

CHAPTER 273

INQUIRIES ACT

To regulate certain inquiries and to make other provisions in respect thereof.

(3rd June, 1977)*

ACT XIX of 1977, as amended by Acts [XIII of 1983](#) and [V of 1989](#); and [Legal Notice 423 of 2007](#).

1. The short title of this Act is the Inquiries Act. Short title.
2. In this Act, unless the context otherwise requires -
Interpretation.
Amended by:
V. 1989.2.

"Board" includes any commission, committee or other body of persons and includes also a single person functioning as a Board or similar authority;

"inquiry" includes any investigation or other examination of the facts or circumstances of a case;

"public officer" has the same meaning as is assigned to it by article 124 of the [Constitution](#) of Malta;

"statutory body" means any corporation or other body corporate established by law or any partnership or other body in which the Government or such body as aforesaid has a controlling interest, or over which it has effective control.
3. This Act shall apply to any Board appointed or authorised by or under any law, including this Act, to carry out any inquiry or inquiries into any of the following matters: Application of the provisions of this Act.
 - (a) the conduct of public officers, or of officers or servants of a statutory body, or of anyone or more of such public officers or officers or servants;
 - (b) the conduct or management of any department of Government or of any statutory body;
 - (c) any matter falling within the functions or responsibility of any such department or body, or otherwise concerning or affecting a service of the Government,

and in particular, but without prejudice to the generality of the aforesaid, this Act shall apply to any Board or other authority, exercising powers of discipline with respect to public officers in accordance with article 110 and article 121 of the [Constitution](#) of Malta and any regulations made thereunder.
4. (1) A Board may be appointed under this Act either by the Prime Minister for any of the purposes mentioned in article 3, or by a Minister for any of the purposes mentioned in article 3(b) and (c) in so far as the matter of the inquiry concerns or affects a Appointment of Boards under this Act.
Amended by:
V. 1989.3.

*See Government Notice No. 293 of 3rd June, 1977.

department or statutory body or service for which he is responsible or in respect of which he has powers under any enactment.

(2) Where a Board consists of three persons or more, this shall be composed of a chairman together with such number of other members in an even number as the person appointing the Board may deem fit; and where the total number of the members composing the Board is more than three, one of the members of the Board other than the chairman shall be appointed by the person appointing the Board as deputy chairman and shall preside at the meetings of the Board in the absence of the chairman.

(3) The quorum of the Board shall consist of the chairman, or in the absence of the chairman the deputy chairman, together with such other members being not less than half the number of the members other than the chairman, composing the Board.

(4) Subject to the provisions of this Act, any Board appointed under this Act shall carry out such functions and other duties, and in such manner and within such time, as may be specified in the instrument appointing it.

Oath of office.
Amended by:
V.1989.4.

5. (1) Every person appointed to be, or to serve as chairman or deputy chairman as the case may be, or member of any Board to which this Act applies shall, before entering upon those duties, take and subscribe an oath in the form set out in the Schedule to this Act or in such other form as may be appropriate to the case.

(2) Such oath may be taken before any commissioner for oaths and shall be deposited with the Attorney General.

Summoning of
witnesses and
administration of
oaths.
Amended by:
XIII. 1983.5;
V. 1989.5;
L.N. 423 of 2007.

6. (1) Every Board to which this Act applies shall have power, exercisable through its chairman or deputy chairman as the case may be, or by the person constituting the Board -

- (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 and to produce documents in their possession or under their custody in such circumstances as they could be required to give evidence or produce documents before a court of law.

(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 Board or, as the case may require, by the person constituting the Board.

(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 sixteen 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 Board, or refuses or fails, without sufficient cause, to produce any document he was required to produce by or with the concurrence of the Board, shall be liable on conviction to a fine (*multa*) not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to imprisonment not exceeding three months, or to both fine and imprisonment:

Provided that, without prejudice to the generality of the provisions of subarticle (1)(b), no person giving evidence before a Board may be compelled to incriminate himself, and every such person shall, in respect of any evidence given by him before a Board, 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 article without the concurrence of the Attorney General.

7. Notwithstanding the repeal of the Committees of Inquiry Act, 1948*, and without prejudice to the provisions of article 12 of the [Interpretation Act](#), any power exercised and any oath taken under the aforesaid Act of 1948, shall continue to have effect as if it had been a power exercised under, or a power given by, this Act, as the case may require, or an oath taken under and for the purposes of this Act.

Savings.

Cap. 249.

*Repealed by subarticle (1) of article 7 of this Act as originally enacted, which subarticle has been omitted under the [Statute Law Revision Act](#), 1980.

*Amended by:
V.1989.6.*

SCHEDULE

[ARTICLES 5 AND 6]

A. Form of oath to be taken by chairman, deputy chairman or member of Board

I having been appointed to be Chairman/Deputy Chairman/Member of 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.

B. Summons to Witnesses

(The Inquiries Act)

To A.B. (name of person summoned and residence)

You are hereby summoned to appear before.....
..... at (place) on
(date and time) and to give evidence respecting
..... (the matter of the inquiry).

Given under my hand this day of 20...

.....
(Signature of Chairman, Deputy Chairman
or other member)
