

MALTA

ATT Nru. XV ta' l-1987

ATT mahruġ b'ligi mill-Parlament ta' Malta,

ATT biex jipprovdi ghat-twaqqif u l-funzjonijiet ta' Kummissjoni għall-investigazzjoni ta' ċerti ingustizzji, u għal hwejjeġ li għandhom x'jaqsmu ma' dan.

ACT No. XV of 1987

AN ACT enacted by the Parliament of Malta,

AN ACT to make provision for the establishment and functions of a Commission for the investigation of certain injustices, and for purposes connected therewith.

Naghti l-kunsens tieghi.

(L.S.)

PAUL XUEREB
Agent President

19 ta' Awissu, 1987

ATT Nru. XV ta' l-1987

ATT biex jipprovi għat-twaqqif u l-funzjonijiet ta' Kummissjoni għall-investigazzjoni ta' ċerti ingustizzji, u għal hwejjeġ li għandhom x'jaqsmu ma' dan.

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1987 dwar l-Investigazzjoni ta' Ingustizzji. Titolu fi-qosor u bidu fis-sehh.

(2) Dan l-Att għandu jidhol fis-sehh f'dik id-data li l-Ministru responsabbli għall-ġustizzja jista' jstabilixxi b'avviż fil-Gazzetta, u dati differenti jistgħu jigu hekk stabbiliti għal dispożizzjonijiet differenti u għal għanijiet differenti ta' dan l-Att.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtieġx xort'ohra — Tifsir.

“azzjoni” tinkludi nuqqas li wieħed jaġixxi;

“korp imwaqqaf b'liġi” tfisser kull korporazzjoni jew korp magħqud iehor imwaqqaf b'liġi;

“il-Kummissjoni” tfisser il-Kummissjoni għall-Investigazzjoni ta' Ingustizzji mwaqqfa taht l-artikolu 3 ta' dan l-Att;

“persuna aggravata” tfisser il-persuna li tallega li ġarrbet dik l-ingustizzja msemmija fl-artikolu 6(1) ta' dan l-Att, u fejn dik il-persuna tkun mejta, l-eredi ta' dik il-persuna;

“uffiċjal pubbliku” għandha l-istess tifsir kif mogħti lilha bl-artikolu 124 tal-Kostituzzjoni ta' Malta.

3. (1) Għandu jkun hemm Kummissjoni, li għandha tkun magħrufa b'hal l-Kummissjoni għall-Investigazzjoni ta' Ingustizzji, li tkun magħmula minn *chairman* u żewġ membri oħra, mahtura mill-Prim Ministru. Kummissjoni għall-Investigazzjoni ta' Ingustizzji.

(2) *Iċ-chairman* għandu jkun persuna li tokkupa jew kienet tokkupa l-kariga ta' mħallf jew ta' maġistrat f'Malta jew li tkun eżerċitat bħala avukat f'Malta għal perjodi totali ta' mhux inqas minn tnax-il sena.

(3) Hadd ma jkun kwalifikat biex iżomm kariga bħala membru tal-Kummissjoni jekk ikun Ministru, Segretarju Parlamentari, membru ta', jew kandidat għal elezzjoni ta', il-Kamra tad-Deputati, membru ta' awtorità ta' gvern lokali, jew ikun uffiċjal pubbliku minbarra meta jkun uffiċjal pubbliku li hu kwalifikat jinħatar *chairman* tal-Kummissjoni skond is-subartikolu (2) ta' dan l-artikolu.

(4) Bla hsara għad-disposizzjonijiet ta' dan l-artikolu, il-kariga ta' membru tal-Kummissjoni għandha ssir vakanti —

(a) fit-tmiem ta' tliet snin mid-data tal-hatra tiegħu; jew

(b) jekk jinholqu ċirkostanzi li, kieku ma kienx membru tal-Kummissjoni, kienu jgħagħluh ikun skwalifikat għal hatra bħala hekk.

(5) Membru tal-Kummissjoni jista' jitnehha mill-kariga mill-Prim Ministru, iżda jista' jiġi mneħhi biss minhabba inkapaċità li jaqdi l-funzjonijiet tal-kariga tiegħu (kemm jekk minhabba mard mentali jew korporali jew għal xi raġuni oħra) jew għal imġieba hażina.

(6) Jekk il-kariga ta' membru tal-Kummissjoni tkun vakanti jew jekk xi membru għal xi raġuni ma jkunx jista' jaqdi l-funzjonijiet tal-kariga tiegħu, il-Prim Ministru jista' jahtar persuna li tkun kwalifikata biex tkun mahtura bħala membru biex tkun membru temporanju tal-Kummissjoni, u kull persuna hekk mahtura għandha, bla hsara għad-disposizzjonijiet tas-subartikoli (4) u (5) ta' dan l-artikolu, tispicċa milli tkun membru bhal dak malli persuna tkun ġiet mahtura biex timla l-vakanza jew, skond il-każ malli l-membru li ma setax jaqdi l-funzjonijiet tal-kariga tiegħu jirreżumi dawk il-funzjonijiet.

(7) Kull membru tal-Kummissjoni jista' jiġi rikuzat jew għandu jastjeni fl-istess ċirkostanzi bhal imħallf tal-Qrati Superjuri; u f'kull każ bhal dan il-Prim Ministru għandu jahtar persuna li tkun kwalifikata għal din il-hatra sabiex tkun membru tal-Kummissjoni għall-każ jew kazijiet partikulari li għar-rigward tagħhom il-membru jkun ġie rikuzat jew ikun astjena.

Persuni li jassistu l-Kummissjoni.

4. Il-Prim Ministru jista', kull meta l-Kummissjoni hekk titlob, jahtar persuna jew jinnomina uffiċjal pubbliku sabiex jassistiha, meta tkun qegħda tagħmel xi investigazzjoni.

Applikazzjoni tad-disposizzjonijiet ta' dan l-Att.

5. (1) Dan l-Att japplika għall-Gvern, għal kull korp imwaqqaf b'liġi u għal kull soċjetà jew korp ieħor li fihom il-Gvern jew xi wiehed jew iżjed mill-korpi msemmijin qabel jew xi kombinazzjoni tagħhom ikollhom sehem biżżejjed biex jikkontrollaw jew li fuqu jkollhom kontroll effettiv (iktar 'il quddiem f'dan l-Att msejja "il-persuni li għalihom dan l-Att japplika").

(2) F'dan l-Att, kull riferenza għall-Gvern tinkludi riferenza għal kull dipartiment tal-Gvern jew awtorità oħra tal-Gvern, kull Ministru jew Segretarju Parlamentari, kull uffiċjal pubbliku u kull membru jew impjegat ta' awtorità msemmija qabel u riferenza għal korp imwaqqaf b'liġi jew korp ieħor jew għal soċjetà tinkludi riferenza għal kull direttur, membru, *manager* jew uffiċjal ieħor ta' dak il-korp jew soċjetà jew tal-korp li jkollu kontroll fuqu jew fuqha.

(3) Dan l-Att għandu japplika kif imsemmi qabel anke meta l-persuni li għalihom japplika jkunu aġixxew skond rakkomandazzjonijiet li jkunu irċevew jew wara li kellhom kunsultazzjonijiet skond il-liġi jew wara li jkunu osservaw htigijiet legali oħra.

6. (1) Il-Kummissjoni ghandu jkollha s-setgħa li tinvestiga kull ilment miktub li jsir minn persuna li tallega li tkun ġarrbet ingustizzja b'konsegwenza ta' xi distinzjoni, esklużjoni jew preferenza indebita li tkun saret jew inghatat bi ħsara għaliha, jew ta' xi inkapaċità jew restrizzjoni li kellha gġarrab, b'xi azzjoni mehuda minn xi waħda mill-persuni li għalihom dan l-Att japplika, u b'mod partikulari iżda bla ħsara għall-ġeneralità ta' dak imsemmi qabel, il-Kummissjoni tista' tinvestiga dak l-ilment dwar kull wiehed minn dawn li ġejjin:

- (a) hatriet ta' uffiċjali pubbliċi;
- (b) hatriet ta' membri, uffiċjali jew impjegati ta' xi korp bħal dak;
- (c) dhul fl-impieg;
- (d) liċenzi jew permessi mehtieġa bil-liġi;
- (e) rekwizzjonijiet u allokkazzjonijiet ta' fondi taht liġijiet li jirrigwardaw id-djar;
- (f) trasferimenti ta' proprjeta immobbli b'bejgħ jew titolu iehor;
- (g) kuntratti għall-provvista ta' oġġetti, servizzi jew faċilitajiet;
- (h) kull haġa oħra li tista' tiġi approvata b'riżoluzzjoni tal-Kamra tad-Deputati.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, il-Kummissjoni tista', jekk tqis li tkun haġa hekk mixtieqa illi ssir, ma taċċettax li twettaq is-setgħa tagħha taht dan l-artikolu f'kull każ fejn mezz adegwat ta' rimedju għall-ingustizzja allegata ikunu jew kienu disponibbli għal min ikun qed jagħmel l-ilment taht xi liġi oħra:

Iżda l-Kummissjoni tista' tagħmel investigazzjoni jekk din tkun sodisfatta illi fiċ-ċirkostanzi partikulari ma jkunx raġonevoli illi tistenna lil min jagħmel l-ilment li għandu jiehu jew kellu jiehu dawk il-mezzi ta' rimedju.

7. (1) Meta l-Kummissjoni tipproponi li tagħmel investigazzjoni wara li jkun sar ilment skond l-Att, hija għandha tagħti lill-uffiċjal prinċipali tal-awtorità, dipartiment jew korp konċernat, u lil kull persuna li jkun allegat fl-ilment li kien ha jew awtorizza l-azzjoni li dwarha jkun sar l-ilment, opportunità li jikummenta fuq kull allegazzjoni li jkun hemm fl-ilment.

(2) Kull investigazzjoni bħal dik għandha ssir fil-privat, iżda hliet kif imsemmi qabel il-proċedura kif issir investigazzjoni għandha tkun dik bħalma l-Kummissjoni tqis li tkun xierqa fiċ-ċirkostanzi tal-każ.

(3) Bla ħsara għall-ġeneralità tas-subartikolu (2) ta' dan l-artikolu, il-Kummissjoni tista' tikseb informazzjoni minn dawk il-persuni u b'dak il-mod, u tagħmel dawk l-indaġini li tqis xierqa, u għal dan il-ghan tista' tehtieġ minn kull uffiċjal tal-awtorità, dipartiment jew korp konċernat li jagħti informazzjoni jew jipproduċi kull dokument rilevanti għall-investigazzjoni.

8. (1) Il-Kummissjoni jkollha s-setgħa, li tiġi eżerċitata permezz taċ-*chairman* tagħha —

- (a) li ssejjaħ xhieda;
- (b) li tagħti l-ġurament lil kull xhud u lil kull persuna li jkollhom x'jaqsmu fl-inkjesta, u li tehtieġhom li jixhdu.

(2) Tahrika għall-attenzenza tax-xhieda tista' tkun fil-forma murija fl-Iskeda li tinsab ma' dan l-Att jew f'dik il-forma l-oħra li tkun xierqa fil-każ, u għandha tkun iffirmata miċ-*chairman* jew mis-segretarju tal-Kummissjoni.

(3) Tahrika tista' tiġi notifikata jew bl-idejn jew bil-posta. Meta tiġi notifikata bl-idejn ikun biżżejjed biex tiġi ppruvata n-notifika li jiġi ppruvat

Setgħat tal-Kummissjoni.

Proċedura dwar investigazzjonijiet.

Sejha tax-xhieda u għoti ta' ġurament.

li t-tahrিকা thalliet ma' persuna 'l fuq mill-età ta' 16-il sena fil-post tar-residenza jew tan-negozju tal-persuna mharrka; u jekk tiġi notifikata bil-posta jkun biżżejjed biex tiġi ppruvata n-notifika li jiġi ppruvat li t-tahrিকা kienet indirizzata u mpustata tajjeb.

(4) Kull persuna mharrka kif intqal qabel li tirrifjuta, jew tonqos minghajr raġuni xierqa, li tattendi fil-post u l-hin imsemmija fit-tahrিকা, jew li tirrifjuta, minghajr raġuni xierqa, li twieġeb jew li twieġeb b'mod sħiħ u sodisfaċenti, skond l-aħjar hila u twemmin tagħha l-mistoqsijiet kollha li jsirulha mill-Kummissjoni jew bi qbil mal-Kummissjoni, jew li tirrifjuta jew tonqos, minghajr raġuni xierqa, li tipproduci xi dokument li tkun mehtieġa li tipproduci mill-Kummissjoni jew bi qbil mal-Kummissjoni, tehel, meta tinsab hatja multa ta' mhux iżjed minn hames mitt lira Maltija jew prigunerija għal mhux iżjed minn tliet xhur, jew dik il-multa u prigunerija flimkien:

Iżda bla ħsara għall-ġeneralità tad-dispożizzjonijiet tal-paragrafu (b) tas-subartikolu (1) ta' dan l-artikolu, ebda persuna li tixhed quddiem il-Kummissjoni ma tista' tkun imġieghla twieġeb għal mistoqsijiet meta t-tweġiba tista' tesponiha għal proċess kriminali, u kull persuna bħal dik ikollha, dwar kull xieħda tagħha quddiem il-Kummissjoni, l-istess privileġġi li għandu xhud li jixhed quddiem il-qorti.

(5) Ma jinbdew ebda proċedimenti dwar xi reat kontra dan l-artikolu minghajr il-qbil ta' l-Avukat Ġenerali.

Zmien li fih isir ilment.

9. (1) Ma għandux jiġi aċċettat ilment taht dan l-Att —

(a) fil-każ ta' ilment li jsir dwar hwejjeġ li jiġru wara l-bidu fis-seħħ ta' dan l-Att jekk l-ilment isir wara li jgħaddu tliet xhur mill-ġurnata li fiha l-persuna aggravata saret taf l-ewwel darba bil-ħaġa li minnha tilmenta; u

(b) fil-każ ta' ilment dwar hwejjeġ li ġraw qabel id-data tal-bidu fis-seħħ ta' dan l-Att jekk dawk il-hwejjeġ ġraw iżjed minn sittax-il sena qabel dik id-data jew jekk l-ilment isir wara li jgħaddu sitt xhur minn dik id-data.

(2) Minkejja d-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu, il-Kummissjoni tista' tagħmel investigazzjoni fuq ilment li jkun sar taht dan l-Att wara li jkun għadda l-perijodu ta' tliet xhur jew ta' sitt xhur skond il-każ jekk fil-konsiderazzjoni tagħha jkun hemm ċirkostanzi speċjali li jiġġustifikaw dik il-proċedura.

Rapport lill-Prim Ministru.

10. (1) Il-Kummissjoni għandha tibgħat lill-Prim Ministru ma' l-ewwel opportunità li jkollha rapport tar-riżultat tal-investigazzjoni; u fejn il-Kummissjoni ssib li ingustizzja tkun saret jew ġiet sofferta ir-rapport għandu jkun fih rakkomandazzjonijiet dwar ir-rimedji li l-Kummissjoni jidhirlha xierqa fiċ-ċirkostanzi.

(2) Il-Kummissjoni għandha tgharraf ukoll, bil-miktub, lil min jagħmel l-ilment dwar jekk l-ilment tiegħu jkunx ġustifikat jew le.

Segretarju u uffiċjali.

11. (1) Għandu jkun hemm Segretarju tal-Kummissjoni li għandu jkun persuna maħtura f'dik il-kariga mill-Prim Ministru jew uffiċjal pubbliku nominat mill-Prim Ministru sabiex iwettaq il-funzjonijiet ta' Segretarju.

(2) Il-Kummissjoni għandu jkollha wkoll dawk l-uffiċjali l-oħra li l-Prim Ministru jista' jqis mehtieġa u li jahtar jew jinnomina kif imsemmi qabel.

Ġurament tal-kariga.

12. (1) Kull min jinhatar biex ikun, jew biex iservi bħala, *chairman* jew membru tal-Kummissjoni jew jinhatar jew jiġi nominat biex jassisti lill-

Kummissjoni taht l-artikolu 4 ta' dan l-Att, ghandu, qabel ma jiehu dawk id-dmirijiet, jiehu u jiffirma g'urament fil-forma murija fl-Iskeda li tinsab ma' dan l-Att.

(2) Dak il-g'urament jista' jittiehed quddiem Kummissjonarju li ghandu s-setgħa li jagħti g'urament u ghandu jiġi depożitat għand l-Avukat Generali.

13. Kull tagħrif miksub mill-membri tal-Kummissjoni, minn xi persuna mahtura taht l-artikolu 4 ta' dan l-Att jew minn xi uffiċjali ohra tagħha waqt, jew għall-fini ta' xi investigazzjoni taht dan l-Att ma ghandux jiġi rivelat hliet għall-finijiet ta' l-investigazzjoni u ta' kull rapport li ghandu jsir dwarha taht dan l-Att, jew għall-fini ta' xi proċeduri taht l-artikolu 8 ta' dan l-Att, u l-membri tal-Kummissjoni u l-uffiċjali tagħha ma jistgħux jissejhu biex jixhdu f'xi proċeduri, minbarra dawk imsemmijin qabel, dwar hwejjeġ li jkunu saru jafu bihom waqt investigazzjoni taht dan l-Att.

14. Kull salarju jew spiża li jithallsu fit-twettiq fis-seħħ ta' dan l-Att għandhom jinħarġu mill-Fond Konsolidat bla hteġa ta' ebda approvazzjoni barra minn dan l-Att.

SKEDA

(Artikolu 8)

A. Tahrika ta' Xhud

(Att ta' l-1987 dwar l-**Investigazzjoni ta' Ingustizzji**)

Lil A.B. (isem il-persuna mharrka u fejn toqghod)

Inti hawnhekk tinsab imharrek biex tidher quddiem

fi

(post) fi

(data u hin)

u li tixhed dwar
(il-kwistjoni ta' l-inkjesta).

Iffirmat minni llum

ta'

19

(Firma tač-Chairman jew membru ieħor)

(Artikolu 12)

B. Forma ta' gurament li jittiehed minn *chairman* jew membru tal-Kummissjoni jew minn persuna li tassisti l-Kummissjoni.

Jiena, li ġejt mahtur
Chairman/Membru/persuna li tassisti l-Kummissjoni għall-Investigazzjoni ta' Ingustizzji nahlef/
niddikjara solennement li jiena bil-fedeltà kollha u imparzjalment, u mill-ahjar li nista' naqdi
d-dmir u x-xogħol li jmissni bis-saħħa ta' l-imsemmija hatra.

Hekk Alla jghini.

Mghoddi mill-Kamra tad-Deputati fis-Seduta Nru. 21 tat-12 ta' Awissu, 1987.

P. MUSCAT TERRIBILE
Agent Skrivani tal-Kamra tad-Deputati.

JIMMY FARRUGIA
Speaker

I assent.

(L.S.)

PAUL XUEREB
Acting President

19th August, 1987

ACT No. XV of 1987

AN ACT to make provision for the establishment and functions of a Commission for the investigation of certain injustices, and for purposes connected therewith.

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the Investigation of Injustices Act, 1987.

Short title and commencement.

(2) This Act shall come into force on such date as the Minister responsible for justice may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of this Act.

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

Interpretation.

“action” includes failure to act;

“the Commission” means the Commission for Investigation of Injustices established under section 3 of this Act;

“person aggrieved” means the person who claims to have sustained such injustice as is mentioned in section 6(1) of this Act, and where such person is dead, the heirs of such person;

“public officer” has the same meaning as is assigned to it by section 124 of the Constitution of Malta;

“statutory body” means any corporation or other body corporate established by law.

Commission for
Investigation
of Injustices.

3. (1) There shall be a Commission, to be known as the Commission for Investigation of Injustices, which shall consist of a chairman and two other members, appointed by the Prime Minister.

(2) The chairman shall be a person who holds, or has held the office of a judge or of a magistrate in Malta or who has practiced as an advocate in Malta for periods amounting in the aggregate to not less than twelve years.

(3) A person shall not be qualified to hold office as a member of the Commission if he is a Minister, a Parliamentary Secretary, a member of, or a candidate for election to, the House of Representatives, a member of a local government authority or if he is a public officer other than a public officer who is qualified to be appointed chairman of the Commission under subsection (2) of this section.

(4) Subject to the provisions of this section, the office of a member of the Commission shall become vacant —

(a) at the expiration of three years from the date of his appointment;

or

(b) if any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(5) A member of the Commission may be removed from office by the Prime Minister, but he may be removed only for inability to discharge the functions of his office (whether arising from infirmity of mind or body or any other cause) or for misbehaviour.

(6) If the office of a member of the Commission is vacant or if a member is for any reason unable to perform the functions of his office, the Prime Minister may appoint a person who is qualified to be appointed to be a member to be a temporary member of the Commission, and any person so appointed shall, subject to the provisions of subsections (4) and (5) of this section, cease to be such a member when a person has been appointed to fill the vacancy or, as the case may be, when the member who was unable to perform the functions of his office resumes those functions.

(7) Any member of the Commission may be challenged or shall abstain in the same circumstances as a judge of the Superior Courts; and in any such case the Prime Minister shall appoint a person qualified for such appointment to be a member of the Commission for the particular case or cases in respect of which the member has been challenged or has abstained.

Persons assisting
the Commission.

4. The Prime Minister may, whenever the Commission so requests, appoint a person or designate a public officer to assist it in the conduct of any of its investigations.

Application of
the provisions
of this Act.

5. (1) This Act applies to the Government, to any statutory body and to any partnership or other body in which the Government or any one or more of the said bodies aforesaid or any combination thereof has a controlling interest or over which it has effective control (hereinafter in this Act referred to as “the persons to whom this Act applies”).

(2) In this Act, reference to the Government includes a reference to any Government department or other authority of the Government, any Minister or Parliamentary Secretary, any public officer and any member of or servant of an authority as aforesaid and reference to a statutory or other

body or to a partnership includes a reference to any director, member, manager or other officer of such body or partnership or of its controlling body.

(3) This Act shall apply as aforesaid even where the persons to whom it applies have acted in accordance with recommendations received or after holding consultations according to law or after observing other legal requirements.

6. (1) The Commission shall have the power to investigate any written complaint made by any person who claims to have sustained injustice in consequence of any undue distinction, exclusion or preference which has been made or given to his prejudice, or of any disability or restriction to which he has been subjected, by any action taken by any person to whom this Act applies, and in particular but without prejudice to the generality of the foregoing, the Commission may investigate such a complaint in respect of any of the following: Powers of the Commission.

- (a) appointments of public officers;
- (b) appointments of members, officers or employees of any such body;
- (c) recruitment for employment;
- (d) licences or permits required by law;
- (e) requisitions and allocations of premises under housing laws;
- (f) transfers of immovable property by way of sale or other title;
- (g) contracts for the supply of goods, services or facilities;
- (h) any other matter which may be approved by resolution of the House of Representatives.

(2) Notwithstanding the provisions of subsection (1) of this section, the Commission may, if it considers it desirable so to do, decline to exercise its power under this section in any case where adequate means of redress for the alleged injustice are or have been available to the complainant under any other law:

Provided that the Commission may conduct an investigation if satisfied that in the particular circumstances it is not reasonable to expect the complainant to resort or have resorted to such means of redress.

7. (1) Where the Commission proposes to conduct an investigation pursuant to a complaint under this Act, it shall afford to the principal officer of the authority, department or body concerned, and to any person who is alleged in the complaint to have taken or authorised the action complained of, an opportunity to comment on any allegations contained in the complaint. Procedure in respect of investigations.

(2) Every such investigation shall be conducted in private, but except as aforesaid the procedure for conducting an investigation shall be such as the Commission considers appropriate in the circumstances of the case.

(3) Without prejudice to the generality of subsection (2) of this section, the Commission may obtain information from such persons and in such manner, and make such inquiries as it thinks fit, and for this purpose may require any officer of the authority, department or body concerned to furnish information or produce any documents relevant to the investigation.

Summoning of witnesses and administration of oaths.

8. (1) The Commission shall have power, exercisable through its chairman —

(a) to summon witnesses;

(b) to administer an oath to any witness and to any person concerned in the inquiry, and require them to give evidence.

(2) Summonses for attendance of witnesses may be in the form set out in the Schedule to this Act or in such other form as may be appropriate to the case, and shall be signed by the chairman or secretary of the Commission.

(3) A summons may be served either by hand or by post. Where it is served by hand it shall be sufficient to prove service by evidence that the summons was left with a person over the age of 16 years at the place of residence or of business of the person summoned; and if served by post it shall be sufficient to prove service by evidence that the summons was properly addressed and posted.

(4) Any person summoned as aforesaid who refuses, or without sufficient cause fails, to attend at the time and place mentioned in the summons, or refuses, without sufficient cause, to answer or to answer fully and satisfactorily, to the best of his knowledge, and belief all questions put to him by or with the concurrence of the Commission, or refuses or fails, without sufficient cause, to produce any document he was required to produce by or with the concurrence of the Commission shall be liable on conviction to a fine (*multa*) not exceeding five hundred Maltese liri or to imprisonment not exceeding three months, or to both fine and imprisonment:

Provided that, without prejudice to the generality of the provisions of paragraph (b) of subsection (1) of this section, no person giving evidence before the Commission may be compelled to answer any question which tends to expose him to any criminal prosecution, and every such person shall, in respect of any evidence given by him before the Commission be entitled to the same privileges to which a witness giving evidence before a court of law is entitled.

(5) No proceedings shall be commenced in respect of any offence against this section without the concurrence of the Attorney General.

Period of complaint.

9. (1) A complaint made under this Act shall not be entertained —

(a) in the case of a complaint with respect to matters occurring after the coming into force of this Act, if the complaint is made after the lapse of three months from the day on which the person aggrieved first had knowledge of the matter complained of; and

(b) in the case of a complaint with respect to matters occurring before the date of the coming into force of this Act, if such matters occurred more than sixteen years prior to the said date or if the complaint is made after the lapse of six months from the said date;

(2) Notwithstanding the foregoing provisions of subsection (1) of this section, the Commission may conduct an investigation pursuant to a complaint under this Act made after the expiration of the said three months or six months, as the case may be, if it considers that there are special circumstances that justify such a course.

Report to Prime Minister.

10. (1) The Commission shall send to the Prime Minister, at the earliest opportunity, a report of the result of the investigation; and where the Commission finds that an injustice has been committed or sustained the report

(Section 12)

B. Form of oath to be taken by chairman or member of Commission or person assisting Commission.

I, _____ having been appointed to the Chairman/Member of/person assisting the Commission for Investigation of Injustices do swear/solemnly affirm that I will faithfully, fully, impartially and to the best of my ability discharge the trust and perform the duties devolving upon me by virtue of the said appointment.

So help me God.

Passed by the House of Representatives at Sitting No. 21 of the 12th August, 1987.

JIMMY FARRUGIA
Speaker

P. MUSCAT TERRIBILE
Acting Clerk to the House of Representatives.