

## CHAPTER 4.

HOUSE OF REPRESENTATIVES  
(POWERS AND PRIVILEGES).

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## SECTION.

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## CHAPTER 4.

HOUSE OF REPRESENTATIVES  
(POWERS AND PRIVILEGES).\*

7 of 1953.

**An Ordinance to Declare and Define certain Powers, Privileges and Immunities of the House of Representatives and of the Members of such Council, to secure Freedom of Speech in the House of Representatives, to regulate Admittance to the Precincts of the House of Representatives, to give Protection to the Persons Employed in the Publication of the Reports and other Papers of the House of Representatives, and for Purposes Incidental to or Connected with the Matters Aforesaid.**

[17TH SEPTEMBER, 1953.]

## PART I.—PRELIMINARY.

Short title  
and applica-  
tion.

1. This Ordinance may be cited as the House of Representatives (Powers and Privileges) Ordinance and shall apply to the Colony and Protectorate.

Interpreta-  
tion.

2. In this Ordinance unless the context otherwise requires—  
“ Clerk ” means the Clerk of the House of Representatives;  
“ committee ” means a committee of the whole House of Representatives or any standing, select, or other committee of the House of Representatives;

Public Notice  
68 of 1958.

“ House of Representatives ” means the House of Representatives of Sierra Leone constituted by the Sierra Leone (Constitution) Order in Council, 1958;

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

\* This Ordinance was enacted in 1953 to determine and regulate the powers and privileges of the then existing Legislative Council, in pursuance of the provisions of section 30A of Sierra Leone (Legislative Council) Order in Council, 1951 (P.N. 50 of 1951), as amended by section 3 of the Sierra Leone (Legislative Council) (Amendment) Order in Council, 1953, (P.N. 25 of 1953). These Orders in Council were revoked by the Sierra Leone (Constitution) Order in Council, 1956 (P.N. 9 of 1957), which in its turn was revoked by the (now existing) Sierra Leone (Constitution) Order in Council, 1958 (P.N. 68 of 1958). Each of the latter two Orders in Council saved, pending the making of other provisions, the Ordinance enacted in 1953; the (existing) 1958 Order in Council providing that it should have effect as if enacted in pursuance of the relevant section of the 1958 Order in Council and also that it should be “ deemed to have been so enacted, and be read and construed with the necessary adaptations and modifications”. The Ordinance, of course, as enacted, referred throughout to the Legislative Council. In this edition it has been reproduced with the necessary adaptations.

“ Member ” means any Member of the House of Representatives;

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

“ precincts of the House of Representatives ” means the room in which the House of Representatives sits in session for the transaction of business, and includes the galleries adjacent thereto;

“ Speaker ” means the Speaker of the House of Representatives and includes the Deputy Speaker or other member presiding over the House of Representatives and the Chairman of any Committee thereof;

“ Standing Orders ” means the Standing Rules and Orders of the House of Representatives made under or deriving validity from section 28 of the Sierra Leone (Legislative Council) Order in Council, 1951; or any Standing Rules and Orders replacing them;

“ stranger ” means any person other than a Member or any officer of the House of Representatives.

PART II.—PRIVILEGES AND IMMUNITIES.

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 Representatives or to a committee or by reason of any matter or thing brought by him herein by petition, bill, resolution, motion or otherwise. Immunity from legal proceedings.

4. No Member shall be liable to arrest for any civil debt, except a debt the contraction of which constitutes a criminal offence, whilst going to, attending at, or returning from a sitting of the House of Representatives or any committee. Privileges.

PART III.—REGULATION OF ADMITTANCE TO THE HOUSE OF REPRESENTATIVES.

5. No stranger shall be entitled, as of right, to enter or to remain within the precincts of the House of Representatives. Right to enter House of Representatives.

6. (1) The Speaker is hereby authorised to issue orders as he may in his discretion deem necessary for the regulation of the admittance of strangers to the precincts of the House of Representatives. Power of Speaker to regulate admittance to House of Representatives.

(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 precincts of the House of Representatives; and such copies when so authenticated and exhibited, shall be deemed to be sufficient notice to all persons affected thereby.

Power of President to order withdrawal from House of Representatives.

7. The Speaker may at any time order any stranger to withdraw from the precincts of the House of Representatives without assigning any reason therefor.

#### PART IV.—OFFENCES AND PENALTIES.

Offences relating to admittance of the House of Representatives.

8. Any person who, being a stranger—

(a) enters or attempts to enter the precincts of the House of Representatives in contravention of any orders of the Speaker; or

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

(c) contravenes any rule made by the Speaker under the Standing Orders; or

(d) attends any sitting of the House of Representatives or any committee as the representative of any journal or newspaper after the general permission granted under the Standing Orders to the representative or representatives of that journal or newspaper has been revoked, shall be guilty of an offence and shall, on summary conviction, be liable to a fine of twenty-five pounds or to imprisonment for three months, or to both such fine and imprisonment.

Attempted intimidation of House of Representatives or any Committee.

9. (1) If any persons to the number of twelve or more shall come in a riotous, tumultuous or disorderly manner to the precincts of the House of Representatives while the House of Representatives or any committee is sitting, in order either to hinder or to promote the passing of any bill, resolution, or other matter depending before the House of Representatives or such committee, they shall each be guilty of an offence and shall, on summary conviction, each be liable to a fine of one hundred pounds or to imprisonment for twelve months, or to both such fine and imprisonment.

(2) If any person shall incite any other persons to come in a riotous, tumultuous or disorderly manner to the precincts of the House of Representatives while the House of Representatives or any committee is sitting in order either to hinder or to pro-

mote the passing of any bill, resolution or other matter depending before the House of Representatives or such committee, he shall be guilty of an offence and shall, on summary conviction, be liable to a fine of one hundred pounds, or to imprisonment for twelve months, or to both such fine and imprisonment.

10. Any person who—

Other offences.

(a) whether directly or indirectly offers to any Member or to any officer of the House of Representatives 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 the House of Representatives or any committee; or

(b) assaults, obstructs, molests or insults any Member coming to, being within, or going from the precincts of the House of Representatives, 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 House of Representatives or any committee; or

(c) assaults, interferes with, molests, resists or obstructs any officer of the House of Representatives while in the execution of his duty; or

(d) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the House of Representatives or any committee while the House of Representatives or such committee is sitting; or

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

(f) prints or publishes any libel, or publishes either by words spoken or by writing any false, scandalous or defamatory matter, reflecting on the character or proceedings of the House of Representatives or which tends to bring the House of Representatives into odium, contempt or ridicule:

Provided that nothing in this paragraph shall apply to a fair and accurate report of the proceedings of the House of Representatives published in any newspaper; or

(g) does any act which obstructs or impedes the House of Representatives or any committee in the performance of its functions, or which obstructs or impedes any Member or

officer of the House of Representatives in the discharge of his duty; or

(h) 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 House of Representatives or any committee;

shall be guilty of an offence and shall, on summary conviction, be liable to a fine of one hundred pounds or to imprisonment for twelve months or to both such fine and imprisonment.

Officers of House of Representatives to have powers of constable.

11. Every officer of the House of Representatives shall for the purposes of this Ordinance and of the application of the provisions of the criminal law have all the powers and enjoy all the privileges of a constable.

Attorney General to sanction prosecution.

12. No prosecution for an offence under this Ordinance shall be instituted except with the written sanction of the Attorney General.

Members not to receive compensation for promotion of or opposition to Bills, etc.

13. (1) No Member shall demand or ask or accept or receive either directly or indirectly any bribe, fee, compensation, gift or reward for or in respect of or in connection with the promotion of or opposition to any bill, resolution, matter or thing submitted or intended to be submitted for the consideration of the House of Representatives or any committee.

(2) Any person acting in contravention of this section shall be liable to a penalty of five hundred pounds and, in addition, shall forfeit the amount of the value of the bribe, fee, compensation, gift, or reward, accepted or received by him.

Recovery of penalties.

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

(2) Any such penalty or sum shall, when recovered, be credited to the general revenue of Sierra Leone.

#### PART V.—MISCELLANEOUS.

Commons Journals to be *prima facie* evidence in enquiries touching privilege.

15. Subject to the provisions of this Ordinance, 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 the House of Representatives or of any Member.

16. Upon any enquiry touching the privileges, immunities and powers of the House of Representatives 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.

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

17. Any person who shall print or cause to be printed a copy of any Ordinance now or hereafter in force, or a copy of any report, paper, minutes or votes and proceedings of the House of Representatives as purporting to have been printed by the Government Printer or by or under the authority of the House of Representatives 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 the same was not so printed, shall be guilty of an offence and shall be liable upon conviction upon information to imprisonment for three years.

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

18. Any person, being a defendant in any civil or criminal proceedings for or on account or in respect of the publication by such person or by his servant, by order or under the authority of the House of Representatives, 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 notice of 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 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 the House of Representatives together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined.

Protection of persons responsible for publications authorised by House of Representatives.

19. 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 17 of this Ordinance, 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 proceedings without malice.

Powers of Speaker to be supplementary to Orders in Council.

**20.** The powers of the Speaker under this Ordinance shall be supplementary to any powers conferred on him by the Sierra Leone (Constitution) Order in Council, 1958, or the Standing Orders.

Courts not to exercise jurisdiction in respect of acts of Speaker and officers of House of Representatives.

**21.** Neither the Speaker, nor any officer of the House of Representatives shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in the Speaker or such officer by or under this Ordinance.

Civil process not to be served within precincts of House of Representatives.

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

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**TITLE III.**

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