



BERMUDA
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[21 February 1957]

[preamble and words of enactment omitted]

PART I

Arrangement of Act

1 *[omitted]*

Interpretation

2 In this Act, unless the context otherwise requires—

"the appropriate Parliamentary authority" means—

- (i) in relation to the Senate, or to any committee thereof, or to any joint select committee of both Houses of the Legislature, to the extent that it is composed of members of the Senate, then the President; and
- (ii) in relation to the House of Assembly, or to any committee thereof, or to any joint select committee of both Houses of the Legislature, to the extent that it is composed of members of the House of Assembly, then the Speaker;

"chairman" means—

- (i) in relation to a committee of the whole House, then the member of that House appointed by the appropriate parliamentary authority to act as chairman whilst that House is in committee of the whole House;
- (ii) in relation to a select committee of either House of the Legislature, then the member of that select committee appointed by the appropriate parliamentary authority to be the chairman of the committee;
- (iii) in relation to a joint select committee, then the member of that joint select committee who, in accordance with the practice commonly observed in that regard, is for the time being presiding over the joint select committee as the chairman thereof;

"Committee of the whole House" means, as respects either House of the Legislature, that House when it is resolved into a committee of the whole House for the consideration of any matter;

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"House of the Legislature" means the Senate or the House of Assembly;

"joint select committee" means a committee composed of a duly appointed select committee of the Senate and a duly appointed select committee of the House of Assembly, each committee being appointed to form with the other select committee a joint select committee;

"legislative committee" means—

- (i) a committee of the whole House;
- (ii) a select committee; or
- (iii) a joint select committee;

"member" means—

- (i) in relation to the Senate, then any person who is, by virtue of the Constitution [*title 2 item 1*] for the time being a member of the Senate; and
- (ii) in relation to the House of Assembly, then any person who is, by any provision of law, for the time being a member of a General Assembly (commonly known and in this Act referred to as "House of Assembly") that from time to time is assembled in Bermuda under the authority of Her Majesty, Her heirs and successors, and is by any provision of law continued in being; and
- (iii) in relation to a select committee of either House of the Legislature, or of a joint select committee of both Houses of the Legislature, then any person who has been duly appointed by the appropriate parliamentary authority to serve as a member of that committee;

"officer of a House of the Legislature" means—

- (i) with respect to the Senate, the Clerk to the Senate; and

- (ii) with respect to the House of Assembly, the Clerk to the House of Assembly and the Serjeant-at-Arms,

and in either case includes any person for the time being appointed or authorized by the appropriate parliamentary authority to assist or act in aid of any of the aforementioned officers; and cognate expressions shall be construed accordingly;

"parliamentary printer" means any company, firm or person employed or engaged in printing any of the journals, records or reports of either House of the Legislature or of any legislative committee;

"precincts", in relation to a House of the Legislature, means—

- (i) as respects the Senate, then the precincts constituted by section 19; and
- (ii) as respects the House of Assembly, then the precincts constituted by section 20;

and cognate expressions shall be construed accordingly;

"the President" means the President of the Senate; and includes any other member of the Senate while presiding over the Senate in pursuance of the Constitution [*title 2 item 1*];

"rules", in relation to either House of the Legislature, means rules made by that House for regulating its proceedings or for the regulation of the proceedings of any legislative committee;

"secretary", in relation to a select committee of a House of the Legislature, or to a joint select committee, means any person who, with the approval of the chairman, is for the time being discharging the duties of secretary to the select committee or joint select committee;

"select committee", in relation to either House of the Legislature, means any select committee of that House (whether a standing committee or otherwise) duly appointed by the appropriate parliamentary authority;

"shorthand writer", in relation to either House of the Legislature or to a legislative committee, means any person employed to take an official House note of any of the proceedings of that House or committee;

"the Speaker" means the Speaker of the House of Assembly;

"stranger" means any person—

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- (i) who, as respects a meeting of either House of the Legislature, is not a member or an officer of that House; or
- (ii) who, as respects a meeting of a legislative committee, is not a member of or the secretary to, that committee.

Savings

3 Except as otherwise expressly provided, nothing in this Act derogates from or abridges any provision of the Parliamentary Election Act 1978 [*title 2 item 11*].

PART II

IMMUNITIES AND PROTECTION OF THE LEGISLATURE

Protection from civil and criminal proceedings for defamation

4 (1) Notwithstanding anything in the Criminal Code [*title 8 item 31*], sections 5 to 10 have effect with respect to protection from civil or criminal proceedings in respect of the publication of any defamatory matter in connection with proceedings of either House of the Legislature or of a legislative committee.

(2) Part XII of the Criminal Code [*title 8 item 31*] (defamation) has effect for the purposes of construing sections 5 to 10.

Absolute protection; members

5 The publication of any defamatory matter by a member of either House of the Legislature—

- (a) by way of words spoken by him during the course of any proceedings of that House, or of any legislative committee; or
- (b) by way of words contained in any petition presented by him to that House,

shall be absolutely privileged.

Absolute protection; persons publishing proceedings held under authority of Legislature

6 The publication of any defamatory matter by any person by way of words spoken, or by way of words or other matter contained in any document presented, in the course of any proceedings held by order, and under the authority, of either House of the Legislature is declared to be absolutely privileged.

Absolute protection; persons publishing documents by order of Legislature

7 The publication of any defamatory matter by any person by way of words or other matter contained in any document published by him by order, and under the authority, of either House of the Legislature or of a legislative committee is declared to be absolutely privileged.

Qualified protection; petition

8 (1) The publication of any defamatory matter to either House of the Legislature by any person by way of words or other matter contained in any petition presented by him in good faith to that House is declared to be privileged.

(2) For the purposes of this section a publication is deemed to be made in good faith if the person by whom it is made is not actuated in making it by ill-will towards the person defamed, or by any improper motive.

Qualified protection; reports of proceedings

9 (1) The publication of any defamatory matter by any person in good faith and for the information of the public—

(a) by way of words or other matter contained in a fair report of the proceedings of either House of the Legislature or of any legislative committee; or

(b) by way of words or other matter contained in any copy of or extract from, or abstract of, any journal, record or other document published by order, or under the authority, of either House of the Legislature,

is declared to be privileged.

(2) For the purposes of this section a publication is deemed to be made in good faith for the information of the public—

(a) if the person by whom it is made is not actuated in making it by ill-will towards the person defamed or by any other improper motive; and

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- (b) if the manner of the publication is such as is ordinarily and fairly used in the case of publication of news.

Exclusion of civil and criminal liability

10 No civil or criminal liability shall attach to or be incurred by any person in respect of the publication by him of any defamatory matter in any of the circumstances set out, respectively, in sections 5 to 9 and whereby such publication is declared to be privileged.

Protection from civil process

11 (1) No process issued by any court in the exercise of its civil jurisdiction shall be served or executed—

- (a) within the precincts of either House of the Legislature while that House is sitting; or
- (b) through the President or the Speaker or any officer of either such House.

(2) Subject as aforesaid, any member of either House of the Legislature shall be liable to be sued and proceeded against in any civil proceedings in any Court in Bermuda in all respects as if he were not a member of that House.

Interference with Legislature an offence

12 Any person who wilfully, by force or fraud, interferes or attempts to interfere—

- (a) with the free exercise by either House of the Legislature of its authority; or
- (b) with the free exercise by any legislative committee of its authority; or
- (c) with the free exercise by any member of either House of the Legislature of his duties or authority as such member or as a member of a legislative committee,

commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 2 years or a fine of \$16,800 or both such imprisonment and fine.

Disturbance of Legislature an offence

- 13 Any person, whether or not a stranger—
- (a) who wilfully and maliciously disturbs either House of the Legislature while in session or any legislative committee while sitting; or
 - (b) who, while within the precincts of either House of the Legislature, does any unlawful act or conducts himself in a disorderly manner—
 - (i) likely to interrupt the proceedings of the House in question, or of any legislative committee; or
 - (ii) likely to impair the respect due to the authority of the House or legislative committee,

commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 12 months or a fine of \$8,400 or both such imprisonment and fine.

Punishment on summary conviction: imprisonment for 6 months or a fine of \$1,680 or both such imprisonment and fine.

False libel an offence

- 14 Without prejudice to anything in the Criminal Code [*title 8 item 31*] relating, respectively, to sedition or to criminal libel, any person who publishes any false libel—

- (a) on either House of the Legislature; or
- (b) on any legislative committee, whether sitting or discharged; or
- (c) on any member or past member of either House with respect to his functions as such a member; or
- (d) on any officer or past officer of either House with respect to his functions as such an officer,

commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 12 months or a fine of \$4,200 or both such imprisonment and fine.

Punishment on summary conviction: imprisonment for 6 months or a fine of \$1,680 or both such imprisonment and fine.

Acceptance of bribe by member an offence

- 15 Any member of either House of the Legislature who asks, receives or obtains, or who attempts or agrees to receive or obtain, any bribe, fee, compensation, gift, reward, or other property, or any other

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benefit of any kind, for himself or for any other person upon the understanding that his vote, opinion, judgment or action upon any question or matter arising or expected or likely to arise in that House or in any legislative committee—

- (a) is to be influenced thereby; or
- (b) is to be given in any particular manner; or
- (c) is to be given in favour of any particular side in any question or matter,

or that he should absent himself from that House or legislative committee, commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 5 years or a fine of \$84,000 or both such imprisonment and fine.

Bribery of member an offence

16 Any person who—

- (a) in order to influence a member of either House of the Legislature in his vote, opinion, judgment or action on any question or matter arising or expected or likely to arise in that House or in any legislative committee; or
- (b) in order to induce any such member to absent himself from that House or from any legislative committee,

gives, confers or procures, or promises or offers, or agrees to give or confer or to procure or to attempt to procure, any property or benefit of any kind to, upon, or for, such member or to, upon, or for, any other person, commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 5 years or a fine of \$84,000 or both such imprisonment and fine.

Threat to member an offence

17 Any person who attempts, directly or indirectly, by fraud or by threats or intimidation of any kind—

- (a) to influence a member of either House of the Legislature in his vote, opinion, judgment or action upon any ques-

tion or matter arising or expected or likely to arise in that House or in any legislative committee; or

- (b) to induce any such member to absent himself from that House or from any legislative committee,

commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 5 years or a fine of \$84,000 or both such imprisonment and fine.

Person convicted under section 15, 16 or 17 disqualified for sitting

18 Any person convicted of an offence under any of sections 15, 16 or 17 shall be disqualified for the period of seven years next following the date of his conviction for sitting or voting as a member of either House of the Legislature or of any legislative committee.

PART III

CONTROL OF PRECINCTS AND PROCEEDINGS

Senate precincts

19 (1) The Chamber of the Senate shall, for the purposes of this Act, but subject as hereinafter provided, constitute the precincts of that House of the Legislature:

Provided that the Chamber of the Senate shall not be treated as constituting the precincts of that House of the Legislature except in connection with meetings of the Senate; and it is hereby declared that the holding, or intended holding, of a meeting of the Senate shall have effect so as to cause the Chamber of the Senate to be so treated, in respect of that meeting, for a period beginning one half hour before the commencement or intended commencement of the meeting, and ending one half hour after the conclusion of the meeting.

(2) Notwithstanding anything in subsection (1), where, for any reason, meetings of the Senate cannot be held in the Senate Chamber, the President, by order published in the Gazette, may declare any other premises, or any part of such other premises, used for the time being for the purposes of the Senate, to constitute during such time the precincts of that House of the Legislature; and such premises or parts of premises shall, while declared as aforesaid, be treated for the purposes of this Act as the precincts of that House of the Legislature instead of the Chamber of the Senate itself.

(3) In this section—

- (a) "Chamber of the Senate" means the Senate Chamber in the Cabinet Building in the City of Hamilton; and

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- (b) any reference to a meeting of the Senate includes a reference to a meeting of any select committee of the Senate, or of a joint select committee.

House of Assembly precincts

20 (1) The Chamber of the House of Assembly in the Sessions House, together with such other parts of the premises comprising the Sessions House and its grounds as are declared by the Speaker in pursuance of subsection (2) also to form part of the precincts of that Chamber, shall for the purposes of this Act constitute the precincts of that House of the Legislature.

(2) The Speaker, by order published in the Gazette, may declare any parts of the Sessions House, other than the Chamber of the House of Assembly, ordinarily used for the purposes of the House of Assembly, and any other parts of the Sessions House and its grounds which are not exclusively used for the purposes of any other branch or department of Government, to form part of the precincts of the Chamber of the House of Assembly; and subsection (1) shall have effect accordingly.

(3) Notwithstanding anything in subsections (1) and (2), where, for any reason, meetings of the House of Assembly cannot be held in the Chamber of the House of Assembly in the Sessions House, the Speaker, by order published in the Gazette, may declare any other premises, or any part of any such other premises, used for the time being for the purposes of the House of Assembly, to constitute during such time the precincts of that House of the Legislature; and such premises or parts of premises shall, while declared as aforesaid, be treated for the purposes of this Act as the precincts of that House of the Legislature instead of the Chamber of the House of Assembly itself.

(4) In this section, "the Sessions House" means the Sessions House in the City of Hamilton.

Strangers not entitled to enter

21 (1) No stranger shall be entitled, as of right, to enter or to remain within the precincts of either House of the Legislature:

Provided that, as respects any part of the grounds of the Sessions House declared by the Speaker under section 20(3) to form part of the precincts of the House of Assembly, the foregoing provisions of this section shall not have effect so as to prevent or restrict any person from

enjoying access *bona fide* required to or from any parts of the Sessions House used exclusively for the purposes of any other branch or department of Government.

(2) In this section "the Sessions House" means the Sessions House in the City of Hamilton.

Admission of strangers

22 (1) The appropriate parliamentary authority are entitled and empowered to make such rules or orders as appear expedient for the purpose of regulating the admittance of strangers to the precincts of each House of the Legislature, and for requiring the withdrawal of any stranger from any such part of such precincts:

Provided that nothing in the foregoing provisions of this section derogates from or abridges the proviso to section 21(1).

(2) Any copy of a rule or order made under subsection (1) and purporting to be duly authenticated by the Clerk to the House of the Legislature in question, shall, if exhibited in a conspicuous position within the precincts of the House of the Legislature to which it relates, be deemed to be sufficient notice to any person affected thereby.

Expulsion of stranger

23 Any officer of a House of the Legislature may require any person to withdraw from any place within the precincts of that House, being a place in which that person is not, for the time being, entitled or authorized to be; and any such officer may use such force as is reasonably required to compel such other person to withdraw as aforesaid.

Punishment of stranger

24 Any stranger who enters or attempts to enter, or who refuses to withdraw from, any part of the precincts of either House of the Legislature in contravention of any rule or order made under section 22, then—

- (a) if he has sufficient notice of the effect of such rule or order by virtue of section 22(2); or
- (b) if he has been required to withdraw by an officer of that House under section 23,

he commits an offence against this Act:

Punishment on summary conviction: imprisonment for 6 months or a fine of \$1,680 or both such imprisonment and fine.

Precincts a public place for purpose of Summary Offences Act 1926

25 (1) Any part of the precincts of either House of the Legislature to which the public, in pursuance of this Act, *bona fide* enjoy access or

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are admitted, shall for the purposes of the Summary Offences Act 1926 [title 8 item 33], be a public place within the meaning of section 1 of that Act.

(2) A certificate purporting to be signed by the President or as the case may be, the Speaker, that any part of the precincts of either House of the Legislature is a part to which the public *bona fide* enjoy access or are admitted shall be receivable in evidence and shall be sufficient evidence of that fact.

Secret session

26 The appropriate parliamentary authority, subject to any rules made by the House of the Legislature in question, may order that any proceedings of that House or of any legislative committee (to the extent that the committee is composed of members of that House) are to be held in secret.

Disclosure of confidential information an offence

27 (1) No member of either House of the Legislature or any officer of that House or any shorthand writer or any parliamentary printer who has taken part in, or has been present at, or has been, or has become, privy to, any proceedings ordered by the appropriate parliamentary authority under section 26 to be held in secret shall, without due and lawful authority, disclose to any person not privy to the proceedings any report thereof.

(2) Without prejudice to anything in subsection (1) no member of either House of the Legislature, or any officer of either House, or any shorthand writer, or any parliamentary printer, who has taken part in, or has been present at, or has been privy to, any proceedings or any deliberation of any select committee of either House or of any joint select committee shall, without due and lawful authority, disclose to any person not privy to such proceedings or deliberation any report thereof prior to the committee reporting to the House or Houses of the Legislature to which such report is to be submitted.

(3) Any person who contravenes any of the foregoing provisions of this section commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 3 months or a fine of \$8,400 or both such imprisonment and fine.

Punishment on summary conviction: a fine of \$1,680.

(4) Subsection (3) is without prejudice to any other action which may be taken against such offender.

Suspension of member by Speaker

28 (1) The Speaker of the House of Assembly may, notwithstanding anything in the Parliamentary Election Act 1978 [*title 2 item 11*], but subject to any rules made by the House in that regard, order any member of the House, for a breach of the rules of the House, to be suspended from the service of the House for such period as he may specify; and any such member shall during the period of his suspension, not be entitled to take his seat, or to vote, in any proceedings of that House or of any legislative committee:

Provided that the Speaker may, if he thinks fit, or if so required under any of the rules of the House, revoke any such order prior to the elapse of any such period specified as aforesaid.

(2) Nothing in the foregoing provisions of this section shall have effect so as to derogate from or abridge any power of either House of the Legislature at common law to take such steps in respect of its members as may be necessary to maintain due order in connection with the proper performance of its functions.

PART IV

EVIDENCE BEFORE LEGISLATIVE COMMITTEES

Resolution required to apply Part IV

29 (1) This Part shall apply in relation to the proceedings of a legislative committee in any case where a resolution that this Part shall apply in relation to that legislative committee—

- (a) has, as respects a committee of the whole House, been passed by the House of the Legislature which is resolved into a committee of the whole House; or
- (b) has, as respects a select committee, been passed by the House of the Legislature from which the select committee has been appointed; or
- (c) has, as respects a joint select committee, been passed by each House of the Legislature,

but unless a resolution has been passed as aforesaid such provisions shall not apply in relation to the proceedings of a legislative committee.

(2) Any such resolution as aforesaid which relates to the proceedings of a joint select committee shall, when passed by one House of

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the Legislature, be duly communicated to the other House of the Legislature.

(3) Where either House of the Legislature (or, as respect a joint select committee, then each House of the Legislature) has passed a resolution as aforesaid in respect of the proceedings of a legislative committee, a certificate to that effect signed by the President or, as the case may be, the Speaker (or, as respects a joint select committee, then both by the President and the Speaker), shall be delivered to the chairman of the legislative committee; and any such certificate shall, until the contrary is shown, be accepted in any proceedings of the legislative committee, and in all courts in Bermuda, and for all purposes whatsoever, as proof that the resolution was duly passed by the appropriate House or Houses of the Legislature.

Summoning of witnesses

30 (1) The chairman of a legislative committee may issue a summons under his hand to any person requiring that person to attend as a witness before the legislative committee at a time and place specified in the summons; and hereinafter in this Part "summons" is used to denote a summons duly issued under the authority of this section, and cognate expressions shall be construed accordingly.

(2) Without prejudice to anything in sections 32, 33 or 34, a summons to attend before a legislative committee may require the person summoned to produce to the legislative committee on so attending any document, specified or referred to in the summons, which is in his possession or under his control or is otherwise available to him.

(3) A summons to attend before a legislative committee shall be deemed to include requirements—

- (a) that the person summoned shall remain in attendance as a witness before the legislative committee until his further attendance is excused by or on behalf of the chairman of the legislative committee; and
- (b) that if while the person summoned is in attendance the legislative committee adjourns, then he shall, if so directed by the chairman of, or the secretary to, the legislative committee, attend again as a witness before the committee at a time and place specified by the

chairman or secretary, and shall then remain in attendance until his further attendance is excused by or on behalf of the chairman of the legislative committee:

Provided that nothing in this subsection precludes the issue of a fresh summons to a person who has already been summoned, whether his attendance under the previous summons has been excused or not, or whether or not he has been directed (on an adjournment) again to attend before the legislative committee as aforesaid.

(4) A summons may be served on a person by delivery of the summons to him personally or by sending it by post under registered prepaid cover addressed to him at his last known place of residence; and if a summons is sent by post the person to whom it is addressed shall be deemed, until the contrary is shown, to have received it in the ordinary course of transmission by post.

(5) A summons may be in the form set out in the First Schedule.

Evidence on oath

31 (1) A person who, having been duly summoned, is in attendance before a legislative committee may, without prejudice to anything in sections 32, 33 or 34 be required by the chairman of the committee to give evidence on oath or, in circumstances where an affirmation is permitted under the Evidence Act 1905 [*title 8 item 10*], then on affirmation, as to the subject matter of the terms of reference of the committee.

(2) An oath or affirmation made by a person in attendance as a witness before a legislative committee shall, with necessary modifications, be in the form ordinarily used in proceedings before a court.

(3) The chairman of, or secretary to, a legislative committee may administer an oath or affirmation to any person in pursuance of the foregoing provisions of this section.

Privilege of witness

32 No person who, having been duly summoned, is in attendance before a legislative committee shall be required to answer any question, or to produce any document, which he would not be required, respectively, to answer or produce in proceedings before a court; and any such person shall, in respect of any evidence, or the disclosure of any communication, or the production of any document, be entitled to the same right and privilege as before a court.

Restriction on disclosure of official matters

33 No public officer, being duly appointed to be the holder of any office or post connected with the discharge of the functions of any Gov-

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ernment Department or Government Board shall, except with the consent of the Governor—

- (a) produce to any legislative committee any document which relates to the correspondence of any Government Department or Government Board or to any other matter affecting the public service; or
- (b) give before any legislative committee evidence regarding any such matter;

nor shall secondary evidence be received by or produced to any legislative committee of the contents of any such document as aforesaid.

Refusal to answer where reply or document of an irrelevant private nature

34 Where any person who, having been duly summoned and being in attendance before a legislative committee, refuses—

- (a) to answer any question that may be put to him; or
- (b) to produce any document referred to in his summons,

on the ground that the reply to the question or, as the case may be, the contents of the document, are of a private nature and do not affect the subject of enquiry under the terms of reference of the committee, it shall be the duty of the chairman of the committee to determine whether such refusal should be upheld on those grounds; and if he determines that such refusal should be upheld he shall excuse such person, or if he determines that it should not be upheld he may, subject as hereinafter provided, require him to answer or to produce the document accordingly:

Provided that—

- (i) where the chairman of the committee determines that such refusal should not be upheld he shall, if so required by the person in attendance as aforesaid, report the matter to the appropriate parliamentary authority; and the appropriate parliamentary authority may make such order as appears to him to be just and equitable; and the chairman and the

person in attendance as aforesaid shall govern themselves accordingly; and

- (ii) in any such case as aforesaid the chairman of the committee shall inform the person in attendance of his right to require that the matter be reported to the appropriate parliamentary authority.

Evidence excluded from other proceedings

35 Except in connection with a charge of an offence of perjury, or an offence under section 40(b), arising therefrom—

- (a) no evidence shall be received in any other proceedings whatsoever that any particular facts were given in evidence by any person before a legislative committee; and
- (b) no secondary evidence of the contents of any document produced by any person before a legislative committee shall, except as mentioned in the foregoing provisions of this section, be received in any such other proceedings,

unless the consent of the person who gave such evidence, or produced the document in question, before the legislative committee has been first obtained.

Leave to disclose evidence

36 Without prejudice to anything in sections 26, 27, and 35, no member or officer of either House of the Legislature, and no shorthand writer or parliamentary printer, shall give evidence in any other proceedings in respect of any minutes of evidence taken before a legislative committee or of the contents of any document laid before the committee, or in respect of any proceedings of the committee, unless the leave of the appropriate parliamentary authority has been first obtained.

Payment of witnesses

37 (1) Any person who, having been summoned, attends before a legislative committee and, if so required, duly gives evidence or duly produces any document before the committee shall be entitled to be paid at the rate specified in section 9 of the Evidence Act 1905 [*title 8 item 10*], as respects a witness in a criminal cause.

(2) Where professional evidence is given by any other specially qualified person summoned and in attendance before a legislative committee, or any examination or analysis in respect of any person or thing is carried out in connection with any such evidence or is made in compliance with any order or request of the committee, then the specially qualified person shall be entitled to receive fees at the rates specified in the First Schedule to the Evidence Act 1905 [*title 8 item 10*];

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and the chairman of the committee shall have the like powers as a judge in determining the amount of such fees.

(3) Any payment to witnesses made under this section shall be made out of the Consolidated Fund from monies provided by the Legislature for that purpose.

Interpreters

38 (1) The chairman of the legislative committee shall have the like powers as a court with respect to obtaining the services of an interpreter.

(2) An interpreter whose services are obtained as aforesaid shall be entitled to be paid at the rate specified as respects an interpreter appearing before a court.

(3) Sections 12 and 13 of the Evidence Act 1905 [*title 8 item 10*] (interpreters) shall apply and have effect, with necessary modifications, in relation to a legislative committee as they have effect in relation to a court.

(4) Any payments to interpreters made under this section shall be made out of the Consolidated Fund out of monies provided by the Legislature for that purpose.

Retention of documents

39 Where in accordance with any of the foregoing provisions of this Part any document has been produced to a legislative committee, the committee may retain the document for so long as is reasonably necessary to make a copy thereof or to take extracts therefrom, as may be required for the proper and convenient discharge of their functions.

Offences under Part IV

40 Without prejudice to anything in the foregoing provisions of this Act, any person—

- (a) who, on being duly summoned to attend as a witness before a legislative committee, fails without reasonable excuse—
 - (i) to attend in accordance with the terms of the summons; or

- (ii) to remain in attendance until he is excused from further attendance; or
 - (iii) to attend again in accordance with any direction duly given to him, as mentioned in section 30(3); or
- (b) who, while in attendance as a witness before a legislative committee, after having been duly summoned—
- (i) refuses to make an oath or (as the case may be) an affirmation when required to do so by the chairman of the committee; or
 - (ii) refuses properly and fully to answer any question put to him by a member of the committee, being a question which, having regard to the foregoing provisions of this Part, he is bound fully to answer; or
 - (iii) refuses to produce to the committee any document in his possession or under his control or otherwise available to him which he is required under the terms of the summons to produce, and which having regard to the foregoing provisions of this Part, he is bound to produce; or
 - (iv) uses any insulting or threatening language towards or in the hearing of the committee or any member thereof, or causes any disturbance or interruption in the proceedings of the committee,

commits an offence against this Act:

Punishment on summary conviction: a fine of \$840.

Committee to investigate accounts of Consolidated Fund

41 Nothing in this Part derogates from or abridges section 28 of the Public Treasury (Administration and Payments) Act 1969 [*title 14 item 1*], (committees of either House appointed to investigate accounts of Consolidated Fund); and the provisions of this Act shall, to the extent that they are supplemental as respects the due carrying into effect of those provisions of the Public Treasury (Administration and Payments) Act 1969 apply and have effect as if any such committee were a legislative committee within the meaning of this Act.

PART V

MISCELLANEOUS, LEGAL AND SUPPLEMENTAL PROVISIONS

Powers and immunities of officers

42 (1) The officers of each House of the Legislature specified in subsection (2) shall, to the extent that they act in exercise of any of the powers conferred upon them by this Act, have the powers and immunities of a police officer.

(2) The officers of the House of the Legislature specified for the purposes of this section shall be—

- (a) as respects the Senate, the Clerk to the Senate; and
- (b) as respects the House of Assembly, the Clerk to the House of Assembly and the Serjeant-at-Arms.

Assaulting or obstructing officer an offence

43 Any person who assaults or obstructs any officer of either House of the Legislature while acting in the execution of his duty as such commits an offence against this Act:

Punishment on conviction on indictment: imprisonment for 12 months or a fine of \$8,400 or both such imprisonment and fine.

Punishment on summary conviction: imprisonment for 6 months or a fine of \$1,680 or both such imprisonment and fine.

Prosecutions

44 (1) No prosecution in respect of an offence constituted by or under any provision of this Act shall be instituted or carried on—

- (a) as respects any matter touching the Senate, then except with the consent in writing of the President; or
- (b) as respects any matter touching the House of Assembly, then except with the consent in writing of the Speaker,

and, in either such case, except by or on behalf of the Director of Public Prosecutions.

(2) Any consent purporting to bear the signature of the President or, as the case may be, of the Speaker, shall be deemed to be duly given in pursuance of this section until the contrary is proved.

(3) It shall be competent to the Senate with respect to the President and to the House of Assembly with respect to the Speaker by way of substantive motion on which the concurrence of not less than two-thirds of the members of the body concerned shall be necessary, to require the President or the Speaker as the case may be to give or withhold any consent referred to in this section.

[Section 44 subsection (1) amended by 1999:8 s.2 & Sch 1 effective 1 April 1999]

Exclusion of jurisdiction of courts; acts of President and Speaker under this Act

45 No court shall entertain any action, suit or other proceedings whatsoever by or on behalf of any person who is aggrieved by any act done or omission made by the President or the Speaker as respects any power conferred or duty imposed on the President or as the case may be, the Speaker, by or under any provision of this Act.

Journals of either House as evidence

46 In any proceedings, whether criminal or civil, and whether taken under this Act or under any other provision of law, and in any enquiry, touching the powers, privilege and protection of the Senate or of the House of Assembly, or in respect of any member of either House of the Legislature as such, a copy of the journals of either such House, purporting to be printed by order of that House, shall be admitted as evidence of these journals without proof that they were so printed, and shall be, prima facie, evidence of the matters contained therein.

Perjury

47 Any proceedings held under or in pursuance of this Act before either House of the Legislature or before any legislative committee are, for the purposes of sections 119 and 120 of the Criminal Code [*title 8 item 31*] (perjury) declared to constitute judicial proceedings; and any person who gives false testimony in connection therewith may be proceeded against and dealt with accordingly.

Repeals

48 [*omitted*]

PARLIAMENT ACT 1957

SCHEDULES

FIRST SCHEDULE

Form of Summons

THE PARLIAMENT ACT 1957

Summons to Attend before a Legislative Committee

To (name of person summoned)

You are hereby required to attend as a witness before a (joint) select committee (of the Senate or of the House of Assembly) appointed to (terms of reference) at (place) on (day of week) the (day of month) day of (month) , 19 [blank], at (hour) .

And you are hereby further required, on attending before such legislative committee, to produce to the committee the following documents:

.....
.....
.....

Chairman of the Legislative Committee

Dated the [blank] day of [blank] 19 [blank]

SECOND SCHEDULE

Repeal of Acts

[omitted]

[Amended by:

1971 : 27

1971 : 83

1999 : 8]