ANGUILLA

REVISED STATUTES OF ANGUILLA

CHAPTER H15

HOUSE OF ASSEMBLY (POWERS AND PRIVILEGES) ACT

Showing the Law as at 31 December 2022

This Edition was prepared under the authority of the Revised Statutes and Regulations Act, R.S.A. c. R55 by the Attorney General as Law Revision Commissioner.

This Edition consolidates—
Act 16/2021, in force 30 July 2021

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HOUSE OF ASSEMBLY (POWERS AND PRIVILEGES) ACT

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HOUSE OF ASSEMBLY (POWERS AND PRIVILEGES) ACT

Interpretation

1. In this Act—

"Assembly" means the House of Assembly;

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

"Clerk" means the Clerk of the House of Assembly or persons appointed on the express authority of the Clerk to perform specific functions to facilitate the work of the Assembly;
(Act 16/2021, s. 3)

"committee" means a committee of the whole Assembly or a standing or select committee of the Assembly;

"journals" means the minutes of the Assembly or the official record of the votes or proceedings of the Assembly;

"member" means a member of the Assembly;

"non-member" means any person other than a member or an officer of the Assembly;
(Act 16/2021, s. 2)

"officer of the Assembly" means the Clerk or any other officer or person acting within the precincts of the Assembly under the orders of the Speaker, and includes any police officer on duty within the precincts of the Assembly;

"precincts of the Assembly" means the offices of the Assembly and the galleries and places provided for the use or accommodation of non-members, members of the public and representatives of the press and includes, while the Assembly is sitting and subject to any exceptions made by direction of the Speaker, the entire building in which the Chamber of the Assembly is situated and any forecourt, yard, garden, enclosure or open space adjoining or appertaining to the building and used or provided for the purposes of the Assembly;
(Act 16/2021, s. 2)

"Speaker" means the speaker of the Assembly;

"Standing Orders" means the Standing Orders of the Assembly.

Immunity from legal proceedings

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

Privileges

3. No member shall be liable to arrest for any civil debt, except a debt the contraction of which constitutes a criminal offence, while going to, attending at, or returning from a sitting of the Assembly or any committee.

Right to enter Assembly

4. No non-member is entitled, as of right, to enter or to remain within the Chamber and precincts of the Assembly.

(Act 16/2021, s. 2)

Speaker may regulate admittance

5. (1) The Speaker is hereby authorised to issue any orders that he may in his discretion deem necessary for the regulation of the admittance of non-members to the Chamber and precincts of the Assembly.

(Act 16/2021, s. 2)

(2) Copies of orders made by the Speaker under this section shall be duly authenticated by the Clerk and exhibited in a conspicuous position in the Chamber and precincts of the Assembly, and those copies, when so authenticated and exhibited, are deemed to be sufficient notice to all persons affected by them.

Speaker may order withdrawal of non-member

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

(Act 16/2021, s. 2)

Offences relating to admittance to Assembly

7. Any non-member who—

(a) enters or attempts to enter the Chamber or the precincts of the Assembly in contravention of any order of the Speaker;

(b) fails or refuses to withdraw from the Chamber or the precincts of the Assembly when ordered to withdraw therefrom by the Speaker; or

(c) contravenes any of the Standing Orders or any order made by the Speaker under section 5 relating to the admission of non-members,

is guilty of an offence and is liable on summary conviction to a fine of $4,800 or to imprisonment for a term of 3 months or to both.

(Act 16/2021, s. 2)

Attempted intimidation of Assembly or committee

8. (1) Any person who is a member of a group of 12 or more persons who come in a riotous, tumultuous or disorderly manner to the Chamber or the precincts of the Assembly while the Assembly or any committee is sitting in order to hinder or to promote the passing of any bill, resolution, or other matter before the Assembly or committee is guilty of an offence and is liable on summary conviction to a fine of $19,200 or to imprisonment for a term of 6 months or to both.

(2) Any person who incites any other person to come in a riotous, tumultuous or disorderly manner to the Chamber or the precincts of the Assembly while the Assembly or any committee is

sitting in order to hinder or to promote the passing of any bill, resolution or other matter before the Assembly or committee is guilty of an offence and is liable on summary conviction to a fine of $19,200 or to imprisonment for a term of 6 months or to both.

Other offences

9. (1) Any person who—

(a) offers to any member or to any officer of the Assembly any bribe, fee, compensation, gift, benefit or reward of any kind in order to influence him in his conduct as a member or officer, or for or in respect of the promotion or of opposition to any bill, motion or matter submitted to or intended to be submitted to the Assembly or any committee;

(b) assaults, obstructs, molests or insults any member coming to, being within, or going from the Chamber or the precincts of the Assembly, 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 the Assembly or any committee;

(c) assaults, interferes with, molests, hinders, resists, obstructs or insults any officer of the Assembly while in the execution of his duty, or assaults, obstructs, molests or insults any officer of the Assembly on his way to or from the Assembly, knowing him to be an officer of the Assembly;

(d) creates or joins in any disturbance that interrupts or is likely to interrupt the proceedings of the Assembly or any committee while the Assembly or committee is sitting;

(e) presents to the Assembly or a committee any false, untrue, fabricated or falsified document with intent to deceive the Assembly or committee;

(f) subject to subsection (2), publishes or prints any libel on the Assembly, or publishes by words spoken any false, scandalous or defamatory matter, reflecting on the character or proceedings of the Assembly or which tends to bring the Assembly into odium, contempt or ridicule, or publishes or prints any libel on, or publishes by words spoken or by writing any false, scandalous or defamatory matter reflecting on the character or proceedings of a committee of the Assembly, or publishes any libel on a member of the Assembly touching his conduct as such member;

(g) abstracts any record or other document from the custody of the Clerk or falsifies or improperly alters any records of or documents presented to the Assembly or any committee;

(h) inflicts or threatens to inflict harm in body or estate upon any member or officer of the Assembly with intent to influence him in his conduct as a member or officer;

(i) molests any member or officer of the Assembly on account of his conduct as a member or officer;

(j) disobeys any order to attend, or to produce documents before, any committee duly authorised in that behalf;

(k) refuses to be examined before, or to answer any question put by, any committee;

(l) gives false evidence, prevaricates or commits other misconduct as a witness before any committee;

(m) destroys any document that has been ordered to be produced before a committee;

(n) endeavours, directly or indirectly, to deter or hinder any person from appearing or giving evidence before any committee;

(o) tampers with any witness in regard to evidence to be given by him before any committee;

(p) threatens, punishes, damnifies, injures, assaults or insults any person who has given evidence before a committee on account of his evidence; or

(q) publishes any evidence taken by, or document presented to, any committee before the evidence or document has been reported to the Assembly;

is guilty of an offence and is liable on summary conviction to a fine of $4,800 or to imprisonment for a term of 3 months or to both.

(2) Nothing in paragraph (1)(f) shall apply to a fair and accurate report of the proceedings of the Assembly published in any newspaper, radio, television or other medium of communication or to fair comment on them.

Officers to have powers of police officer

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

Power of arrest

11. An officer of the Assembly may, without an order from the Magistrate and without a warrant, arrest—

(a) any person who commits any offence contrary to section 7 or section 9 in its presence; or

(b) any person within the Chamber or precincts of the Assembly whom he reasonably suspects of having committed an offence contrary to either of those sections.

Acceptance of bribes by members

12. Any member who accepts or agrees to accept or obtains or attempts to obtain for himself or for any other person any bribe, fee, compensation, reward or benefit of any kind for speaking, voting or acting as such member or for refraining from so speaking, voting or acting or on account of his having so spoken, voted or acted or having so refrained is guilty of an offence and is liable on conviction on indictment to a fine of $38,400 or to imprisonment for a term of 3 years or to both.

Contempt by members

13. (1) Any member who—

(a) being a member of a committee, publishes any evidence taken by or documents presented to, the committee before the evidence or documents have been reported to the Assembly;

(b) without the permission of the Speaker first had and obtained, gives evidence before any court or person authorised by law to take evidence relating to the contents of the minutes of evidence taken or any documents laid before a committee or in respect of any proceedings or examinations held before the committee;

(c) assaults or obstructs any other member within the Chamber or precincts of the Assembly;

(d) assaults or obstructs any officer of the Assembly while in the execution of his duty; or

(e) is convicted of any offence under this Act;

is guilty of contempt of the Assembly.

(2) Where any member is guilty of contempt of the Assembly, the Assembly may order the member to be reprimanded by the Speaker or suspend him from the service of the Assembly for the period that it may determine but that period shall not extend beyond the last day of the meeting next following that in which the resolution is passed, or of the session in which the resolution is passed, whichever first occurs.

(3) No allowance payable to a member of the Assembly for his service as a member shall be paid in respect of any period during which he is suspended from the service of the Assembly under subsection (2).

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

Exclusion of suspended member

14. A member who has been suspended from the service of the Assembly shall not enter or remain within the Chamber or precincts of the Assembly while the suspension remains in force, and, if any member is found within the Chamber or precincts of the Assembly in contravention of this section, he may be forcibly removed therefrom by any officer of the Assembly and no proceeding shall lie in any court against the officer in respect of the removal.

Restriction on admissibility of evidence

15. No evidence relating to—

(a) debates or other proceedings in the Assembly; or

(b) the contents of the minutes of evidence taken, or any documents laid or any proceedings or examinations held, before any such committee;

by any member or officer of the Assembly or any shorthand writer employed to take minutes of any such evidence or proceedings in respect of any of the matters specified in paragraph (b), by any person who was a witness before the committee shall be admissible in any proceedings before a court or person authorised by law to take evidence unless the court or that person is satisfied that permission has been given by the Speaker for such evidence to be given.

Commons Journals to be evidence

16. Subject to 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 shall be received as *prima facie* evidence, without proof of its being such a copy, in any enquiry touching the privileges, immunities and powers of the Assembly or of any member.

Admissibility of journals printed by authority

17. Upon any enquiry touching the privileges, immunities or powers of the Assembly or of any member, a copy of the journals printed or purporting to be printed by or under the authority of the Assembly or Speaker shall be admitted as evidence of the journals in all courts and places without any proof being given that the copy was so printed.

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

18. Any person who prints or causes to be printed a copy of any Act in force, 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 the Speaker, and the same is not so printed, or shall tender in evidence any such copy as purporting to be so printed knowing that it was not so printed, is guilty of an offence and is liable upon conviction upon indictment to imprisonment for a term of 3 years.

Protection of persons responsible for publications

19. Any person who is a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by him or by his servant, by or under the authority of the Assembly or the Speaker, of any reports, papers, minutes, votes or proceedings, may, on giving to the plaintiff or prosecutor, as the case may be, 24 hours written notice of his intention, bring before the court in which the civil or criminal proceedings are being held a certificate under the hand of the Speaker stating that the reports, papers, minutes, votes or proceedings in respect of which the civil or criminal proceedings have been instituted were published by the person or by his servant by order or under the authority of the Assembly or the Speaker, and an affidavit verifying the certificate, and the court shall thereupon immediately stay the civil or criminal proceedings and the proceedings and every process issued therein is deemed to be finally determined.

Publication of extracts of proceedings without malice

20. In any civil or criminal proceedings for printing any extract from or an abstract of any report, paper, votes or proceedings published by or under the authority of the Assembly or the Speaker, if the court or jury, as the case may be, is satisfied that the 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.

Powers of Speaker to be supplementary to Standing Orders

21. The powers of the Speaker under this Act shall be supplementary to any powers conferred on him by the Standing Orders.

Jurisdiction of courts in respect of acts of Speaker or officers

22. Neither the Speaker, nor any officer of the Assembly is subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in the Speaker or officer under this Act.

Service of criminal or civil process

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

Restriction on prosecution

24. No prosecution shall be instituted for an offence under this Act except with the written consent of the Attorney General upon information given to him in writing by the Speaker.

Citation

25. This Act may be cited as the House of Assembly (Powers and Privileges) Act, Revised Statutes of Anguilla, Chapter H15.