

South Africa

## Commissions Act, 1947

Act 8 of 1947

Legislation as at 18 April 1947

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## Commissions Act, 1947

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## Commissions Act, 1947

### Act 8 of 1947

Published in Government Gazette 3800 on 18 April 1947

**Assented to on 1 April 1947**

**Commenced on 18 April 1947**

*[This is the version of this document as it was from 18 April 1947 to 23 June 1964.]*

(Afrikaans Text signed by the Governor-General.)

## ACT

**To make provision for conferring certain powers on commissions appointed by the Governor-General for the purpose of investigating matters of public concern, and to provide for matters incidental thereto.**

BE IT ENACTED by the King's Most Excellent Majesty, the Senate and the House of Assembly of the Union of South Africa, as follows:—

### **1. Application of this Act with reference to commissions appointed by the Governor-General**

Whenever the Governor-General has, before or after the commencement of this Act, appointed a commission (hereinafter referred to as a "commission") for the purpose of investigating a matter of public concern, he may by proclamation in the *Gazette* declare the provisions of this Act to be applicable with reference to that commission.

### **2. Commission's sittings**

A commission may sit at any place in the Union or the mandated territory of South-West Africa for the purpose of hearing evidence or addresses or of deliberating.

### **3. Commission's powers as to witnesses**

- (1) For the purpose of ascertaining any matter relating to the subject of its investigations, a commission shall in the Union have the powers which a Provincial Division of the Supreme Court of South Africa has within its province, and in the mandated territory of South-West Africa have the powers which the High Court of that territory has, to summon witnesses, to cause an oath or affirmation to be administered to them, to examine them, and to call for the production of books, documents and objects.
- (2) A summons for the attendance of a witness or for the production of any book, document or object before a commission shall be signed and issued by the secretary of the commission in a form prescribed by the chairman of the commission and shall be served in the same manner as a summons for the attendance of a witness at a criminal trial, in a superior court at the place where the attendance or production is to take place.
- (3) If required to do so by the chairman of a commission a witness shall, before giving evidence, take an oath or make an affirmation, which oath or affirmation shall be administered by the chairman of the commission or such official of the commission as the chairman may designate.
- (4) Any person who has been summoned to attend any sitting of a commission as a witness or who has given evidence before a commission shall be entitled to the same witness fees from public funds, as

if he had been summoned to attend or had given evidence at a criminal trial in a superior court held at the place of such sitting, and in connection with the giving of any evidence or the production of any book or document before a commission, the law relating to privilege as applicable to a witness giving evidence or summoned to produce a book or document in such a court, shall apply.

#### **4. Sittings to be public**

All the evidence and addresses heard by a commission shall be heard in public: Provided that the chairman of the commission may, in his discretion, exclude from the place where such evidence is to be given or such address is to be delivered any class of persons or all persons whose presence at the hearing of such evidence or address is, in his opinion, not necessary or desirable.

#### **5. Hindering or obstructing a commission**

Any person who wilfully interrupts the proceedings of a commission or who wilfully hinders or obstructs a commission in the performance of its functions shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months or to both such fine and imprisonment.

#### **6. Offences by witnesses**

- (1) Any person summoned to attend and give evidence or to produce any book, document or object before a commission who, without sufficient cause (the onus of proof whereof shall rest upon him) fails to attend at the time and place specified in the summons, or to remain in attendance until the conclusion of the enquiry or until he is excused by the chairman of the commission from further attendance, or having attended, refuses to be sworn or to make affirmation as a witness after he has been required by the chairman of the commission to do so or, having been sworn or having made affirmation, fails to answer fully and satisfactorily any question lawfully put to him, or fails to produce any book, document or object in his possession or custody or under his control, which he has been summoned to produce, shall be guilty of an offence and liable on conviction to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding six months, or to both such fine and imprisonment.
- (2) Any person who after having been sworn or having made affirmation, gives false evidence before a commission on any matter, knowing such evidence to be false or not knowing or believing it to be true, shall be guilty of an offence and liable on conviction to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding twelve months, or to both such fine and imprisonment.

#### **7. Short title**

This Act shall be called the Commissions Act, 1947.