

EXECUTIVE COUNCIL

CONFIDENTIAL

Title of Report: Public Accounts Committee (Form of Summons and Warrant) Order
2010

Paper No: 217/10

Date: 16 September 2010

Report of: Attorney General

1.0 Purpose

To agree to the making of this Order.

2.0 Recommendation

That the making of this Order be agreed.

3.0 Summary of Financial Implications

None

4.0 Background

4.1 Section 19(2) of the Public Accounts Committee Ordinance 2009 requires a summons issued by the Public Accounts Committee to a witness to be in the prescribed form.

4.2 Section 19(3) contains a follow up provision under which if a person does not appear in response to the summons, the Public Accounts Committee may issue a warrant authorising a police officer to detain and bring the person before the Committee. This warrant has also to be in the prescribed form.

4.3 The prescribed forms are established by Orders made by the Governor under section 31 of the Ordinance. The attached draft Order prescribes the form of both the summons and warrant.

5.0 Financial Implications

None

6.0 Legal Implications

Unless the forms are prescribed, the Public Accounts Committee will not be able to issue a summons or warrant.

7.0 Human Resources Implications

None

SUBSIDIARY LEGISLATION

CONSTITUTIONAL AND ADMINISTRATIVE LAW

Public Accounts Committee (Form of Summons and Warrant) Order 2010

S. R. & O. No. of 2010

Made: 2010

Published: 2010

Coming into force: see article 2

I make this order under section 31(b) and (c) of the Public Accounts Committee Ordinance (No 11 of 2009) on the advice of the Executive Council.

1. Title

This order is the Public Accounts Committee (Form of Summons and Warrant) Order 2010.

2. Commencement

This order comes into force on a date to be fixed by the Governor by notice published in the *Gazette*.

3. Interpretation

In this order —

“Committee” means the Public Accounts Committee established by section 81(1) of the Constitution;

“summons” means a summons to appear before the Committee served on a person under section 19(1) of the Public Accounts Committee Ordinance; and

“warrant” means a warrant authorizing and directing a police office to detain and bring a person before the Committee issued under section 19(3) of the Public Accounts Committee Ordinance.

4. Form of summons to appear before Committee

The prescribed form for the purposes of section 19(2) of the Public Accounts Committee Ordinance of a summons is set out in Schedule 1.

5. Form of warrant to detain and bring person before Committee

The prescribed form for the purposes of section 19(3) of the Public Accounts Committee Ordinance of a warrant is set out in Schedule 2.

SCHEDULE 1

FORM OF SUMMONS

article 4

PUBLIC ACCOUNTS COMMITTEE ORDINANCE

section 19(1)

SUMMONS TO A WITNESS

To *(insert name, address and occupation of witness)*

You are summoned to appear before the Public Accounts Committee.

This summons is served on you under section 19(1) of the Public Accounts Committee Ordinance (No 11 of 2009).

You must attend *(insert place where person must appear)* at *(insert time)* on *(insert date)*.

(You must also bring with you the documents and publications in the list attached to this summons.)*

You will be required to give evidence to the Committee and you will be required to remain in attendance until your evidence has been completed.

(You will also be required to produce the documents and publications in the attached list.)*

(insert date)

(signature),
(Chairperson of the Public Accounts Committee/Secretary to the Public Accounts Committee).

Note: The bracketed words marked “” may be omitted if the person is not required to produce any documents or publications.*

**SCHEDULE 2
FORM OF WARRANT**

PUBLIC ACCOUNTS COMMITTEE ORDINANCE

section 19(3)

**WARRANT TO DETAIN AND BRING PERSON BEFORE PUBLIC ACCOUNTS
COMMITTEE**

To *(insert name and rank of police officer to whom warrant is addressed)*

(Name, address and occupation of witness was summoned to appear before the Public Accounts Committee at (insert place) at (insert time) on (insert date).

(Insert name of person) has failed to appear before the Committee in accordance with the summons

This warrant is issued under section 19(3) of the Public Accounts Committee Ordinance (No 11 of 2009).

You are authorized and directed to detain and bring *(insert name of person)* before the Committee.

(insert date)

(signature),
Chairperson of the Public Accounts Committee.

Made

2010

A. E. Huckle,
Governor.

EXPLANATORY NOTE
(not forming part of the order)

Section 19(1) of the Public Accounts Committee Ordinance (No 11 of 2009) provides that the Public Accounts Committee may serve a summons on a person to appear and to provide information.

Section 19(2) provides that a summons is to be in writing in the prescribed form and section 31(b) gives the Governor power to prescribe by order the form of a summons.

Section 19(3) of the Ordinance applies if a person on whom a summons is served under section 19(1) fails to appear before the Committee in accordance with the summons. It provides that the chairperson of the Committee may issue a warrant authorizing and directing a police officer to detain and bring the person before the Committee.

Section 19(3) also provides that a warrant is to be in the prescribed form and section 31(c) gives the Governor power to prescribe by order the form of a warrant.

This order prescribes the form of a summons and a warrant for the purposes of sections 19(2) and (3).