

BRITISH VIRGIN ISLANDS COMMISSION OF INQUIRY

Protocol for Representation under Section 12 of the Commissions of Inquiry Act

1. This Protocol is made under section 9 of the Commissions of Inquiry Act 1880 (Cap 237) (“the Act”).
2. By section 12 of the Act:

“Any person whose conduct is the subject of inquiry under this Act, or who is in any way implicated, or concerned in the matter under inquiry, shall be entitled to be represented by counsel at the whole of the inquiry, and any other person who may consider it desirable that he should be so represented may, by leave of the commission, be represented in the manner aforesaid.”
3. If any person considers that, under this provision, he or she is entitled to representation, or considers that it is desirable that he or she is represented and wishes to be represented, then that person shall apply in writing to the Commissioner through the Secretary to the Commission of Inquiry (“the COI”) at steven.chandler@bvi.public-inquiry.uk for a direction confirming the representation. In the absence of such a direction, representation will not be allowed.
4. Any application should be no more than 5 pages in length and should include details of (i) the person applying with their postal address, telephone number and email address, (ii) whether it is submitted that that person is implicated or concerned with the matter under inquiry (so that person is entitled to representation), and if so why; or whether that person is not so implicated or concerned but considers representation is desirable, and if so why, (iii) the counsel that that person wishes to represent him or her, with an postal address, an email address and a telephone number for that counsel, (iv) confirmation

that that counsel is willing and able to represent that person and has no conflict of interest in doing so, (v) confirmation that the applicant gives that counsel authority to accept service of all documents relating to the COI.

5. The Commissioner will determine the application on the basis of the written application alone unless he considers an oral hearing necessary.
6. Without prejudice to the power of the Commissioner to make an order for payment of expenses to witnesses under section 15 of the Act, any person with representation under section 12 of the Act shall bear his or her own costs of such representation.
7. Any person who succeeds in an application under section 12 and his or her legal representatives may be required to sign a confidentiality undertaking prior to receipt of any documentary material from the COI.

The Rt Hon Sir Gary Hickinbottom
Commissioner
13 April 2021