

## COMMISSIONS ACT 8 OF 1947

[ASSENTED TO 1 APRIL 1947]

[DATE OF COMMENCEMENT: 18 APRIL 1947]

*(Afrikaans text signed by the Governor-General)*

**as amended by**

General Law Amendment Act 80 of 1964  
General Law Amendment Act 102 of 1967  
General Law Amendment Act 49 of 1996

### 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.**

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

(1) 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*-

- (a) declare the provisions of this Act or any other law to be applicable with reference to such commission, subject to such modifications and exceptions as he may specify in such proclamation; and

[Para. (a) inserted by s. 13 (a) of Act 80 of 1964.]

- (b) make regulations with reference to such commission-
- (i) conferring additional powers on the commission;
  - (ii) providing for the manner of holding or the procedure to be followed at the investigation or for the preservation of secrecy;
  - (iii) which he may deem necessary or expedient to prevent the commission or a member of the commission from being insulted, disparaged or belittled or to prevent the proceedings or findings of the commission from being prejudiced, influenced or anticipated;
  - (iv) providing generally for all matters which he considers it necessary or expedient to prescribe for the purposes of the investigation.

[Para. (b) inserted by s. 13 (a) of Act 80 of 1964 and substituted by s. 3 (a) of Act 102 of 1967.]

(2) Any regulation made under paragraph (b) of subsection (1) may provide for penalties for any contravention thereof or failure to comply therewith, by way of-

- (a) in the case of a regulation referred to in subparagraph (i), (ii) or (iv) of the said paragraph, a fine not exceeding two hundred rand or imprisonment for a period not exceeding six months;
- (b) in the case of a regulation referred to in subparagraph (iii) of the said paragraph, a fine not exceeding one thousand rand or imprisonment for a period not exceeding one year.

[Sub-s. (2) added by s. 13 (b) of Act 80 of 1964 and substituted by s. 3 (b) of Act 102 of 1967.]

(3) Notwithstanding anything to the contrary in any other law contained, a magistrate's court shall have jurisdiction to impose any penalty prescribed by any such regulation.

[Sub-s. (3) added by s. 3 (b) of Act 102 of 1967.]

## **2 Commission's sittings**

A commission may sit at any place in the Union for the purpose of hearing evidence or addresses or of deliberating.

[S. 2 amended by s. 1 of Act 49 of 1996.]

## **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 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 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.

[S. 3 amended by s. 1 of Act 49 of 1996.]

#### **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.

**6A** .....

[S. 6A inserted by Proclamation 149 of 29 August 1980 and repealed by s. 1 of Act 49 of 1996.]

**7 Short title**

This Act shall be called the Commissions Act, 1947.