



## ST. CHRISTOPHER AND NEVIS

### CHAPTER 2.04

# NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT

#### Revised Edition

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#### NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT

Act 15 of 1955 ... in force 6th August 1955

Amended by: Act 4 of 1974

Act 7 of 1976

Act 12 of 1983

Act 8 of 1986

Act 9 of 1986

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## CHAPTER 2.04

### NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT

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## **CHAPTER 2.04**

### **NATIONAL ASSEMBLY (POWERS AND PRIVILEGES) ACT**

AN ACT TO MAKE PROVISION FOR THE PRIVILEGES, IMMUNITIES AND POWERS OF THE NATIONAL ASSEMBLY; AND TO MAKE PROVISION FOR RELATED OR INCIDENTAL MATTERS.

#### **Short title.**

1. This Act may be cited as the National Assembly (Powers and Privileges) Act.

#### **Interpretation.**

2. In this Act, unless the context otherwise requires—

“Clerk” means the Clerk of the National Assembly;

“Chamber” means the place in which the National Assembly sits in session for the transaction of business;

“committee” means a committee of the whole National Assembly or a standing or select committee of the National Assembly;

“members” means a member of the National Assembly;

“National Assembly” means the National Assembly of the State constituted by the Constitution and the National Assembly Elections Act, Cap. 2.01;

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

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

“precincts of the National Assembly” means the offices of the National Assembly and the galleries and places provided for the use or accommodation of strangers, members of the public and representatives of the press and includes, while the National Assembly is sitting and subject to any exceptions made by direction of the Speaker, the entire building in which the Chamber of the National Assembly is situated and any fore-court, yard, garden, enclosure or open space adjoining or appertaining to such building and used or provided for the purposes of the National Assembly;

“Speaker” means the persons presiding at a meeting of the National Assembly in accordance with the provisions of section 15 of the National Assembly Elections Act;

“Standing Orders” means the Standing Orders of the National Assembly for the time being in force;

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

#### **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 National Assembly or to a

committee or by reason of any matter or thing brought by him or her before the National Assembly by petition, bill, question, 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 National Assembly or any committee.

**Right to enter National Assembly.**

5. No stranger shall be entitled, as of right, to enter or to remain within the Chamber and precincts of the National Assembly.

**Power of Speaker to regulate admittance to National Assembly.**

6. (1) The Speaker is hereby authorised to issue such orders as he or she may in his or her discretion deem necessary for the regulation of the admittance of strangers to the Chamber and precincts of the National Assembly.

(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 Chamber and precincts of the National Assembly; and such copies when so authenticated and exhibited, shall be deemed to be sufficient notice to all persons affected thereby.

**Power of Speaker to order withdrawal from National Assembly and penalty for failure to obey order.**

7. The Speaker may at any time order any stranger to withdraw from the Chamber and precincts of the National Assembly, and any person who fails to obey such order may be forcibly removed from the Chamber and precincts of the National Assembly by any officer of the National Assembly and no proceedings shall lie in any court against the Speaker or such officer in respect of such removal.

**Offences relating to admittance to the National Assembly.**

8. Any person who, being a stranger—

- (a) enters or attempts to enter the Chamber or the precincts of the National Assembly in contravention of any order of the Speaker;
- (b) fails or refuses to withdraw from the Chamber or the precincts of the National Assembly when ordered to withdraw therefrom by the Speaker; or
- (c) contravenes any of the Standing Orders or any order made by the Speaker under section 6 relating to the admission of strangers,

commits an offence and shall be liable, on summary conviction, to a fine not exceeding one seven hundred and fifty dollars, or to imprisonment for a term not exceeding three months or both.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Attempted intimidation of National Assembly or any committee.**

9. (1) If any persons to the number of twelve or more shall come in a riotous, tumultuous or disorderly manner to the Chamber or the precincts of the National Assembly while the National Assembly 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 National Assembly or such committee, they each commit an offence and shall, on summary conviction, each be liable to a fine not exceeding one thousand five hundred dollars or to imprisonment for a term not exceeding six months or both.

(2) If any person shall incite any other persons to come in a riotous, tumultuous or disorderly manner to the Chamber or the precincts of the National Assembly while the National Assembly 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 National Assembly or such committee, he or she commits an offence and shall, on summary conviction, be liable to a fine not exceeding one thousand five hundred dollars, or to imprisonment for a term not exceeding six months, or both.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

### **Other offences.**

#### **10. Any person who—**

- (a) offers to any member or to any officer of the National Assembly any bribe, fee, compensation, gift, benefit or reward of any kind in order to influence him or her in his or her conduct as such member or officer, or for or in respect of the promotion or of opposition to any bill, motion or matter submitted to or intended to be submitted to the National Assembly or any committee;
- (b) assaults, obstructs, molests or insults any member coming to, being within, or going from the Chamber or the precincts of the National Assembly, or endeavours to compel any member by force, insult or menace to declare himself or herself in favour of or against any proposition or matter pending or expected to be brought before the National Assembly or any committee;
- (c) assaults, interferes with, molests, hinders, resists, obstructs or insults any officer of the National Assembly while in the execution of his or her duty, or assaults, obstructs, molests or insults any officer of the National Assembly on his or her way to or from the National Assembly, knowing him or her to be such officer;
- (d) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the National Assembly or any committee while the National Assembly or such committee is sitting;
- (e) presents to the National Assembly or a committee any false, untrue, fabricated or falsified document with intent to deceive the National Assembly or such committee;
- (f) publishes or prints any libel on the National Assembly, or publishes by words spoken any false, scandalous or defamatory matter, reflecting on the character or proceedings of the National Assembly or which tends to bring the National Assembly into odium, contempt or ridicule, or publishes or prints any libel on, or publishes by words spoken or by writing any false, scandalous or defamatory matter reflecting on the character or proceedings of a committee of the National Assembly, or publishes any libel on a member of the National Assembly touching his or her conduct as such member:

Provided that nothing in this paragraph shall apply to a fair and accurate report of the proceedings of the National Assembly published in any newspaper, or fair comment thereon;

- (g) 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 National Assembly or any committee;
- (h) inflicts or threatens to inflict harm in body or estate upon any member or officer of the National Assembly with intent to influence him or her in his or her conduct as such member or officer;
- (i) molests any member or officer of the National Assembly on account of his or her conduct as such member or officer;
- (j) disobeys any order to attend, or to produce documents before, any committee duly authorised in this behalf;
- (k) refuses to be examined before, or to answer any question put by, any committee;
- (l) gives false evidence, prevaricates or commits other misconduct as a witness before any committee;
- (m) destroys any document which has been ordered to be produced before a committee;
- (n) endeavours, directly or indirectly, to deter or hinder any person from appearing or giving evidence before any committee;
- (o) tampers with any witness in regard to evidence to be given by him or her before any committee;
- (p) threatens, punishes, damnifies, injures, assaults or insults any person who has given evidence before a committee on account of his or her evidence; or
- (q) publishes any evidence taken by, or document presented to, any committee before such evidence or document has been reported to the National Assembly,

commits an offence and shall be liable, on summary conviction, to a fine not exceeding seven hundred and fifty dollars, or to imprisonment for a term not exceeding three months or both.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

#### **Officers of National Assembly to have powers of constable.**

**11.** Every officer of the National Assembly 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.

#### **Power of arrest.**

**12.** An officer of the National Assembly may, without an order from a magistrate and without a warrant, arrest—

- (a) any person who commits any offence contrary to section 8 or section 10 in his or her presence;
- (b) any person within the Chamber or precincts of the National Assembly whom he or she reasonably suspects of having committed an offence contrary to either of the said sections.



**Acceptance of bribes by members.**

13. Any member who accepts or agrees to accept or obtains or attempts to obtain for himself or herself or for any other person any bribe, fee, compensation, 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 or her having so spoken, voted or acted or having so refrained commits an offence and shall be liable, on conviction on indictment, to a fine not exceeding four thousand five hundred dollars or to imprisonment for a term not exceeding two years or both.

*(Amended by Acts 7 of 1976 and 9 of 1986)*

**Contempt by members.**

14. (1) Any member who—

- (a) being a member of a committee, publishes any evidence taken by or documents presented to, the committee before such evidence or documents have been reported to the National Assembly;
- (b) without the permission of the Speaker first had and obtained, gives evidence, before any court or person authorised by law to take evidence, relating to the contents of the minutes of evidence taken or any documents laid before a committee or in respect of any proceedings or examinations held before any such committee;
- (c) assaults or obstructs any other member within the Chamber or precincts of the National Assembly;
- (d) assaults or obstructs any officer of the National Assembly while in the execution of his or her duty; or
- (e) is convicted of any offence under this Act,

commits the offence of contempt of the National Assembly.

(2) Where any member commits the offence of contempt of the National Assembly, the National Assembly may order such member to be reprimanded by the Speaker or suspend him or her from the service of the National Assembly 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 allowance payable to a member of the National Assembly for his or her service as such shall be paid in respect of any period during which he or she is suspended from the service of the National Assembly under the provisions of subsection (2).

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

**Suspended member excluded from Chamber and precincts of National Assembly.**

15. A member who has been suspended from the service of the National Assembly shall not enter or remain within the Chamber or precincts of the National Assembly while such suspension remains in force, and, if any such member is found within the Chamber or precincts of the National Assembly in contravention of this section, he or she may be forcibly removed from the Chamber or precincts of the National

Assembly by any officer of the National Assembly and no proceeding shall lie in any court against such officer in respect of such removal.

**Restriction on evidence as to certain matters.**

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

- (a) debates or other proceedings in the National Assembly;
- (b) the contents of the minutes of evidence taken, or any documents laid or any proceedings or examinations held, before any such committee,

by any member or officer of the National Assembly or any shorthand writer employed to take minutes of any such evidence or proceedings, in respect of any of the matters specified in paragraph (b), by any person who was a witness before the 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.

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

17. Subject to the provisions of 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 National Assembly or of any member.

**Journals printed by order of National Assembly to be admitted as evidence.**

18. Upon any enquiry touching the privileges, immunities and powers of the National Assembly 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, Journal, etc.**

19. 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 National Assembly as purporting to have been printed by the Government Printer or by or under the authority of the National Assembly 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, commits an offence and shall be liable, upon conviction on indictment, to imprisonment for a term not exceeding three years.

**Protection of persons responsible for publications authorised by the National Assembly.**

20. 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 or her servant, by order or under the authority of the National Assembly, 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 or her 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 or her servant by order or under the authority of the National Assembly 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.

**Publication of extracts of proceedings without malice.**

21. In any civil or criminal proceedings for printing any extract from or an abstract of any report, paper, votes or proceedings published by or under the authority of the National Assembly, if the court or jury, as the case may be, be satisfied that such extract or abstract was published *bonâ fide* and without malice, judgment or verdict, as the case may be, shall be entered for the defendant or accused.

**Powers of Speaker to be supplementary to powers under the National Assembly Elections Act.**

22. The powers of the Speaker under this Act shall be supplementary to any powers conferred on him or her by the National Assembly Elections Act, or the Standing Orders.

**Courts not to exercise jurisdiction in respect of acts of Speaker and officers of the National Assembly.**

23. Neither the Speaker, nor any officer of the National Assembly 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.

**Criminal or civil process not to be served within precincts of the National Assembly.**

24. Notwithstanding anything to the contrary, no process issued by any court in the exercise of its criminal or civil jurisdiction shall be served or executed within the Chamber or the precincts of the National Assembly while the National Assembly is sitting or through the Speaker, the Clerk or any officer of the National Assembly.

**Restriction on prosecution.**

25. No prosecution shall be instituted for an offence under this Act except with the written consent of the Director of Public Prosecution upon information given to him or her in writing by the Speaker.

*(Amended by Act 12 of 1967)*

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