

CHAPTER 44

INDEMNITY ACT

SUBSIDIARY LEGISLATION

List of Subsidiary Legislation

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[Subsidiary]

[L.N. 21/1972.]

1. This Order may be cited as the Indemnity (Constitution and Procedure of Committees) Order, 1972.
2. In this order—
 - “**committee**” means a committee appointed under section 5(1) of the Act;
 - “**petitioner**” means any person who submits to the committee a petition in respect of an aggrieved case.
 - (1) Every committee shall consist of the District Commissioner who shall be the Chairman and two local elected leaders appointed by the Minister.
 - (2) Every committee shall appoint a public officer in the district to be its secretary.
 - (1) Every claim under the Act shall be made by a petition addressed to the Chairman of the Committee and such petition shall be in triplicate and in the form in the Schedule to this Order.
 - (2) The petition shall be accompanied by such other written submissions as the petitioner may wish to make, and by a list of any witnesses he may propose to call, in support of the aggrieved case.
 - (3) No further witnesses shall be called at the hearing except with the permission of the Chairman of the Committee.
5. The Committee shall, within thirty days after receipt of a petition fix a date for the hearing of the petition and inform the petitioner accordingly.
6. Where the Committee considers that the nature and particulars of the aggrieved case are not adequately set out in the petition the Committee may require the petitioner to provide such further particulars as the Committee may consider necessary and within such period as the Committee may direct.
7. The Committee may, where it considers it expedient so to do and with the consent of the petitioner, appoint one or more assessors to assist it and where an assessor is so appointed the Committee may compile its findings on the aggrieved case partially or wholly with the assistance of such assessor.
8. The Committee shall have the same powers as are vested in a court when trying a suit under the Civil Procedure Act (Cap. 21) in respect of the following matters—
 - (a) appearance of parties;
 - (b) enforcing the attendance of any person and examining him on oath or affirmation; and
 - (c) compelling the production of a document.
9. The Chairman shall, in his discretion, decide whether or not the hearing of any petition shall be open to the public.
10. A quorum of the Committee shall be the Chairman and one other member.

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11. A decision of the Committee shall be made by a majority of the votes of the members present and voting, and, in the event of any equality of votes, the Chairman shall have and exercise a casting vote in addition to is original vote.

12. Sittings of the Committee shall be held at the Office of the District Commissioner:

Provided that such sittings may be held anywhere within the administrative district if this is necessary for the just assessment and scrutiny of the nature and particulars of any item set out in the petition.

13. The Committee shall at any time correct any clerical mistakes, incidental errors or omissions appearing in any proceedings before it and shall forthwith notify the petitioner as to such corrections.

14. Subject to this Order, the committee shall determine its own procedure and shall not be bound by the law of evidence or procedure applicable in legal proceedings, whether civil or criminal.

(1) The findings to be submitted by the committee to the minister under section 5(1) of the Act shall be signed by each member of the Committee participating in the findings, and, where any such member dissents from the findings or any part thereof such dissent, the extent thereof and the reasons therefor shall be recorded in the findings by the dissenting member.

(2) Such findings shall state whether or not the Committee considers that the petitioner is entitled to an indemnity or compensation and, if so, the extent of such indemnity or compensation.

SCHEDULE

[Rule 4.]

PETITION

The Chairman, District Committee,

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In accordance with paragraph 4(1) of the Indemnity (Constitution and Procedure of Committees) Order, 1972, a petition is hereby submitted in respect of compensation or indemnity for or on account of or in respect of an Act, matter or thing done within

District after the 25th December, 1963, and before 1st December, 1967—

<small>Full particulars of the act matter or thing done</small>	<small>Date</small>	<small>Remedy Sought</small>
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I/We submit that the act, matter or thing done as not done in good faith and in the execution of duty in the interests of public safety or of the maintenance of public order, or otherwise in the public interest, as provided by section 3(1) of the indemnity Act, 1970.

Dated this day of, 1972.

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Petitioner

