

LAWS OF SAINT VINCENT AND THE GRENADINES

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CHAPTER 3

HOUSE OF ASSEMBLY (PRIVILEGES, IMMUNITIES AND POWERS) ACT

Act 14 of 1966

amended by

*The Court Order, 1967

*Act 3 of 1969

*Act 3 of 1978

*The Constitution

*Act 20 of 1987

Numbering of sections

<i>Original number</i>	<i>Comment</i>	<i>Present number</i>
1 - 36		1 -36
	Index of subsidiary legislation	
	Nil	

CHAPTER 3**HOUSE OF ASSEMBLY (PRIVILEGES, IMMUNITIES AND
POWERS) ACT**

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AN ACT to determine and regulate the powers, privileges and immunities of the House of Assembly and of the members thereof; to regulate the proceedings of the House of Assembly and to give protection to persons employed in the publication of the reports and other papers of the House of Assembly: to regulate admittance to the precincts of the House of Assembly: and for purposes incidental to the matters aforesaid.

Commencement: 12th April 1966.

Preliminary

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

Short title.

2. this Act, unless the context otherwise requires-
 - "Clerk" means the Clerk of the House;
 - "committee" means any select, special, sessional, standing or other committee of the House;
 - "Constitution" means the Constitution of Saint Vincent and the Grenadines;
 - "House" means the House of Assembly provided for under the Constitution;
 - "meeting" means any sitting or sittings of the House commencing when the House first meets after being summoned at any time and terminating when the House is adjourned or at the conclusion of a session;
 - "member" means a member of the House and includes the Speaker;
 - "officer of the House" means any person who may, from time to time, be appointed to the staff of the House, whether permanently or temporarily, and includes the Clerk and any police officer on duty within the precincts of the House;
 - "order of the House" includes the Standing Orders of the House;
 - "session" means the meetings of the House commencing when the House first meets after its prorogation or dissolution at any time, and terminating when the House is next prorogued or is dissolved without having been prorogued;
 - "sitting" means a period during which the House is sitting continuously without adjournment and includes any period during which the House is in committee;

Interpretation.

Cap. 2.

"Speaker" means the Speaker of the House and includes the Deputy Speaker and any member for the time being ~~presiding over the House~~; "Standing Orders" means the Standing Orders of the House made under section 45 of the Constitution and for the time being in force; "stranger" means any person other than a member or an officer of the House.

PART I

Immunities

Speaker and officers not subject to jurisdiction of courts.

3. 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 the Constitution, this Act or any order of the House.

Immunity of members in respect of statements etc., in House.

4. No civil or criminal proceedings may be instituted against any member-
(a) in respect of words spoken before;
(b) in respect of words written in a report to; or
(c) by reason of any matter or thing brought by petition, bill, motion or otherwise, before-
the House or a committee thereof.

Immunity of members from arrest on civil process.

5. (1) No member shall, during a session, be liable to arrest or imprisonment on any civil process, except for a debt the contraction of which constitutes a criminal offence.
(2) When a member is-
(a) arrested or detained in custody upon the warrant or order of a court; or
(b) sentenced by a court to a term of imprisonment, the court shall, as soon as practicable, inform the Speaker.

Immunity of persons acting under authority of the House.

6. No person shall be liable for any act done under the authority of the House and within its legal powers or under any warrant issued by virtue of those powers.

No process to be served within precincts of House.

7. Notwithstanding anything contained in any other law 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, or any officer of the House.

8. (1) It shall not be lawful to require any member or any officer of the House- ^{Ex =} _{etc. from}

- (a) to serve on any jury or as an assessor in any court; or jury service,
- (b) during a sitting of the House, or on any day on etc' which a committee of which he is a member or which he is required to attend as such officer, as the case may be, is sitting, to attend as a witness in any civil proceedings in a court or at any commission of inquiry or before any like authority empowered to summon witnesses.

(2) The production of a certificate signed by the Speaker shall be deemed sufficient proof of attendance on the House.

PART III

Summoning and Examination of Witnesses

9. The House, or any committee authorised by an order of the House to send for persons, papers and records, may order any person- ^{House or committee may summon witnesses.}

- (a) to attend before it and to give evidence;
- (b) to attend before it and produce any paper, book, record or other document in the possession or under the control of such person.

10. (1) Any order to attend to give evidence or produce documents before the House or before a committee in accordance with the provisions of section 9 shall be notified to the person required to attend or to produce documents by a summons under the hand of the Clerk, or the chairman of the committee, as the case may be. ^{Service of summons.}

(2) In every summons issued in accordance with the provisions of subsection (1), there shall be stated the time when and the place where the person summoned is required to attend and the document which he is required to produce.

(3) Every such summons shall be served by delivering it to the person to whom it is directed:

Provided that the Speaker, may, if he is satisfied that for any reason personal service of a summons cannot be effected, order that service be effected by forwarding the same by registered post addressed to the person to whom it is directed at his last known place of abode or business.

(4) A summons issued in accordance with this section may be served by an officer of the House or by a police officer.

(5) There shall be paid or tendered to any person summoned under this section, if he does not reside within two miles

of the place of attendance specified in the summons, such *sum* for his expenses as may be authorised by order of the House.

Issue of
warrant if
person
evades
service or
refuses to
attend.

11. (1) If a person to whom summons under section 10 is directed does not attend before the House or the committee, at the time and place mentioned therein, the Speaker may, upon being satisfied that the summons was duly served or that the person to whom the summons is directed wilfully avoids service, issue a warrant to apprehend him and bring him, at a time and place to be stated in the warrant, before the House or the committee.

(2) A warrant issued under this section shall be executed by a police officer.

(3) The Speaker, on issuing a warrant under this section, may, if he thinks fit, by an appropriate endorsement on the warrant, direct that the person mentioned in the warrant be released after arrest upon his entering into such a recognisance as may be required in the endorsement before a court of summary jurisdiction, conditioned for his appearance before the House or the committee, as the case may be.

(4) For the purposes of this section the appropriate authority shall be the Speaker.

Witnesses
may be
examined on
oath.

12. The House or any committee authorised to send for persons, papers and records may require that any facts, matters and things relating to the subject of inquiry before the House or such committee be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath, which in the case of the House, the clerk, or in the case of a committee, the chairman or clerk attending the committee, is hereby authorised to administer.

Recalcitrant
witnesses.

13. (1) When a person attending before the House or a committee pursuant to a summons issued under section 10, or brought before the House or committee by virtue of a warrant issued under section 11, refuses to answer any questions put by the House or committee, or to produce any paper, book, record or other document which he has been required to produce by an order made under section 9 (such person being in this section referred to as "the witness") and in the opinion of the Speaker or the chairman as the case may be-

(a) such question, paper, book, record or other document is material to the subject of the inquiry of the House or the committee; and

(b) no privilege exists in relation to such question, paper, book, record or other document under section 14,

the Speaker or chairman, as the case may be, may refer such refusal to the High Court.

(2) The Registrar of the High Court shall fix a date for the consideration by the Court at the earliest opportunity of any reference made under this section, and shall cause notice of the date so fixed to be given to the Clerk and to the witness.

(3) Upon consideration of a reference made under this section, and-

(a) upon proof by affidavit or otherwise of the relevant facts; and

(b) after giving the witness an opportunity of showing cause why an order should not be made against him under this subsection.

the High Court may make an order that the witness answer the question, or produce such paper, or other document, either forthwith or within such time as may be specified in the order.

(4) Any person who fails, without lawful excuse, to comply with an order made under subsection (3) is guilty of contempt of court and may be proceeded against and punished accordingly.

(5) Rules of court may be made under section 17 of the Court Order for the purpose of regulating the practice and procedure relating to the consideration by the court of references made under this section, and without prejudice to the generality of the foregoing provision, such rules may-

(a) prescribe the matters required to be set forth in any affidavit made for the purpose of this section and the person who shall depose to the facts contained in any such affidavit;

(b) prescribe the manner in which proof shall be given of the facts relevant to the subject matter of any reference made under this section.

PART III

Privileges and Protection

14. (1) Every person summoned to attend, to give evidence or to produce any paper, book, record or document before the House or a committee shall be entitled, in respect of such evidence or the disclosure of any communication or the production of any such paper, book, record or document, to the same right or privilege as before the Supreme Court of Judicature in England.

Privileges of
witnesses
and
privileged
evidence.

(2) No public officer, except with the consent of the Governor-General, shall be required-

- (a) to produce before the House or a committee any paper, book, record or other document; or
- (b) to give before the House or a committee any evidence on any matter,

if such paper, book, record or other document or such evidence is stated by the public officer to form part of, or to relate to, the unpublished official records of any naval, military, air force or civil department, or to relate to any affairs of State, nor shall evidence on such matter or of the contents of any such paper, book, record or other document be given by any other witness or in any other manner.

Evidence of witnesses before House or committee of privileges.

15. (1) Subject to the provisions of subsection (3), a person who gives evidence before the House or a committee shall not be liable to any civil or criminal proceedings by reason of anything which he may have said in such evidence.

(2) Except in proceedings referred to in subsection (3), no statement made by any person in evidence given before the House or a committee shall be admissible in evidence against that person in any civil or criminal proceedings.

(3) Nothing in subsection (1) or (2) shall be construed to prevent the institution or maintenance of any proceedings against any person for an offence under section 21 or section 22..

Evidence of proceedings not admissible except with consent of Speaker.

16. No evidence relating to any of the following matters, that is to say-

- (a) debates or proceedings in the House;
- (b) the contents of the minutes of evidence taken or any document laid before the House or a committee or any proceedings of or before, or any examination had before the House or any such committee,

shall be admissible in any proceedings before a court or person authorised by law to take evidence, unless the court or such last mentioned person is satisfied that permission has been given by the Speaker for such evidence to be given.

Protection of persons responsible for publications authorised by House.

17. 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 report, papers, minutes, votes or proceedings, may, on giving to the plaintiff or prosecutor (as the case may be) twentyfour hours written notice of intention, bring before the court in which such civil or criminal proceedings

are being held a certificate under the hand of the Speaker, or of the Clerk, 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, 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.

18. No person shall be liable to any civil or criminal proceedings instituted for publishing any extract from or abstract of any report, paper, minutes or proceedings of the House, other than proceedings instituted for publishing any such extract or abstract contrary to the provisions of this Act, if the court or jury, as the case may be, is satisfied that such extract or abstract was published without malice, judgment shall be entered for the defendant, or the accused shall be acquitted, as the case may be.

Protection of persons publishing extracts of etc., bona fide.

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

Proceedings etc., printed by Government Printer admissible in evidence.

PART IV

Offences by Witnesses

20. Any person who-

- (a) fails, without reasonable excuse, the proof whereof shall be upon him, to attend before the House or a committee when so required by an order made under the provisions of section 9; or
- (b) refuses to be examined before, or to answer any questions put by, the House or a committee, or to produce any paper, book, record or other document which he has been required to produce by an order made under the provisions of section 9, unless such question or paper, book, record or other document is not, in the opinion of the Speaker or the chairman of the committee, as the case may be, material to the subject of the inquiry of the House or committee, or the refusal is allowed under the provisions of section 14,

Witnesses failing to attend, etc.

is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for three months.

False
statements.

21. Any person who, in the course of giving evidence before the House or a committee, wilfully makes a statement material to the subject of the inquiry of the House or committee knowing the statement to be false or not believing it to be true is—

- (a) if the statement was made on oath, guilty of an offence and liable, on trial on indictment, to imprisonment for seven years; and
- (b) if the statement was made otherwise than on oath, guilty of an offence and liable to a fine of two thousand five hundred dollars and to imprisonment for one year.

Presenting
false
documents.

22. Any person who presents to the House or a committee any false, untrue, fabricated or falsified document with intent to deceive the House or committee, is guilty of an offence and liable to a fine of two thousand five hundred dollars and to imprisonment for one year.

PART V

Rights of and Offences by Strangers

Restrictions
on rights of
strangers to
enter House.

23. (1) No stranger shall be entitled to enter or remain within the House or the precincts of the House without the authority of the Speaker.

(2) The Speaker may at any time order any stranger to withdraw from the House or from the precincts of the House, and if any such person shall fail to obey such order he may be forcibly removed from the House, or from the precincts of the House by any officer of the House and no proceedings shall lie in any court against the Speaker, or against such officer in respect of such removal.

(3) Nothing in this section contained shall be construed so as to prevent any member from going to or coming from the House, or the precincts of the House, of which he is a member.

Offences by
strangers
with respect
to entry.

24. Any person who—

- (a) being a stranger, enters the House or the precincts of the House without permission duly granted under the authority of the Speaker contrary to the provisions of section 23, or, being therein with such permission, refuses to leave at the order of the Speaker;

(b) being admitted to the House or to the precincts of the House as a stranger, contravenes any rule made by the Speaker under Standing Orders of the House relating to the admission of strangers; or

(c) attends any sittings of the House as a representative of any journal after a general permission granted under the Standing Orders of the House to the representative or representatives of that journal have been revoked,

is guilty of an offence and liable to a fine of seven hundred and fifty dollars and to imprisonment for three months.

25. Any stranger who—

(a) assaults, hinders, obstructs or insults any member coming to, going from or being within the House, or the precincts of the House;

(b) interferes with, resists or obstructs any officer of the House while in the execution of his duty; or

(c) creates or joins in any disturbance which interrupts, or is liable to interrupt, the proceedings of the House while it is sitting,

is guilty of an offence and liable to a fine of fifteen hundred dollars and to imprisonment for six months.

Offences by
strangers of
interference
with members
or privileges.

26. (1) An officer of the House may, without an order from a court and without a warrant, arrest—

(a) any person who commits an offence contrary to section 24 or section 25 in his presence;

(b) any person within the House or the precincts of the House whom he reasonably suspects of having committed an offence contrary to either of the said sections.

(2) Any person arrested under the provisions of this section may be kept in custody within the precincts of the House until the Speaker orders his release, but no such person shall be kept in custody after the termination of the sitting of the House during which he was arrested.

Arrest.

PART VI

27. (1) Any member who—

- (a) being a member of a committee, publishes to any person not being a member of the House any evidence taken by the committee before it has been reported to the House;

Act constitu-
ting
contempt,
suspension,
etc.

- (b) assaults or obstructs any officer of the House to which he belongs while in the execution of his duty; or
- (c) is convicted of an offence under this Act,

shall be guilty of contempt of the House.

(2) Where any member is guilty of contempt under this Act, the House may order such member to be reprimanded by the Speaker or suspend him from the service of the House for such period as it may determine:

Provided that such period shall not extend beyond the last day of the meeting next following that in which the resolution is passed, or of the session in which the resolution is passed, whichever shall first occur.

(3) No salary or allowance payable to a member for his service as such shall be paid in respect of any period during which he is suspended under the provisions of this Act from the service of the House to which he belongs.

(4) Nothing in this section contained shall be construed so as to preclude the bringing of proceedings, civil or criminal, against any member in respect of any act or thing done contrary to subsection (1) (b).

Members to disclose interest.

28. (1) A member shall not, in or before the House, take part in the discussion of any matter in which he has a direct pecuniary interest without disclosing the extent of that interest.

(2) Any member who acts in contravention of this section may be adjudged guilty of contempt by the House and shall be liable to the penalties provided in section 27 for such contempt.

Suspended members.

29. A member who has been suspended from the service of the House shall not enter or remain with the House, or the precincts of the House, while such suspension remains in force, and, if any such member is found within the House, or the precincts of the House, in contravention of this section, he may be forcibly removed therefrom by any officer of the House and no proceedings shall lie in any court against such officer in respect of such removal.

Members seeking or accepting bribes.

30. Any member who accepts or obtains, or attempts to obtain, for himself or for any other person any bribe, fee, compensation, gift, reward or benefit of any kind for speaking, voting or acting as such member, or from refraining from so speaking, voting or acting, or on account of his having so spoken, voted or acted or having so refrained, is guilty of an offence and liable,

on summary conviction, to a fine of five thousand dollars and to imprisonment for two years and, in addition, shall forfeit the amount of the value of the bribe, fee, compensation, gift or reward or benefit accepted or received by him.

PART VII

Other Offences

31. Any person who-

- (a) offers to any member any bribe, fee, compensation, gift or reward or benefit of any kind for speaking, voting or acting as such member or for refraining from so speaking, voting or acting or on account of his having so spoken, voted or acted or having so refrained;
- (b) makes use of, or threatens to make use of, any force, violence or restraint or inflicts or threatens to inflict any temporal or spiritual injury, damage, harm or loss upon or against a member-
 - (i) with the intent thereby to influence such member in the manner in which he discharges his functions as a member in the House or in any committee thereof; or
 - (ii) on account of the manner in which he had discharged his functions as a member in the House or in any committee thereof, or
- (c) 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 thereof,

Bribery of, violence or threats, etc., to members.

is guilty of an offence and liable, on summary conviction, to a fine of five thousand dollars and to imprisonment for two years.

32. (1) Any person who-

- (a) publishes any statement, whether in writing or otherwise, which falsely or scandalously defames the House or any committee, or which reflects on the character of the Speaker or the chairman of a committee in the discharge of his duty as such;
- (b) publishes any writing containing a gross, wilful or scandalous misrepresentation or the proceedings of the House, or any committee thereof;

Defamatory, misleading or prohibited publications.

- (c) publishes any writing containing any false or scandalous libel on any member touching his conduct as a member;
- (d) publishes to any person, other than a member of the House, any report of the committee or of any evidence given before, or any document presented to, the committee or any extract from such document, before such committee has presented its report to the House; or
- (e) publishes any report or statements purporting to be a report of the proceedings of the House in any case-
 - (i) where such proceedings have been conducted after exclusion of the public by order of the House; or
 - (ii) where such publication has been expressly prohibited by order of the House,

is guilty of an offence and liable to a fine of five thousand dollars and to imprisonment for one year.

(2) In this section "publish" in relation to any writing, means exhibiting in public or causing to be read or seen, or showing or delivering, or causing to be shown or delivered, with intent that the writing may be read or seen by any person.

Unauthorised printing of Acts, etc,

33. Any person who shall print, or cause to be printed, a copy of any Act of Parliament now or hereafter in force, or a copy of any report, paper, minutes or votes or proceedings of the House or a committee as purporting to have been printed by the Government Printer, or by or under the authority of the House, or by or under the authority of the Speaker, and the same is not so printed, or shall tender in evidence any such copy as purporting to be so printed knowing that the same was not so printed, is guilty of an offence and liable to a fine of two thousand five hundred dollars and to imprisonment for one year.

PART VIII

Supplemental

Powers of Speaker supplemental.

34. The powers of the Speaker under this Act shall be supplemental to any powers conferred on him by the constitution or Standing Orders.

35. For the purposes of this Act the person who fills the office of Speaker at the time of dissolution of the House may exercise all the powers conferred by this Act on the Speaker until the House is again summoned or until another person has been appointed in accordance with the provisions of the Constitution.

Speaker to act notwithstanding dissolution.

36. (1) No prosecution for an offence under this Act shall be instituted-

Consent of Director of Public Prosecutions prosecution.

- (a) unless the matter giving rise to the prosecution has been reported to the Director of Public Prosecutions by the Speaker; and
- (b) except by or on behalf of the Director of Public Prosecutions.

(2) A certificate under the hand of the Director of Public Prosecutions that the requirements of subsection (1) (a) has been complied with shall be conclusive evidence of the fact of such compliance.