

CHAPTER 168
LEGISLATURE (PRIVILEGES, IMMUNITIES AND POWERS)
ACT

• Act • Subsidiary Legislation •

ACT

Act No. 24 of 1968

ARRANGEMENT OF SECTIONS

PART I

Preliminary

1. Short title.
2. Interpretation.

PART II

Immunities

3. President, Speaker and officers not subject to jurisdiction of courts.
4. Immunity of member in respect of statements, etc., in Legislature.
5. Immunity of member from arrest on civil process.
6. Immunity of persons acting under authority of either chamber.
7. No process to be served within precincts of either chamber.
8. Member or officer not to serve on jury, etc.

PART III

Summoning and Examination of Witnesses

9. Chambers or committee may order attendance of witnesses.
10. Service of summons.
11. Issue of warrant if person evades service of summons or refuses to attend.
12. Witnesses may be examined on oath.
13. Recalcitrant witnesses.

PART IV

Privileges and Protection

14. Privileges of witnesses.
15. Evidence of witness before chamber or committee privileged.
16. Evidence of proceedings before chamber or committee not admissible except with consent of President or Speaker.
17. Protection of person responsible for publications authorised by chamber.
18. Protection of persons publishing extracts from or abstracts of proceedings, etc., *bona fide*.
19. Proceedings, etc., printed by Government Printer admissible in evidence.

PART V

Offences by Witnesses

- 20. Witness failing to attend, or refusing to answer question or to produce documents, etc., guilty of an offence.
- 21. Making false statement to chamber or committee an offence.
- 22. Presenting false document to chamber or committee an offence.

PART VI

Offences by Strangers

- 23. Restriction on right of stranger to enter either chamber.
- 24. Offences by strangers with respect to right of entry into chamber.
- 25. Offences by strangers with respect to interference with members, or privileges of chamber.
- 26. Arrest of stranger committing offence against section 24 or 25.

PART VII

Conduct of Members

- 27. Acts constituting contempt by member, suspension, etc.
- 28. Member to disclose interest in matter for discussion.
- 29. Suspended member excluded from chamber.
- 30. Member seeking or accepting bribe, etc., commits offence.

PART VIII

Other Offences

- 31. Bribery of, violence or threats to, member.
- 32. Defamatory, misleading or prohibited publications.
- 33. Unauthorised printing of Acts, etc.

PART IX

Miscellaneous

- 34. Powers of President and Speaker under this Act to be supplemental.
- 35. Speaker may act notwithstanding dissolution of House.
- 36. No prosecution without the consent of the Attorney-General.

CHAPTER 168

LEGISLATURE (PRIVILEGES, IMMUNITIES AND POWERS) ACT

An Act to determine and regulate the powers, privileges and immunities of both chambers of the Legislature, and of the members thereof; to regulate the proceedings thereof; to give protection to persons employed in the publication of the reports and other papers of the Legislature; to regulate admittance to the precincts of the Legislature, and for connected purposes.

[Act No. 24 of 1968.]

[29th June, 1968.]

PART I

Preliminary

1. Short title

This Act may be cited as the Legislature (Privileges, Immunities and Powers) Act.

2. Interpretation

In this Act—

“chamber” means the Senate or the House;

“Clerk” means—

(a) in relation to the Senate, the Clerk of the Senate;

(b) in relation to the House, the Clerk of the House;

“committee” means any select, sessional, special, standing or other committee of either chamber or joint committee;

“Constitution” means the Constitution of Grenada set out in Schedule 1 of the Grenada Constitution Order, 1973, and includes any law which amends or replaces it or any of its provisions;

“House” means the House of Representatives provided for under the Constitution;

“joint committee” means any committee composed of members of both chambers appointed by corresponding orders of both chambers;

“meeting” means any sitting of a chamber commencing when the chamber first meets after being summoned at any time and terminating when the chamber is adjourned *sine die* or at the conclusion of a session;

“member” means a member of either chamber and, in relation to the House, includes the Speaker;

“officer of the chamber” means any person who may from time to time be appointed to the staff of either chamber, whether permanently or temporarily, and includes the Clerk and any police officer on duty within the precincts of either chamber;

“President” means the President of the Senate and includes the Vice-President and any member for the time being presiding over the Senate;

“Senate” means the Senate provided for under the Constitution;

“session” shall have the same meaning as that assigned to it in section 111(1) of the Constitution;

“sitting” shall have the same meaning as that assigned to it in section 111(1) of the Constitution;

“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 either chamber made under section 50 of the Constitution, and for the time being in force;

“stranger” means, in relation to a chamber, any person other than a member or an officer of that chamber.

PART II

Immunities

3. President, Speaker and officers not subject to jurisdiction of courts

Neither the President, nor the Speaker, nor an officer of the chamber shall be subject to the jurisdiction of any court in respect of the exercise of a power conferred on or vested in the President, the Speaker or such officer by or under the Constitution, this Act or any order of either chamber.

4. Immunity of member in respect of statements, etc., in Legislature

No civil or criminal proceedings may be instituted against a member—

- (a) in respect of words spoken before; or
- (b) in respect of words written in a report to;
- (c) by reason of any matter or thing brought by petition, bill, motion or otherwise, before,

the chamber to which he or she belongs or a committee thereof, or a joint committee.

5. Immunity of member from arrest on civil process

(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 President or the Speaker, as the case may be.

6. Immunity of persons acting under authority of either chamber

No person shall be liable for an act done under the authority of either chamber and within its legal powers or under a warrant issued by virtue of those powers.

7. No process to be served within precincts of either chamber

Notwithstanding anything contained in any written law to the contrary, no process issued by a court in the exercise of its civil jurisdiction shall be served or executed within the precincts of either chamber while the chamber is sitting or through the President, the Speaker, or any officer of the chamber.

8. Member or officer not to serve on jury, etc.

(1) It shall not be lawful to require a member or an officer of the chamber—

- (a) to serve on a jury or as an assessor in any court; or
- (b) during a sitting of the chamber of which he or she is a member or an officer, as the case may be, or on any day on which a committee of which he or she is a member or which he or she 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 President, or the Speaker, as the case may be, shall be deemed sufficient proof of attendance on the Senate, or the House, respectively.

9. Chambers or committee may order attendance of witnesses

(1) Either chamber, or a committee authorised by an order of the chamber by which it was appointed, or a joint committee authorised by an order of each chamber, to send for persons, papers and records, may order a person—

- (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.

(2) In this section, “order of the chamber” includes the Standing Orders of that chamber.

10. Service of summons

(1) An order to attend to give evidence or produce documents before either chamber or before a committee (including a joint 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.

(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 or she 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 President or the Speaker, as the case may be, may, if he or she 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 or her last known place of abode or business.

(4) A summons issued in accordance with this section may be served—

- (a) when issued from a chamber, by an officer of that chamber;
- (b) when issued from a committee, by an officer of the chamber by which the committee was appointed,

or by a police officer.

(5) There shall be paid or tendered to any person summoned under this section, if he or she does not reside within four miles of the place of attendance specified in the summons, such sum for his or her expenses as may be authorised by order of the chamber concerned.

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

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

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

(3) The appropriate authority, on issuing a warrant under this section, may, if he or she thinks fit, by ordering an appropriate endorsement on the warrant, direct that the person mentioned in the warrant be released after arrest upon his or her entering into such a recognisance as may be required in the endorsement before a court of summary