

*PUBLIC SERVICE ENQUIRIES (ATTENDANCE
OF WITNESSES)*

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**THE PUBLIC SERVICE ENQUIRIES (ATTENDANCE
OF WITNESSES) ACT** Act 25
of 1964.

[11th June, 1964.]

1. This Act may be cited as the Public Service Enquiries Short title.
(Attendance of Witnesses) Act.

2.—(1) In this Act—

“enquiry” means any investigation or enquiry into
the conduct of an officer against whom dis-
ciplinary proceedings are instituted under any of
the enactments or regulations specified in the
First Schedule;

Interpreta-
tion.

“officer” means the holder of any public office and
includes any person appointed to act in any such
office;

First
Schedule.

“public office” means any office of emolument in the
public service;

“public service” means the service of the Crown in
a civil capacity in respect of the Government of
Jamaica;

“tribunal” means any person or body of persons who
conduct an enquiry.

(2) The Minister may at any time by order amend
or vary the First Schedule.

3.—(1) A tribunal shall have power to summon any per- Power to
summon
witnesses.
son to attend the enquiry and to give evidence or to
produce any paper, book, record or document in the pos-
session or under the control of such person.

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Second
Schedule.

(2) A summons under this section shall be in the form prescribed in the Second Schedule and shall be signed by the person constituting the tribunal or, where the tribunal is a body of persons, by the Chairman of the tribunal.

(3) A summons under this section may be served by a constable.

Duty and
privileges
of witnesses.

4. All persons summoned to attend and give evidence or to produce any paper, book, record or document before a tribunal—

- (a) shall be bound to obey the summons served upon them;
- (b) shall be entitled, in respect of such evidence or the disclosure of any communication or the production of any such paper, book, record or document, to the same right or privilege as before a court of law;
- (c) shall be entitled to be paid their expenses, including travelling expenses at the rates prescribed by the Witnesses Expenses Act for witnesses who are entitled to have their expenses paid from public funds:

Provided that a tribunal may disallow the whole or any part of such expenses in any case, if it thinks fit.

Penalty for
disobedi-
ence,
disrespect or
obstruction.

5.—(1) Any person who—

- (a) without sufficient cause, fails or refuses to attend before a tribunal in obedience to a summons under this Act, or fails or refuses to produce any paper, book, record or document which he was required by such summons to produce; or

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- (b) being a witness, leaves a tribunal without the permission of the tribunal; or
- (c) being a witness, refuses, without sufficient cause, to answer any question put to him by or with the permission of the tribunal; or
- (d) wilfully obstructs or interrupts the proceedings of a tribunal,

shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding two hundred dollars or in default of payment thereof to imprisonment with or without hard labour for a term not exceeding three months.

(2) A person shall not be convicted for failing or refusing to attend before a tribunal unless the summons requiring him so to attend has been served personally on him at least three days before the day on which he is required to attend.

6. Any expenses incurred in carrying this Act into operation and approved by the Minister responsible for finance shall be paid out of the Consolidated Fund. Expenses.

7. No proceedings for any penalty under section 5 shall be commenced except by the direction of the Director of Public Prosecutions or of the tribunal concerned. Proceedings for penalties.

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FIRST SCHEDULE (Section 2)

The Judicial Service Regulations, 1961
The Public Service Regulations, 1961
The Police Service Regulations, 1961.

SECOND SCHEDULE (Section 3)

Summons to Witness

To A.B. (*name of person summoned and his calling and residence, if known*).

You are hereby summoned to appear before (*here name the tribunal*) appointed to enquire (*state briefly the subject of enquiry*) at (*place*) on the day of 19 at o'clock, and to give evidence respecting such enquiry.

(*If the person summoned is to produce documents, add:*)

And you are required to bring with you and produce (*specify the books, plans and documents required*).

Therefore fail not at your peril.

Given under my hand this day of 19 .