

**HOUSE OF REPRESENTATIVES
(POWERS AND PRIVILEGES) ACT**

CHAPTER 2:02

Act
3 of 1953
Amended by
97/1963

Current Authorised Pages

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Note on Subsidiary Legislation

This Chapter contains no subsidiary legislation.

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(POWERS AND PRIVILEGES) ACT**

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CHAPTER 2:02

HOUSE OF REPRESENTATIVES
(POWERS AND PRIVILEGES) ACT

An Act to declare and define certain powers, privileges and immunities of the House and of the members of such House, to secure freedom of speech in the House, to regulate admittance to the precincts of the House, to give protection to the persons employed in the publication of the reports and other papers of the House and for purposes incidental to or connected with the matters aforesaid.

1951-53 Ed.
Ch. 2 No. 1.
3 of 1953.

[11TH MARCH 1953]

Commencement.

1. (1) This Act may be cited as the House of Representatives (Powers and Privileges) Act.

Short title and application.
[97/1963].

(2) Until otherwise provided by Parliament, this Act shall *mutatis mutandis* apply in relation to the Senate and to the President, Deputy President and other members and officers of the Senate as it applies in relation to the House and to the Speaker, Deputy Speaker and other members and officers of the House.

2. In this Act—

Interpretation.

“Clerk” means the Clerk or the Assistant Clerk of the House;

“committee” means a committee of the whole House or any standing, select or other committee of the House;

“journals” means the minutes of the House or the official record of the votes or proceedings thereof;

“House” means House of Representatives established by the Constitution;

“member” means any member of the House;

“officer of the House” means the Clerk or any other officer or person acting within the precincts of the House under the orders of the Speaker, and includes any constable on duty within the precincts of the House;

“precincts of the House” means the room in which the House sits in session for the transaction of business, and includes the galleries adjacent thereto;

“Speaker” means the Speaker of the House, and includes the Chairman of a committee of the whole House, and the Deputy Speaker or other Member of the House, presiding in the House or in a committee of the whole House or otherwise performing the functions of the Speaker in place of the Speaker;

“Standing Orders” means the Standing Orders of the House made under the Constitution and for the time being in force;

“stranger” means any person other than a member or an officer of the House.

PRIVILEGES AND IMMUNITIES

Immunity from legal proceedings.

3. No civil or criminal proceedings may be instituted against any member for words, spoken before, or written in a report to, the House or to a committee or by reason of any matter or thing brought by him therein by petition, Bill, resolution, motion or otherwise.

Privileges.

4. No member shall be liable to arrest for any civil debt, except a debt the contraction of which constitutes a criminal offence, whilst going to, attending at, or returning from a sitting of the House or any committee.

REGULATION OF ADMITTANCE TO THE HOUSE

Right to enter House.

5. No stranger shall be entitled, as of right, to enter or to remain within the precincts of the House.

Power of Speaker to regulate admittance to House.

6. (1) The Speaker is hereby authorised to issue such orders as he may in his discretion consider necessary for the regulation of the admittance of strangers to the precincts of the House.

(2) Copies of orders made by the Speaker under this section shall be duly authenticated by the Clerk and exhibited in a conspicuous position in the precincts of the House; and such copies, when so authenticated and exhibited, shall be deemed to be sufficient notice to all persons affected thereby.

7. The Speaker may at any time order any stranger to withdraw from the precincts of the House.

Power of Speaker to order withdrawal from House.

OFFENCES AND PENALTIES

8. Any person who being a stranger—

- (a) enters or attempts to enter the precincts of the House in contravention of any order of the Speaker;
- (b) fails or refuses to withdraw from the precincts of the House when ordered to withdraw therefrom by the Speaker.
- (c) contravenes any rule made by the Speaker under the Standing Orders; or
- (d) attends any sitting of the House or any committee as the representative of any journal or newspaper after the general permission granted under the Standing Orders to the representative or representatives of that journal or newspaper has been revoked,

Offences relating to admittance to the House.

is liable on summary conviction to a fine of five hundred dollars and to imprisonment for three months.

9. (1) Where any persons to the number of twelve or more come in a riotous, tumultuous or disorderly manner to the precincts of the House while the House or any committee is sitting in order either to hinder or to promote the passing of any Bill, resolution, or other matter pending before the House or such committee, they are each liable on summary conviction to a fine of two thousand dollars and to imprisonment for twelve months.

Attempted intimidation of House or any committee.

(2) Where any person incites any other persons to come in a riotous, tumultuous or disorderly manner to the precincts of the House while the House or any committee is sitting in order either to hinder or to promote the passing of any Bill, resolution or other matter pending before the House or such committee, he is liable on summary conviction to a fine of two thousand dollars and to imprisonment for twelve months.

Other offences.

10. Any person who—

- (a) offers to any member or to any officer of the House any bribe, fee, compensation, gift or reward in order to influence him in his conduct as such member or officer, or for or in respect of the promotion of or opposition to any Bill, resolution, matter, rules or thing submitted to or intended to be submitted to the House or any committee;
- (b) assaults, obstructs, molests or insults any member coming to, being within, or going from the precincts of the House, or endeavours to compel any member by force, insult or menace to declare himself in favour of or against any proposition or matter pending or expected to be brought before the House or any committee;
- (c) assaults, interferes with, molests, resists or obstructs any officer of the House while in the execution of his duty;
- (d) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the House or any committee while the House or such committee is sitting;
- (e) presents to the House or a committee any false, untrue, fabricated or falsified document with intent to deceive the House or such committee;
- (f) prints or publishes any libel, or publishes either by words spoken or by writing any false, scandalous or defamatory matter, reflecting on the character or proceedings of the House or which tends to bring the House into odium, contempt or ridicule, provided that nothing in this paragraph shall apply to a fair and accurate report of the proceedings of the House published in any newspaper, or fair comment thereon;

- (g) does any act which obstructs or impedes the House or any committee in the performance of its functions, or which obstructs or impedes any member or officer of the House in the discharge of his duty; or
- (h) abstracts any record or other document from the custody of the Clerk, or falsifies or improperly alters any records of or documents presented to the House or any committee,

is liable on summary conviction to a fine of two thousand dollars and to imprisonment for twelve months.

11. Every officer of the House shall, for the purposes of this Act and of the application of the provisions of the criminal law, have all the powers and enjoy all the privileges of a constable.

Officers of House to have powers of constable.

12. No prosecution for an offence under this Act shall be instituted except with the written sanction of the Director of Public Prosecutions.

Director of Public Prosecutions to sanction prosecutions.

13. (1) No member shall accept or receive either directly or indirectly any bribe, fee, compensation, gift or reward for or in respect of or in connection with the promotion of or opposition to any Bill, resolution, matter or thing submitted or intended to be submitted for the consideration of the House or any committee.

Members not to receive compensation for promotion of or opposition to Bills, etc.

(2) Any person who contravenes this section is liable to a fine of ten thousand dollars and, in addition, shall forfeit the amount or the value of the bribe, fee, compensation, gift, or reward, accepted or received by him.

14. (1) The Attorney General may sue for and recover any fine incurred or sum forfeited by any person under this Act as though the fine or sum were a debt due to the State; and no person other than the Attorney General shall sue for or recover any such fine or sum.

Recovery of penalties.

(2) Any such fine or sum shall, when recovered, be paid into public funds.

MISCELLANEOUS

Commons Journals to be *prima facie* evidence in enquiries touching privileges.

15. Subject to this Act, a copy of the Journals of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland printed or purporting to be printed by the order or by the printer of the Commons House aforesaid shall be received as *prima facie* evidence without proof of its being such copy upon any enquiry touching the privileges, immunities and powers of the House or of any member.

Journals printed by order of House to be admitted as evidence.

16. Upon any enquiry touching the privileges, immunities and powers of the House or of any member, any copy of the journals printed or purporting to be printed by the Government Printer shall be admitted as evidence of such journals in all Courts and places without any proof being given that such copy was so printed.

Penalty for printing false copy of Act, paper, etc.

17. Any person who prints or causes to be printed a copy of any Act now or hereafter in force, or a copy of any report, paper, minutes or votes and proceedings of the House as purporting to have been printed by the Government Printer or by or under the authority of the House or by the Speaker, and the same is not so printed, or tenders in evidence any such copy as purporting to be so printed knowing that the same was not so printed, is liable on conviction on indictment to imprisonment for three years.

Protection of persons responsible for publications authorised by House.

18. Any person, being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by such person or by his servant, by order or under the authority of the House, of any reports, papers, minutes, votes or proceedings, may, on giving to the plaintiff or prosecutor, as the case may be, twenty-four hours' written notice of his intention, bring before the Court in which such civil or criminal proceedings are being held a certificate under the hand of the Speaker stating that the reports, papers, minutes, votes or proceedings in respect whereof such civil or criminal proceedings have been instituted were published by such person or by his servant by order or under the authority of the House together with an affidavit verifying such

certificate, and such Court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined.

19. In any civil or criminal proceedings instituted for publishing any extract from or abstract of any report, paper, minutes, votes or proceedings referred to in section 17, if the Court or jury, as the case may be, is satisfied that such extract or abstract was published *bona fide* and without malice, judgment or verdict, as the case may be, shall be entered for the defendant or accused.

Publication of proceedings without malice.

20. The powers of the Speaker under this Act shall be supplementary to any powers conferred on him by the Constitution or the Standing Orders.

Powers of Speaker to be supplementary to powers under Constitution.

21. Neither the Speaker nor any officer of the House shall be subject to the jurisdiction of any Court in respect of the exercise of any power conferred on or vested in the Speaker or such officer by or under this Act.

Courts not to exercise jurisdiction in respect of acts of Speaker and officers of House.

22. Notwithstanding anything to the contrary, no process issued by any Court in the exercise of its civil jurisdiction shall be served or executed within the precincts of the House while the House is sitting or through the Speaker, the Clerk or any officer of the House.

Civil process not to be served within precincts of House.