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THE COMMISSIONS OF INQUIRY ACT

(Cap. 102)

COMMISSION

WHEREAS it is provided by the Commissions of Inquiry Act that the President may, whenever he considers it advisable, issue a Commission appointing one or more Commissioners to inquire *inter alia* into the conduct and management of any public body or into any matter into which the inquiry would, in the opinion of the President, be in the public interest:

And whereas I deem it advisable that an inquiry should be made into the matters hereinafter set out:

Now, therefore, I, Jomo Kenyatta, President and Commander-in-Chief of the Armed Forces of the Republic of Kenya, in exercise of the powers conferred upon me by the aforesaid Act and of all other powers hereunto enabling me, do hereby appoint—

The Hon. Mr. Justice Chanan Singh, who shall be *Chairman*;

The Hon. James Nyamweya, M.P., *Member*,

J. K. Gecau, Esq., *Member*,

to be a Commission and do hereby authorize the said Commission to inquire into the present maize position in Kenya and more particularly—

- (1) the purported maize shortage in Kenya and the reasons therefor;
- (2) the distribution and marketing of maize throughout Kenya and the machinery therefor;
- (3) the possible methods of effecting improvements in the maize position and the machinery for the distribution and marketing of maize;
- (4) the allegations of unfairness, inefficiency, corruption and black-marketeering in the distribution and marketing of maize throughout Kenya,

and to report the results of such inquiry, the conclusions arrived at and the reasons leading thereto, and to make any recommendations that the Commissioners may consider desirable or necessary.

And I direct that—

- (i) the Commission shall commence its inquiry as soon as the members thereof, or at least two of them, shall be assembled;
- (ii) the Commission shall normally hold its sittings in the Conference Centre, Office of the President, Harambee House, Nairobi, but shall have power in its discretion to adjourn to any other suitable place to hear evidence or for any other purpose connected with its inquiry;
- (iii) the inquiry shall be held in public unless the Commission, having regard to any exceptional circumstances, considers that any part thereof shall be held in private;

- (iv) any two of the aforesaid Commissioners, which number may or may not include the Chairman, shall form a quorum;
- (v) the Commissioner of Police shall detail police officers to attend upon the Commission for the purpose of preserving order during the proceedings, to serve summonses on witnesses or to perform such administrative duties as the Commission shall direct;
- (vi) O. S. Knowles, Esq., shall be Secretary of the Commission; and in case of necessity I hereby authorize the Commission to appoint any suitable person to act temporarily as Secretary to the Commission;
- (vii) the Commission shall in its discretion have power to order that shorthand notes or palantype recordings be made of its proceedings, a transcript whereof shall constitute the official record of its proceedings;
- (viii) the Commission shall conform with the following instructions:—

- (1) that evidence adversely affecting the reputation of any person, or tending to reflect in any way upon the character or conduct of any person, shall not be received unless the Commission is satisfied it is relevant to the inquiry, and that all reasonable efforts have been made to give such person prior warning of the general nature of the evidence, and that, where no such warning has been given, the general nature of the evidence has been communicated to such person;
- (2) that such person shall be given such opportunity as is reasonable and practicable to be present, either in person or by his advocate, at the hearing of such evidence, to cross-examine any witness testifying thereto, and to adduce without unreasonable delay material evidence in his behalf in refutation of or otherwise in relation to such evidence;
- (3) that hearsay evidence which adversely affects the reputation of any person, or tends to reflect in any way upon the character or conduct of any person, shall not be received;
- (4) that no expression of opinion shall be received in evidence of the character, conduct or motives of any person, except in so far as the Commission considers it essential, for ascertaining the truth of the matter into which they are commissioned to inquire, to depart from such instructions; and
- (5) that in the event of any such departure from such instructions, the Commission shall record its reasons therefor in the record of the inquiry, and shall report thereon, with their reasons therefor, in their report of the inquiry.

Given under my hand and the Public Seal of Kenya this 17th day of November 1965.

JOMO KENYATTA,
President.