

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

1

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

ARRANGEMENT OF SECTIONS

1. Short title.
2. Interpretation.

Legal Proceedings

3. Immunity from legal proceedings.
4. Privileges.

Evidence

5. Power to order attendance of witnesses.
6. Attendance to be notified by summons.
7. Witnesses may be examined on oath.
8. Objection to answer question or to produce papers.
9. Privileges of witnesses.
10. Certificate issued to witnesses making full disclosure to be a bar to civil or criminal proceedings.
11. Evidence of proceedings in House or committee not to be given without leave.
12. Questions relating to evidence and production of documents before either House or a committee to be determined in accordance with usage of Parliament.

Regulation of Admittance to the House

13. Right to enter House.
14. Power of appropriate authority to regulate admittance to either House.
15. Power of appropriate authority to order withdrawal from House.

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

Offences and Penalties

16. False evidence.
17. Offences relating to admittance to either House.
18. Other offences.
19. Officers of both Houses to have powers of constable.
20. Director of Public Prosecutions to sanction prosecutions.
21. Members not to receive compensation for promotion or opposition of bills, etc.
22. Recovery of penalties.

Miscellaneous

23. Commons Journals to be *prima facie* evidence in enquiries touching privilege.
24. Journals printed by order of either House to be admitted as evidence.
25. Penalty for printing false copy of Act, etc.
26. Protection of persons responsible for publications authorized by either House.
27. Publication of proceedings without malice.
28. Powers of President and Speaker to be supplementary to their powers under Jamaica Constitution.
29. Courts not to exercise jurisdiction in respect of acts of President, Speaker and officers of either House.
30. Civil process not to be served within precincts of either House.

SENATE AND HOUSE OF REPRESENTATIVES
(POWERS AND PRIVILEGES)

3

THE SENATE AND HOUSE OF REPRESENTATIVES
(POWERS AND PRIVILEGES) ACT

Cap. 216.
Laws
46 of 1959,
33 of 1961
S. 16.
31 of 2013
2nd Sch.

[13th December, 1945.]

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

2. In this Act—

Interpreta-
tion.

“appropriate authority” means, where used in relation to the Senate or any committee thereof or any joint committee, the President, and where used in relation to the House of Representatives or any committee thereof, the Speaker;

“Clerk” means, where used in relation to the Senate, the Clerk of the Senate, and where used in relation to the House of Representatives, the Clerk of the House of Representatives;

“committee” not preceded by the word “joint” means any standing, select or other committee of either House; and in sections 6 to 11 (both inclusive) and in sections 16 and 18 means a committee duly authorized by a resolution of the House by which such committee was appointed under section 5;

“House” means either the Senate or the House of Representatives;

“joint committee” means any standing, select or other committee appointed by both Houses, and in sections 6 to 11 (both inclusive) and in sections 16 and 18 means a committee duly authorized by resolutions of both Houses under section 5;

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

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

“member” means any member of either House;

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

“precincts of the House” means the entire building in which either House sits in session for the transaction of business, together with the offices of such House and the galleries or places provided for the use of accommodation of strangers, members of the public and representatives of the press;

“President” means the President of the Senate and includes any other member of the Senate when such other member is presiding at a meeting of the Senate;

“Speaker” means the Speaker of the House of Representatives and includes any other member of the House of Representatives when such other member is presiding at a meeting of the House of Representatives;

“Standing Orders” means the Standing Orders of either House, for the time being in force;

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

Legal Proceedings

Immunity
from legal
proceedings.

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

4. For the duration of the session members shall enjoy ^{Privileges.} freedom from arrest for any civil debt except a debt the contraction of which constitutes a criminal offence.

Evidence

5.—(1) Either House or any standing committee may, ^{Power to order attendance of witnesses.} subject to the provisions of section 9 and section 12, order any person to attend before such House or before such committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of such person.

(2) The powers conferred by subsection (1) on a standing committee may be exercised by any other committee which is specially authorized by a resolution of the House by which such committee is appointed to exercise such powers in respect of any matter or question specified in the resolution.

(3) The powers conferred by the provisions of subsection (1) on a standing committee of either House may be exercised by any joint committee which is specially authorized by resolutions of both Houses to exercise such powers in respect of any matter or question specified in such resolutions.

(4) Notwithstanding the provisions of subsection (2) ^{46/1959 S. 2.} of section 52 of the Representation of the People Act, subsection (1) shall have effect in relation to election documents and election papers as defined by section 2 of the said Representation of the People Act.

6.—(1) Any order to attend, to give evidence or to produce documents before either House or a committee or a joint committee shall be notified to the person required to ^{Attendance to be notified by summons.}

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

attend or to produce documents by a summons under the hand of the Clerk issued by the direction of the appropriate authority.

(2) In every summons under subsection (1) there shall be stated the time when and the place where the person summoned is required to attend and the particular documents which he is required to produce and the summons shall be served on the person mentioned therein either by delivering to him a copy thereof or by leaving a copy thereof at his usual or last known place of abode in Jamaica, with some adult person; and there shall be paid or tendered to the person so summoned if he does not reside within four miles of the place of attendance specified in the summons, such sum for his expenses as may be prescribed by standing order.

(3) A summons under this section may be served by an officer of either House or by a constable.

Witnesses
may be
examined
on oath.

7. Either House or any committee or joint committee may require that any facts, matters and things relating to the subject of enquiry before such House or such committee or joint committee be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath which the appropriate authority or the chairman of the committee or joint committee, as the case may be, or other person specially appointed for that purpose is hereby authorized to administer.

Objection to
answer
question or
to produce
papers.

8.—(1) Where any person ordered to attend, to give evidence or to produce any paper, book, record or document before either House refuses to answer any question that may be put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of enquiry, the appro-

priate authority may excuse the answering of such question or the production of such paper, book, record or document, or may order the answering or production thereof.

(2) Where any person ordered to attend or to give evidence or to produce any paper, book, record or document before any committee refuses to answer any question that may be put to him or to produce any such paper, book, record or document on the ground that the same is of a private nature and does not affect the subject of enquiry, the Chairman of the committee may report such refusal to the appropriate authority with the reasons therefor; and the appropriate authority may thereupon excuse the answering of such question or the production of such paper, book, record or document or may order the answering or production thereof.

9.—(1) Every person summoned to attend, to give evidence or to produce any paper, book, record or document before either House or a committee or a joint 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 a court of law.

Privileges of
witnesses.

(2) Except with the consent of the Governor-General in Council, no public officer shall—

- (a) produce before either House or a committee or a joint committee any such paper, book, record or document; or
- (b) give before either House or a committee or a joint committee evidence on any such matter, as relates to the correspondence of any naval, military, air force or civil department or to any matter affecting the public service; nor shall secondary evidence be received by

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

or produced before either House or a committee or joint committee of the contents of any such paper, book, record or document.

Certificate issued to witnesses making full disclosure to be a bar to civil or criminal proceedings.

10.—(1) Every witness before either House or a committee or a joint committee who shall answer fully and faithfully any questions put to him by such House or such committee or joint committee to its satisfaction shall be entitled to receive a certificate stating that such witness was upon his examination so required to answer and did answer any such question.

(2) Every certificate under subsection (1) shall, in the case of a witness before either House, be under the hand of the appropriate authority, and in the case of a witness before any committee or joint committee be under the hand of the chairman thereof.

(3) On production of such certificate to any court of law such court shall stay any proceedings, civil or criminal, except for a charge under section 5 or 8 of the Perjury Act, against such witness for any act or thing done by him before the time and revealed by the evidence of such witness, and may, in its discretion, award to such witness such expenses as he may have been put to.

Evidence of proceedings in House or committee not to be given without leave.

11.—(1) No member or officer of either House and no shorthand writer employed to take minutes of evidence before either House or any committee shall give evidence elsewhere in respect of the contents of such minutes of evidence or of the contents of any document laid before the House or committee, as the case may be, or in respect of any proceedings or examination held before the House or committee, as the case may be, without the special leave of such House first had and obtained.

(2) The provisions of subsection (1) shall apply to any minutes of evidence, documents, proceedings or examination taken, laid or held before any joint committee as they apply to any minutes of evidence, the contents of any document, or any proceedings or examination taken, laid or held before a committee of the Senate.

(3) The special leave referred to in subsection (1) may be given during a recess or adjournment by the appropriate authority or, in his absence or other incapacity or after the dissolution of either House, by the Clerk.

12. Where at any time any question arises in either House or in a committee or joint committee in regard to—

- (a) the right or power of the House or a committee or joint committee to hear, admit or receive oral evidence; or
- (b) the right or power of either House or a committee or joint committee to peruse or examine any paper, book, record or document or to summon, direct or call upon any person to produce any paper, book, record or document before either House or committee or joint committee; or
- (c) the right or privilege of any person (including a member of either House or committee or joint committee) to refuse to produce any paper, book, record or document or to lay any paper, book, record or document before either House or committee or joint committee,

Questions relating to evidence and production of documents before either House or a committee to be determined in accordance with usage of Parliament.

that question shall, subject to the preceding provisions of this Act, and except in so far as express provision is made in those provisions for the determination of that question, be determined in accordance with the usage and practice of

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

the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland.

Regulation of Admittance to the House

Right to
enter
House.

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

Power of
appropriate
authority to
regulate
admittance
to either
House.

14.—(1) The appropriate authority is hereby authorized to issue such orders as he may in his discretion deem necessary for the regulation of the admittance of strangers to the precincts of either House.

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

Power of
appropriate
authority to
order with-
drawal from
House.

15. The appropriate authority may at any time order any stranger to withdraw from the precincts of the House.

Offences and Penalties

False
evidence.

16. Any person who before either House or any committee or any joint committee intentionally gives a false answer to any question material to the subject of enquiry which may be put to him during the course of any examination shall be guilty of an offence—

(a) if such answer was given on oath, against section 5 of the Perjury Act; or

(b) if such answer was given otherwise than on oath, against section 8 of the Perjury Act,
and shall be liable on conviction to the penalties prescribed by the appropriate section for that offence.

17. Any person who—

Offences
relating to
admittance
to either
House.

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

shall be guilty of an offence and shall, on summary conviction before a Resident Magistrate, be liable to a fine not exceeding fifty dollars, or to imprisonment with or without hard labour for any term not exceeding three months, or to both such fine and imprisonment.

18. Any person who—

Other
offences.

- (a) disobeys any order made by either House or a committee or a joint committee for attendance or for production of papers, books, documents or records, unless such attendance or production be excused as hereinafter provided; or
- (b) refuses to be examined before, or to answer any lawful and relevant question put by, either House or a committee or a joint committee unless such refusal be excused as hereinbefore provided; or

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

- (c) offers to any member or officer of either House any bribe, fee, compensation, gift or reward in order to influence him in his conduct as such member or officer, or for or in respect of the promotion of or opposition to any bill, resolution, matter, rules or thing submitted to or intended to be submitted to either House; or
- (d) assaults, obstructs or insults any member coming to or going from the precincts of either House, or endeavours to compel any member by force, insult or menace to declare himself in favour of or against any proposition or matter pending or expected to be brought before either House; or
- (e) assaults, interferes with, resists or obstructs any officer of either House while in the execution of his duty; or
- (f) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of either House while either House is sitting; or
- (g) presents to either House or a committee or a joint committee any false, untrue, fabricated or falsified document with intent to deceive either House,
- (h) [*Deleted by Act 31/2013, 2nd Sch.*].

31/2013
2nd Sch.

31/2013
2nd Sch.

shall be guilty of an offence and shall, on summary conviction before a Resident Magistrate, be liable to a fine not exceeding two hundred dollars and in default to imprisonment with or without hard labour for any term not exceeding twelve months.

Officers of
both Houses
to have
powers of
constable.

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

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

Director of
Public
Prosecutions
to sanction
prosecutions.

21.—(1) No member shall accept or receive either directly or indirectly any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter or thing submitted or intended to be submitted for the consideration of either House.

Members
not to
receive
compensa-
tion for
promotion
or opposition
of bills, etc.

(2) Any person acting in contravention of this section shall be liable to a penalty not exceeding one thousand dollars and, in addition, to repay the amount of the value of the fee, compensation, gift, or reward, accepted or received by him.

22.—(1) The Attorney-General may sue for and recover any penalty incurred by any person under this Act as though such penalty were a debt due to the Crown; and no person other than the Attorney-General shall sue for or recover any such penalty.

Recovery of
penalties.

(2) Any such penalty shall, when recovered, be credited to the Consolidated Fund.

Miscellaneous

23. 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 either House or of any member thereof.

Commons
Journals to
be *prima
facie* evi-
dence in
enquiries
touching
privilege.

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

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

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

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

25. Any person who shall print or cause to be printed a copy of any enactment now or hereafter in force, or a copy of any report, paper, minutes or votes and proceedings of either House as purporting to have been printed by the Government Printer or by or under the authority of either House or by an appropriate authority, 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, shall be guilty of an offence and shall be liable upon conviction to imprisonment with or without hard labour for a term not exceeding three years.

**Protection
of persons
responsible
for publica-
tions
authorized
by either
House.**

26. 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 either House, of any reports, papers, minutes, votes or proceedings, may, on giving to the plaintiff or prosecutor, as the case may be, twenty-four hours' written notice of his intention, bring before the court in which such civil or criminal proceedings are being held a certificate under the hand of the appropriate authority 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 either House together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceed-

ings and the same and every process issued therein shall be deemed to be finally determined.

27. In any civil or criminal proceedings instituted for publishing any extract from or abstract of any report, paper, minutes, votes or proceedings referred to in section 26, if the court or jury, as the case may be, be satisfied that such extract or abstract was published *bona fide* and without malice, judgment or verdict, as the case may be, shall be entered for the defendant or accused.

Publication
of proceed-
ings without
malice.
33/1961
S. 16.

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

Powers of
President
and Speaker
to be supple-
mentary to
their powers
under
Jamaica
Constitution.

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

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

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

Civil pro-
cess not to
be served
within
precincts of
either
House.