

N.R.C.D. 261

COMMISSIONS OF INQUIRY (IMPLEMENTATION OF FINDINGS),
ACT 1974

ARRANGEMENT OF SECTIONS

SECTION

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COMMISSIONS OF INQUIRY (IMPLEMENTATION OF FINDINGS), ACT
1974¹

AN ACT to provide for the dismissal of persons adversely reported on by a Commission of Inquiry and for related matters.

1. Dismissal or removal

(1) Where a Commission of Inquiry submits a report to the Government, and the Government has published a White Paper in respect of the report and has in the White Paper

- (a) accepted a recommendation that a person should be dismissed or removed from a post, or
- (b) recommended that a person should be dismissed or removed from a post,

the President shall act in accordance with article 280 of the Constitution, and may subject to articles 281 and 282 of the Constitution, declare that person summarily dismissed or removed from the post with effect from the date specified in the notice.

(2) A dismissal or removal under this section shall have effect subject to the relevant enactment or a rule of law.

(3) A person dismissed or removed under this section is subject, as regards entitlement or eligibility to emoluments, pension, gratuity or any other accrued rights to the enactment relating to that person.

1. This Act was issued as the Commissions of Inquiry (Implementation of Findings) Decree, 1974 (N.R.C.D. 261) made on the 14th day of June, 1974 and notified in the *Gazette* on 21st June, 1974.

2. Return of moneys and property

(1) Where a Commission of Inquiry has submitted a report to the Government and the Government has published a White Paper in respect of the report and has in the White Paper

- (a) accepted a recommendation that a person should refund money or restore property to a person or body entitled to that money or property, or
- (b) recommended that a person should refund money or restore property to any other person or body entitled to that money or property,

the Attorney-General may order that person by notice served on that person to refund the money or restore the property to the person or body specified in the notice within the time specified in the notice.

(2) For the purpose of implementing subsection (1), where a person holds money, security or any other asset on behalf of or in trust for a person on whom a notice has been served under subsection (1), the Attorney-General may by notice served on the first-mentioned person direct the transfer of that money, security or other asset to that other person and within the time directed by the Attorney-General.

(3) A person to whom an asset is transferred in pursuance of this section shall acquire good title to the asset despite anything to the contrary.

(4) A person who

- (a) fails without reasonable excuse, proof of which lies on that person, to refund the money, restore the property or transfer the asset in accordance with this section, or
- (b) disposes or attempts to dispose of the asset in a manner which may frustrate the implementation of this section, or
- (c) obstructs or hinders the full implementation of this section,

commits an offence and is liable on summary conviction to a fine not exceeding one thousand penalty units or to a term of imprisonment not exceeding five years or to both the fine and the imprisonment.

3. Notices effective as judgment of the High Court

For the purposes of securing the refund of money or the restoration of property under subsection (1) of section 2, that subsection shall operate as a judgment or order of the High Court in civil proceedings; and accordingly the enactments relating to the enforcement of judgments or orders of the High Court shall, with the modifications that are necessary, apply with respect to the enforcement of that subsection as they apply for the enforcement of judgments or orders of the High Court in civil proceedings.

4. Interest on unpaid moneys

Where, under an enactment, whether enacted before or after the commencement of this Act, a person is made liable to pay money to the Republic or to any other person or body as a result of the findings of a Commission of Inquiry, the moneys or a part of those moneys shall until they are paid, bear interest at the rate of ten percent per annum to be calculated in respect of each completed month, with effect from the commencement of this Act or the enactment creating the liability, whichever is later.

5. Application

Sections 1 and 2 of this Act have effect in relation to a White Paper whether published before or after the commencement of this Act.

6. Interpretation

In this Act, unless the context otherwise requires,

“**Commission of Inquiry**” includes a Committee of Inquiry;

“**inquiry**” includes “**enquiry**”.
