

NATIONAL ASSEMBLY (PRIVILEGES, IMMUNITIES AND POWERS) ACT

Act 22 of 1953 – 15 July 1953

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NATIONAL ASSEMBLY (PRIVILEGES, IMMUNITIES AND POWERS) ACT

1. Short title

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

2. Interpretation

In this Act—

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

“Clerk” means the Clerk of the Assembly;

“committee” means any committee of the Assembly;

“Deputy Speaker” means the Deputy Speaker of the Assembly;

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

“member” means any member of the Assembly;

“officer” means the Clerk or any other officer of the Assembly appointed to its staff and includes any member of the Police Force on duty within the precincts of the Assembly;

“precincts of the Assembly” means the offices of the Assembly and the places provided for the use or accommodation of strangers and representatives of the Press and includes, while the Assembly is sitting, the entire building in which the Chamber is situated;

“Speaker” means the Speaker of the Assembly;

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

3. Immunity from legal proceedings

No civil or criminal proceedings may be instituted against the Speaker or any member for words spoken before, or written in a report to, the Assembly or any committee, or by reason of any matter or thing brought by him in the Assembly by petition, Bill, resolution, motion or otherwise.

3A. Immunity from broadcasting proceedings of Assembly

No civil or criminal proceedings may be instituted against any person authorised by the Assembly for broadcasting its proceedings unless such broadcast is made against such rules as the Speaker may prescribe.

[S. 3A inserted by s. 14 (2) of Act 21 of 2016 w.e.f. 15 December 2016.]

4. Exemption from certain services

(1) No member or officer or the Speaker shall be required to serve on a jury or, while in attendance on the Assembly, to attend as a witness in any civil proceeding in any Court.

(2) A certificate under the hand of the Speaker or of the Deputy Speaker to the effect that any member or officer is attending on the Assembly shall be conclusive proof of that fact.

[S. 4 amended by Act 1 of 1996.]

5. Immunity for acts done under authority

No civil or criminal proceedings may be instituted against any person for any act done by him under the lawful authority of the Assembly.

6. Contempt of Assembly

(1) Subject to subsection (2), each of the following acts, matters and things, constitutes the offence of contempt of the Assembly—

- (a) disobeying any order made by any committee acting within the scope of its authority for attendance for the purpose of giving evidence or of producing documents, unless the giving of the evidence sought or the production of the documents concerned is excused under section 14;

- (b) refusing to be examined before, or to answer lawful and relevant questions put by, any committee acting within the scope of its authority or to produce any relevant document in the possession or control of the person to whom the request is addressed, the production of which document is lawfully requested by any committee unless the refusal is excused under section 14;
- (c) refusing or wilfully failing to obey any rule or order of the Assembly, or any order of a committee acting within the scope of its authority;

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- (d) offering to, or acceptance by, any member or officer of a bribe to influence him in his conduct as such member or officer, or offering to, or acceptance by any member or officer of 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 to the Assembly or any committee;
- (e) assaulting, molesting, obstructing, threatening or insulting any member in the vicinity of the precincts of the Assembly when such member is on his way to or going from a meeting of the Assembly or of any committee, or assaulting, molesting, obstructing, threatening, or insulting any member on account of his conduct in the Assembly or any committee, or endeavouring to compel any member by force, insult, or threat to declare himself in favour of, or against, any proposition or matter pending, or expected to be brought, before the Assembly or any committee;
- (f) assaulting, obstructing, resisting, threatening, insulting, molesting or otherwise interfering with an officer on his way to, or from, meetings of the Assembly or of its committees, or while in the execution of his functions or on account of these functions;
- (g) sending to a member any insulting or threatening letter, or challenging a member to fight, on account of his conduct in the Assembly;
- (h) creating or joining in any disturbance which interrupts or is likely to interrupt the proceedings of the Assembly or of any committee while the Assembly or committee is sitting;
- (i) misbehaving in a disrespectful, indecorous, improper or disorderly manner, within the precincts of the Assembly at any time between the commencement and final termination of a sitting on any day on which the Assembly meets;
- (j) tampering with, deterring, hindering, threatening, beguiling or in any way unduly influencing any witness in regard to evidence to be given by him before any committee;
- (k) assaulting, threatening, insulting or molesting any witness within the precincts of the Assembly or on account of the evidence given by such witness before any committee;
- (l) presenting to the Assembly or to any committee any false, untrue, fabricated or falsified document with intent to deceive the Assembly or the committee;
- (m) prevaricating or otherwise misconducting oneself as a witness before any committee;
- (n) publishing any defamatory statement or writing upon the Assembly or any committee, or upon any member touching, or relating to, his character or conduct as a member and with regard to actions performed or words uttered by him in the Assembly;

- (o) publishing perverted or biased reports of debates or proceedings of the Assembly or of any committee, or gross misrepresentations of the speeches of particular members;
- (p) accepting or receiving, either directly or indirectly, by a person who, in the practice of his profession or in the exercise of any trade or calling, is a partner or employee of a member, any fee, compensation, gift or reward in connection with the promotion of, or opposition to, any Bill, resolution, matter or thing submitted or intended to be submitted to the Assembly or any committee;
- (q) publishing by any member or officer or shorthand writer employed to take minutes of evidence before any committee of evidence taken by a committee or of the contents of the report of a committee before the committee has reported to the Assembly;
- (r) giving of evidence by any member or officer or shorthand writer employed to take minutes elsewhere than before the committee in respect of the contents of the minutes of evidence or the contents of any manuscript or document laid before the committee, or in respect of any proceedings or examination held before the committee, without the special leave of the Assembly, or, after a dissolution, of the Speaker, or, during a recess or on adjournment, of the Speaker or Deputy Speaker;
- (s) uttering or publishing any statement reflecting on the conduct or character of, or containing or amounting to an accusation of partiality in the discharge of his duty by the Speaker, Deputy Speaker or Chairperson of any committee;
- (t) service or execution in the Chamber or precincts of the Assembly of any legal or judicial process.

(2) No statement shall be held to be a defamatory statement under subsection (1) (n) unless it is punishable under section 288 of the Criminal Code.

(3) Any person who commits the offence of contempt of the Assembly shall, on conviction, be liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding 1,000 rupees.

7. Prosecution subject to Standing Orders

No prosecution for an offence under this Act shall be instituted except by the Director of Public Prosecutions and in accordance with the procedure laid down in that behalf in the Standing Orders of the Assembly.

8. Strangers

(1) No stranger shall be entitled, as of right, to enter or to remain within the precincts of the Assembly.

(2) The Speaker may issue such orders as he thinks necessary for regulating the admittance of strangers to the precincts of the Assembly.

(3) Copies of orders made by the Speaker under subsection (2) shall be duly authenticated by the Clerk and exhibited in conspicuous positions within the precincts of the Assembly, and these copies, where so authenticated and exhibited, shall be deemed to be sufficient notice to all persons affected by them.

(4) The Speaker may order any stranger to withdraw from the precincts of the Assembly.

(5) Any person who, being a stranger—

- (a) enters the precincts of the Assembly in contravention of any order of the Speaker;
- (b) fails to withdraw from the precincts of the Assembly when ordered to do so by the Speaker;
- (c) contravenes any rule made by the Speaker under the Standing Orders; or
- (d) attends any sitting of the Assembly as the representative of any newspaper after the general permission granted under the Standing Orders to the representative or representatives of that newspaper has been revoked,

shall commit an offence, and shall, on conviction, be liable to a fine not exceeding 1,000 rupees, or to imprisonment for a term not exceeding 3 months.

[S. 8 amended by Act 48 of 1991.]

9. Powers of officer of Assembly

Every officer of the Assembly shall, for the purposes of this Act, have all the powers and enjoy all the privileges of a police officer.

10. Summoning of witnesses

(1) Any committee duly authorised by the Assembly may, subject to sections 12 and 14, order any person to attend before the committee and to give evidence or to produce any document in the possession or under the control of that person.

(2) Any order under subsection (1) shall be notified to the person concerned by a summons issued under the hand of the Clerk, stating the time and place at which that person is required to attend and any particular document which he is required to produce.

(3) (a) Every summons under subsection (2) may be served by any police officer.

(b) Service shall be effected by delivering a copy of the summons to the person named in the summons or by leaving the copy at his usual or last known place of abode with an adult person.

(4) Where any person summoned under this section resides elsewhere than in the town of Port Louis, there shall be paid to him such sum for his expenses as may be prescribed in any Standing Order of the Assembly.

11. Witnesses may be examined on oath

Any committee, holding any inquiry within the scope of its authority, may hear and examine witnesses on oath, and the Chairperson of such committee, or any person deputed by him, may administer an oath for the purpose.

12. Objections by witness

Where any person duly summoned to attend before any committee refuses to reply to any question or to produce any document on the ground that the question or document relates to a private matter and is irrelevant to the subject matter of the inquiry, the Chairperson of the committee may report the refusal and the reasons for it to the Assembly, and the Assembly may excuse or order the answering of the question or the production of the document.

13. Penalty for giving false evidence

Any witness who, after having been duly sworn, knowingly gives false evidence on any matter relevant to any inquiry held by a committee, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years.

14. Evidence

(1) The law of evidence shall apply in any proceedings before any committee as it applies in any proceedings before a Court, and no witness shall be bound to reply to any question or to produce any document in respect of which he would be entitled to claim privilege before a Court.

(2) Except with the consent of the President, no public officer shall—

- (a) produce before any committee any document; or
- (b) give before any committee evidence on any matter,

which relates to 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 or produced before any committee of the contents of any document.

[S. 14 amended by Act 48 of 1991.]

15. Certificate to witness a bar to proceedings

(1) Every witness before a committee who answers fully and faithfully any question put to him by the committee to its satisfaction shall be entitled to receive a certificate under the hand of the Chairperson of the committee stating that such witness was on his examination required to answer and did answer such question.

(2) On production of such certificate to any Court, the Court shall stay any proceedings, civil or criminal, other than a prosecution for giving false evidence, against such evidence for any act or thing previously done by him and revealed by no evidence other than the answer referred to in the certificate and may award to the witness such expenses as he may have been put to.

16. Journals to be evidence

Upon any inquiry or proceedings concerning the privileges, immunities and powers of the 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 that the copy was so printed.

17. Publications authorised by Assembly

(1) Where any proceedings, whether civil or criminal, have been instituted against any person before a Court on account or in respect of the publication by that person or his servant, by order or under the authority of the Assembly or of any committee, of any report, paper, minutes, votes or proceedings, the Court shall stay such proceedings on production of a certificate from the Speaker or Deputy Speaker to the effect that the report, paper, minutes, votes or proceedings was or were published by that person or his servant by order or under the authority of the Assembly or of a committee, and the proceedings shall be deemed to be finally determined.

(2) Where any proceedings, whether civil or criminal, have been instituted against any person before any Court for publishing any extract from or any summary of any report, paper, minutes, votes or proceedings mentioned in subsection (1), the Court shall, where it is satisfied that the extract or summary was published *bona fide* and without malice, stay such proceedings which shall be deemed to be finally determined.

18. Penalty for printing false copies

Any person who prints or causes to be printed a copy of any enactment, or a copy of any report, paper, minutes or votes and proceedings of the Assembly as purporting to have been printed by the Government Printer or by or under the authority of the Assembly or by an appropriate authority, and the same is not so printed, or tenders in evidence any such copy as purporting to be so printed, knowing that it was not so printed, shall commit an offence and shall, on conviction, be liable to imprisonment for a term not exceeding 2 years.

19. Continuance of powers of Speaker

For the purposes of this Act, the Speaker shall exercise the powers conferred upon him by this Act even after the dissolution of the Assembly by effluxion of time or otherwise.

