursements) incurred by any person interested in the subject-matter of the inquiry for the purpose of his attendance or legal representation, or both, at the inquiry be paid —

- (a) by another person so interested, or
- (b) by the Treasury out of money provided by Tynwald for the purpose.

(3) The expenses the subject of an order under subsection (2) shall be —

- (a) assessed in the High Court in accordance with rules of court, or
- (b) if every person concerned agrees, assessed by the person holding the inquiry.

(4) The Treasury may by regulations prescribe the rates and scales of sums payable under subsection (2) and the conditions under which any such sums may be allowed.

(5) The person holding an inquiry to which this Act applies may order that the expenses of attendance of any witness at the inquiry be paid —

- (a) by any person interested in the subject-matter of the inquiry, or

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(b) by the Treasury out of money provided by Tynwald for the purpose.

(6) Any person aggrieved by an order under this section may appeal to the High Court against the order, and the High Court may confirm, vary or quash the order.

6. Short title etc.

(1) This Act may be cited as the Inquiries (Evidence) Act 2003.

(2) The enactments specified in Schedule 1 are amended in accordance with that Schedule.

(3) The enactments specified in Schedule 2 are repealed to the extent specified in column 3 of that Schedule.

(4) Nothing in this Act applies to an inquiry instituted before the passing of this Act.

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Section 6(2).

SCHEDULE 1

AMENDMENT OF ENACTMENTS

The Civil Evidence Act 1973 (c.18)

1. In section 17(1), for the words from the beginning to "any other" substitute "Any".
The Shipping Casualties (Inquiries, Investigations and Reports) Act 1979 (c.18)
2. For section 2(2) substitute —
 "(2) The Inquiries (Evidence) Act 2003 applies to a formal investigation held by the High Bailiff as it applies to an inquiry mentioned in section 1(1)(a) of that Act, but with the omission, in section 1(1), of the words from "where Tynwald" onwards."
The Isle of Man Passenger Transport Act 1982 (c.3)
3. In Schedule 6, for paragraph 3(b) substitute —
 "(b) he shall have the powers of a person conducting an inquiry to which the Inquiries (Evidence) Act 2003 applies."
The Copyright Act 1991 (c.8)
4. In section 46 —
 - (a) in subsection (1), for "the proceedings of a commission or committee appointed by the Governor or a statutory inquiry" substitute "the proceedings of —
 - (a) an inquiry held by a person appointed by the Governor, the Governor in Council or the Council of Ministers to inquire into any matter, or
 - (b) a statutory inquiry.";
 - (b) in subsection (3), for "such a commission or committee or a statutory inquiry" substitute "an inquiry referred to in subsection (1)(a) or (b)".
The Town and Country Planning Act 1999 (c.9)
5. In Schedule 1, for paragraph 4(2) substitute —
 "(2) The inquiry shall be conducted by a person or persons appointed by the Governor for the purpose; and —
 - (a) the Inquiries (Evidence) Act 2003 applies to such an inquiry with the omission, in section 1(1), of the words from "where Tynwald" onwards, and of section 3; and
 - (b) any person shall be entitled to be heard (in person or by a representative) at the inquiry."

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Section 6(3).

SCHEDULE 2

ENACTMENTS REPEALED

<i>Reference</i>	<i>Short title</i>	<i>Extent of repeal</i>
XVII p.850	The Inquiries (Evidence) Act 1950.	The whole Act.
1984 c.19	The Fire Services Act 1984.	Section 8(2).
1991 c.24	The Water Act 1991.	In Schedule 1, paragraph 2(2) and (6)
1996 c.14	The Electricity Act 1996.	Section 17(2).