

**NATIONAL ASSEMBLY (PRIVILEGES, IMMUNITIES
AND POWERS) ACT, 2011**

(Act 3 of 2011)

ARRANGEMENT OF SECTIONS

Sections

PART I - PRELIMINARY

1. Short title
2. Interpretation

PART II - PRIVILEGES OF THE ASSEMBLY AND ITS OFFICERS

3. Freedom of speech and debate
4. Immunity from legal proceedings
5. Freedom from arrest
6. Exemption from certain services
7. Power to exclude strangers
8. Evidence of proceedings in Assembly or committee not to be given without leave
9. Civil process not to be served nor members arrested on civil process within precincts of the Assembly

PART III - EVIDENCE

10. Power to order attendance of witnesses
11. Attendance to be notified by summons
12. Witnesses may be examined on oath
13. Objection to answer question or produce papers
14. Privileges of witnesses
15. Certificate issued to witnesses making full disclosure to be a bar to civil or criminal proceedings
16. False evidence
17. Interference with witnesses
18. False documents
19. Contempt

- 20. Questions relating to evidence and production of documents before the Assembly or a committee to be determined in accordance with usage of parliament

PART IV - OFFENCES AND PENALTIES

- 21. Penalty where not otherwise provided for
- 22. Corrupt or improper practices
- 23. Other offences against members and officers
- 24. Disobedience
- 25. Other offences
- 26. Officers of the Assembly to have powers of police officer
- 27. Sanction of Attorney-General for prosecutions
- 28. Powers of the Assembly

PART V - MISCELLANEOUS

- 29. Journals printed by order of the Assembly to be admitted as evidence
- 30. Protection of persons responsible for publications authorised by the Assembly
- 31. Publication of proceedings without malice
- 32. Powers to be supplementary to powers under the Constitution
- 33. Courts not to exercise jurisdiction in respect of acts of the Assembly, Speaker and officers
- 34. Absence of the Speaker, etc
- 35. Repeal of Act 15 of 1975

- 35. The People's Assembly (Privileges, Immunities and Powers) Act, 1975 is hereby repealed.

Repeal of Act 15 of 1975

I certify that this is a correct copy of the Bill which was passed by the National Assembly on 29th March, 2011.

Veronique Bresson
Clerk to the National Assembly

exercise of any power conferred on or vested in the Assembly, the Speaker or such officer by or under this Act.

Absence of
the Speaker,
etc

34.(1) For the purpose of this section, "absent", in relation to the Speaker, means —

- (a) that the office of the Speaker is vacant; or
- (b) that the Speaker is incapable of, or is from any cause prevented from, performing the duties of the office of the Speaker; or
- (c) that the Speaker is absent from Seychelles.

(2) For the duration of any period for which the Speaker is absent —

- (a) the powers and privileges vested in the Speaker by the provisions, other than sections 15 and 30, of this Act shall —

- (i) in so far as they relate to any matter arising at the sitting of the Assembly for the transaction of business, be vested in the Deputy Speaker or such other member of the Assembly as may preside at the sitting of the Assembly when such matter arises; and

- (ii) in so far as they relate to any matter, be vested in such member of the Assembly as may be appointed for this purpose by the Assembly; and

- (b) the powers vested in the Speaker by section 15 and 30 shall be vested in the Clerk.



**NATIONAL ASSEMBLY (PRIVILEGES, IMMUNITIES
AND POWERS) ACT, 2011**

(Act 3 of 2011)

I assent



J. A. Michel
President

13th April, 2011

**AN ACT to provide for the National Assembly
(Privileges, Immunities and Powers)**

ENACTED by the President and the National Assembly.

PART I - PRELIMINARY

1. This Act may be cited as the National Assembly (Privileges, Immunities and Powers) Act, 2011. Short title

Interpretation

2. In this Act, unless the context otherwise requires—

“Assembly” means the National Assembly of Seychelles established under article 77 of the Constitution;

“authorised committee” means any standing committee of the Assembly or other committee appointed under article 104 of the Constitution;

“Chairperson” means the person presiding over a committee of the Assembly and shall, where applicable, include the Speaker;

“Clerk” means the Clerk to the Assembly and includes any person acting as such on the authority of the Speaker;

“committee” means any standing, select or other committee of the Assembly;

“Deputy Speaker” means the Deputy Speaker of the Assembly elected under article 83 of the Constitution;

“journals” means the official record of the votes and proceedings of the Assembly;

“meeting” means the period between the time when the Assembly first assembles after a session has been proclaimed or after being summoned and the time at which it is adjourned *sine die*;

“member” means any member of the Assembly and includes the Speaker and the Deputy Speaker;

“officer” means the Clerk or any other officer or person acting within the precincts of the Assembly under the orders of the Speaker and includes a

copy of the journals or Standing Orders printed or purporting to be printed by the Government Printer, or any copy of the journals or Standing Orders duly authenticated as such under the hand of the Clerk, shall be admitted as evidence of such journals or Standing Orders in all courts and places without any further proof being given.

30. A 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 the person's servant, by order or under the authority of the Assembly 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 the person's intention, bring before the court in which such 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 proceedings have been instituted were published by such person or by the person's servant by order or under the authority of the Assembly 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.

31. In any civil or criminal proceedings instituted for publishing any extract from or abstract of any report, paper, journals, referred to in section 25, if the court be satisfied that such extract or abstract was published bona fide and without malice, it shall enter judgement or verdict, as the case may be, for the defendant or accused.

32. The powers of the Assembly and of the Speaker under this Act shall be supplementary to any powers conferred by the Constitution or Standing Orders.

33. Neither the Assembly, the Speaker nor any officer shall be subject to the jurisdiction of any court in respect of the

Protection of persons responsible for publications authorised by the Assembly

Publication of proceedings without malice

Powers to be supplementary to powers under the Constitutions

Courts not to exercise jurisdiction in respect of acts of the Assembly, Speaker and officers

Officers of the Assembly to have powers of police officer

26. An 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 the police officer.

Sanction of Attorney General for prosecutions

27. Prosecution shall not be instituted for an offence under this Act except by the Attorney-General upon information given to the Attorney-General in writing by the Speaker.

Powers of the Assembly

28.(1) Where a member commits any contempt of the Assembly, whether specified in section 19 or otherwise, the Assembly may, by resolution, either direct the Speaker to reprimand such member or suspend the member from the service of the Assembly for such period as it may determine:

Provided that such 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 shall first occur.

(2) Salary or allowance payable to a member of the Assembly for their service as such shall not be paid in respect of any period during which the member is suspended from the services of the Assembly under the provisions of this section.

(3) If any person not being a member commits a contempt, whether specified in section 19 or otherwise, the Assembly may, by resolution, direct that the Speaker shall order such person to appear before the Assembly and that the Speaker shall, upon such attendance, reprimand the person at the Bar of the Assembly.

PART V - MISCELLANEOUS

29. Upon any inquiry touching the privileges, immunities and powers of the Assembly or of any member, any

Journals printed by order of the Assembly to be admitted as evidence

police officer on duty within the precincts of the Assembly;

"precincts of the Assembly" means the chamber in which the Assembly or a committee thereof sits in session for the transaction of business, together with the offices, rooms, lobbies, galleries, courtyard, gardens and other places provided for the use or accommodation of members, officers or strangers and any passages connecting such places and any other place immediately contiguous thereto as may from time to time be designated by the Speaker;

"Speaker" means the Speaker of the Assembly elected under article 83 of the Constitution.

"standing orders" means the National Assembly Standing Orders;

"stranger" means any person other than a member or an officer;

PART II - PRIVILEGES OF THE ASSEMBLY AND ITS OFFICERS

3. There shall be freedom of speech and debate in the Assembly. Such freedom of speech and debate shall not be liable to be questioned in any court or place outside the Assembly.

Freedom of speech and debate

4. Civil or criminal proceedings may not be instituted against any member for words spoken before, or written in a report to, the Assembly or to a committee thereof or by reason of any matter or thing brought by the member therein by petition, Bill, resolution, motion or otherwise.

Immunity from legal proceedings

5. For the duration of a meeting members shall enjoy freedom from arrest for any civil debt except a debt the contraction of which constitutes a criminal offence.

Freedom from arrest

Exemption
from certain
services

6.(1) A member or officer shall not be required to serve as a juror at any proceedings in any court.

(2) Save by the leave of the Assembly first obtained, a member or officer shall not be required, while attending the Assembly, to attend as a witness in any civil or criminal proceedings in any court or in any proceedings before any commission appointed under Commission of Inquiry Act, unless that court or commission holds its sittings at the seat of the Assembly.

Power to
exclude
strangers

7.(1) A stranger shall not be entitled, as of right, to enter or remain within the precincts of the Assembly and the Speaker or any officer authorised in that behalf by the Speaker may at any time order any stranger to withdraw therefrom.

(2) The Speaker may issue such orders as the Speaker may, in the Speaker's discretion deem necessary or desirable for the regulation of the admittance of strangers to, and the conduct of strangers within, the precincts of the Assembly.

(3) The exhibition in a conspicuous position in the precincts of the Assembly of a copy, duly authenticated by the Clerk, of any orders made by the Speaker under this section shall be deemed to be sufficient notice to all persons affected thereby.

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

8.(1) No member or officer and a person employed by the Assembly to take or transcribe minutes of evidence before the Assembly or any committee shall give evidence elsewhere respecting the contents of such minutes of evidence or of the contents of any document laid before the Assembly or committee, as the case may be, or respecting any proceedings or examination held before the Assembly or committee, as the case may be, without the special leave of the Assembly first had and obtained.

(2) The special leave referred to in subsection (1) may be given during a recess or adjournment by the Speaker.

(b) publishes any false or scandalous libel on the Assembly or any report which wilfully misrepresents in any way any proceedings of the Assembly or any committee; or

(c) publishes, save by the general or special leave of the Assembly, any paper, report or other document prepared expressly for submission to the Assembly before the same has been laid on the Assembly while it is sitting; or

(d) prints or causes to be printed a copy of any Act now or hereafter in force, or a copy of any report, paper or journals of the Assembly as purporting to have been printed by the Government Printer, or by or under the authority of the Assembly, or of the Speaker, and the same is not so printed; or

(e) tenders in evidence any such copy as purporting to be so printed knowing that the same was not so printed; or

(f) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of the Assembly while it is sitting; or

(g) publishes or prints any libels on any member concerning the member's character or conduct as a member and with regard to actions performed or words uttered by the member in the course of the transaction of the business of the Assembly,

commits an offence and shall be liable on conviction to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

officer going to or from the precincts of the Assembly; or,

- (b) endeavours to compel, either directly or indirectly, any member by force, insult or menace to declare themselves in favour of, or against, any Bill, resolution, matter, rule or thing submitted to, or intended to be submitted to, the Assembly; or
- (c) assaults, interferes with, resists or obstructs an officer while in the execution of their duty as such officer; or
- (d) sends to a member a threatening letter, or challenges any member to a fight, on account of their conduct as such member,

commits an offence.

Disobedience

24. A person commits an offence where the person wilfully and without lawful cause fails to comply with, or contravenes, any order made under section 7, 10 or 13 (2), or who wilfully fails to obey any other order of the Assembly whereby the Assembly is obstructed in the performance of its functions.

Provided that no offence is committed under this section unless the Chairperson or an officer has drawn to the attention of the person concerned the fact that such failure or contravention is contrary to such order, and the person thereafter continues in such failure or contravention as aforesaid.

Other offences

25. A person who—

- (a) publishes, save by the general or special leave of the Assembly, a report of any proceedings of the Assembly or any committee when such proceedings have not been held in public; or

9. Notwithstanding anything to the contrary, a process issued by any court of Seychelles or outside Seychelles in the exercise of its civil jurisdiction shall not be served or executed within the precincts of the Assembly while the Assembly is sitting, or through the Speaker or any officer of the Assembly, nor shall any member be arrested on civil process, save by the leave of the Speaker first obtained, while the member is within the precincts of the Assembly and while the Assembly is sitting.

PART III - EVIDENCE

10.(1) The Assembly or any standing committee may, subject to the provisions of sections 13, 14 and 20, order any person to attend before the Assembly 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 authorised by the Assembly to exercise such powers.

11.(1) An order to attend, to give evidence or to produce documents before the Assembly or an authorised committee shall be notified to the person required to attend, or to produce documents by a summons under the hand of the Clerk issued by the direction of the Speaker or Chairperson of the committee:

(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 the person is required to produce. The summons shall be served on the person mentioned therein either by delivering to the person a copy thereof or by leaving a copy thereof at the person's usual or last known place of abode in Seychelles with some adult person; and there shall be paid or tendered to the person so summoned, if the person does not reside within four miles of the place of attendance or specified in the summons,

Civil process not be served nor members arrested on civil process within precincts of the Assembly

Power to order attendance of witnesses

Attendance to be notified by summons

such sum for the person's expenses as may be specified by standing order.

(3) A summons under this section may be served by an officer or by a police officer.

Witnesses
may be
examined on
oath

12.(1) The Assembly or any authorised committee may require that any facts, matters and things relating to the subject of inquiry before the Assembly or such committee be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath.

(2) An oath required to be taken under the provisions of this section may be administered by the Clerk or by any other person appointed by the Assembly for that purpose, or, in the case of a witness before a committee, by the Chairperson of the committee or by the member presiding in the absence of the Chairperson, or by the clerk to the committee.

Objection to
answer
question or
produce
papers

13.(1) Where a person ordered to attend to give evidence or to produce any paper, book, record or document before the Assembly refuses to answer any question that may be put to the person 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 inquiry, the Speaker 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 a person ordered to attend 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 the person 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 inquiry, the Chairperson of the committee may report such refusal to the Speaker with the reasons thereof; and the Speaker may thereupon excuse the answering of such question or the productions of such paper,

compensation, gift or reward in order to influence such member or officer in their conduct as such member or officer or for or in respect of the promotion of or opposition to any Bill, resolution, matter, rule or thing submitted to, or intended to be submitted to, the Assembly commits an offence.

(2) A member or officer or a person who is an employer, a partner or in the service of any member who demands, accepts or receives, directly or indirectly, any bribe, fee, compensation, gift or reward the offering of which is or would be an offence under this section shall likewise commit an offence.

(3) A person who commits an offence under this section shall be liable on conviction to a fine not exceeding five hundred thousand rupees or to imprisonment for a term not exceeding five years, or to both such fine and imprisonment.

(4) In any proceedings against a person for an offence under this section, the court may, if it finds the offence proved—

(a) order that the value or the amount of any bribe, fee, compensation, gift or reward offered or accepted or received in contravention of this section shall be forfeit; or

(b) order that the amount or the value of any bribe, fee, compensation, gift or reward accepted or received in contravention of this section shall be repaid by the person accepting or receiving the same, or by the person on whose behalf the same was accepted or received to the person from whom it was accepted or received or the person on whose behalf such latter person was acting.

23. A person who—

(a) assaults, obstructs or insults a member or

Other offences
against
members and
officers

commits an offence.

20. Where at any time any question arises in the Assembly or in a committee regarding—

- (a) the right or power of the Assembly or committee to hear, admit or receive oral evidence; or
- (b) the right or power of the Assembly or 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 the Assembly or committee; or
- (c) the right or privilege of any person (including a member of the Assembly or committee) to refuse to produce any paper, book, record or document or to lay any paper, book, record or document before the Assembly or committee,

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 what is reasonable in a democratic society.

PART IV - OFFENCES AND PENALTIES

21. For every offence under this Act for which no other penalty is specially provided, the offender shall be liable on conviction to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding six months; or to both such fine and imprisonment.

22.(1). A person who offers to a member or officer or to any person who is an employer, a partner or in the service of any member, either directly or indirectly, any bribe, fee,

Questions relating to evidence and production of documents before the Assembly or a committee to be determined in accordance with usage of parliament

Penalty where not otherwise provided for

Corrupt or improper practices

book, record or document, or may order the answering or production thereof.

14.(1) A person summoned to attend to give evidence or to produce any paper, book, record or document before the Assembly or a 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 rights and privileges as before a court of law.

Privileges of witnesses

(2) Except with the consent of the President, a person shall not—

- (a) produce before the Assembly or a committee any paper, book, record or document; or
- (b) give before the Assembly or a committee evidence,

relating to the correspondence of any naval, military or air force matter, nor shall secondary evidence be received by or produced before the Assembly or a committee of the contents of any such paper, book, record or document.

(3) Except upon the direction of the President, a person shall not refuse—

- (a) to produce before the Assembly or a committee any paper, book, record or document; or
- (b) to give before the Assembly or a committee evidence,

relating to the correspondence of any civil department or to any matter affecting the public service; and secondary evidence shall not be received by or produced before the Assembly or a committee of the contents of any such paper, book, record or

document which the President has directed shall not be produced.

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

15.(1) Every witness before the Assembly or an authorised committee who shall answer fully and faithfully any question put to the person by the Assembly or such committee to its satisfaction shall be entitled to receive a certificate stating that such witness was upon the witness' 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 the Assembly, be under the hand of the Speaker, and in the case of a witness before a committee, be under the hand of the Chairperson thereof.

(3) On production of such certificate to any court of law, such court shall stay any proceedings, civil or criminal, except for such a charge under section 102 and 122 of the Penal Code, against such witness for any act or thing done by the witness before the time revealed by the evidence of such witness, and may, in its discretion, award to such witness the expenses to which the witness may have been put.

False evidence

16. A person who before the Assembly or any authorised committee intentionally gives a false answer to any question material to the subject of inquiry which may be put to that person during the course of any examination commits an offence against section 102 of the Penal Code.

Interference with witnesses

17. A person who—

(a) tampers with, deters, threatens, molests, beguiles or in any way unduly influences any witness in regard to any evidence to be given by the witness before the Assembly or any committee; or

(b) threatens, molests or in any way punishes, damnifies or injures or attempts to punish,

damnify or injure any person for having given evidence before the Assembly or any committee or on account of any evidence which the person has given before the Assembly or any committee,

commits an offence and is liable on conviction to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.

18. A person who presents to the Assembly or to any committee any false, untrue, fabricated or falsified document with intent to deceive the Assembly shall, where such presentation does not constitute an offence under section 16, be liable on conviction to a fine not exceeding fifty thousand rupees or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

False documents

19. A person who—

Contempt

(a) having been called upon to give evidence before the Assembly or an authorised committee thereof refuses to be sworn or make an affirmation; or

(b) being a witness misconducts himself or herself; or

(c) causes an obstruction or disturbance within the precincts of the Assembly during a sitting of the Assembly or of a committee thereof; or

(d) shows disrespect in speech or manner towards the Speaker; or

(e) commits any other act of intentional disrespect to or with reference to the proceedings of the Assembly or of a committee of the Assembly