

MONTSERAT

LEGISLATIVE ASSEMBLY (POWERS, PRIVILEGES AND IMMUNITIES) ACT 2024

No. 18 of 2024

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I ASSENT

(Sgd.) Lyndell Simpson
Governor (Ag.)

DATE: 28.06.24

M O N T S E R R A T

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AN ACT OF THE ASSEMBLY TO DECLARE AND DEFINE CERTAIN POWERS, PRIVILEGES AND IMMUNITIES OF THE LEGISLATIVE ASSEMBLY AND TO GIVE PROTECTION TO THE PERSONS EMPLOYED IN THE PUBLICATION OF THE REPORTS AND OTHER PAPERS OF THE ASSEMBLY AND FOR PURPOSES INCIDENTAL TO OR CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Montserrat, and by the Authority of the same as follows—

PART 1—PRELIMINARY

1. Short title and commencement

- (1) This Act may be cited as the Legislative Assembly (Powers, Privileges and Immunities) Act, 2024.
- (2) This Act comes into operation by Order, on a date appointed by the Governor acting on the advice of Cabinet.
- (3) Different dates may be appointed under subsection (2) in respect of different sections of this Act.

2. Interpretation

In this Act—

“**Assembly**” means the Legislative Assembly;

“**Chamber**” means the room in which the Assembly sits or is sitting in session for the transaction of business and includes the gallery within the Chambers;

“**Clerk**” means the Clerk of the Legislative Assembly or a person appointed on the express authority of the Clerk to perform specific functions to facilitate the work of the Assembly;

“**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;

“**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—

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(a) the Chambers;

(b) any place provided for the use or accommodation of members or non-members for the transaction of the business of the Assembly; or

(c) any space adjoining or appertaining to the place referred to in paragraph (b) and used for the purposes of the Assembly;

“**Speaker**” has the meaning assigned to it in section 107 of the Montserrat Constitution Order (Cap. 1.01);

“**Standing Orders**” means the Standing Orders of the Assembly; and

“**non-member**” means any person other than a member of the Assembly.

PART 2—PRIVILEGES AND IMMUNITIES

3. Immunity from legal proceedings

No civil or criminal proceedings may be instituted against a 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 report, petition, bill, resolution, question, motion or other document written to the Assembly.

4. Privileges

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

PART 3—REGULATION OF THE ASSEMBLY

5. Right to enter Assembly

A non-member is not entitled, as of right, to enter or to remain within the Chamber or the precincts of the Assembly.

6. Speaker may regulate admittance

- (1) The Speaker may 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.
- (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 the copies, when authenticated and exhibited, are deemed to be sufficient notice to all persons affected by them.

7. Speaker may order withdrawal of non-member

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

8. Exclusion of suspended member

- (1) 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.
- (2) If a member is found within the Chamber or precincts of the Assembly in contravention of subsection (1), he may

be forcibly removed from the Chamber or precincts of the Assembly by an officer of the Assembly and no proceeding shall lie in any court against the officer of the Assembly in respect of the removal.

PART 4—PUBLICATIONS AND ADMISSIBILITY OF EVIDENCE

9. Restriction on admissibility of evidence

No evidence relating to—

- (a) debates or other proceedings in the Assembly or documents laid or any proceedings or examinations held before a committee by a member or officer of the Assembly; or
- (b) the contents of the minutes of evidence taken in accordance with paragraph (a) by a person employed to take minutes of such evidence, documents, proceedings or examination,

by a person who was a witness before the committee is 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.

10. Admissibility of journals printed by authority

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.

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

A person who—

- (a) prints or causes to be printed a copy of any Act in force, or a copy of any report, paper, minutes or votes or 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 copy is not so printed; or
- (b) tenders in evidence a copy referred to under paragraph (a) as purporting to be so printed knowing that it was not so printed,

commits an offence and is liable on conviction on indictment to three years' imprisonment.

12. Protection of persons responsible for publications

A 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 twenty four hours' written notice of his intention, bring before the court in which the civil or criminal proceedings are being held—

- (a) 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
- (b) an affidavit verifying the certificate,

and the court shall immediately stay the civil or criminal proceedings and the proceedings and every process issued is deemed to be finally determined.

13. Publication of extracts of proceedings without malice

In any civil or criminal proceedings for printing an extract from or an abstract of a report, paper, votes or proceedings published by or under the authority of the Assembly or the Speaker, if a court or jury is satisfied that the extract or abstract was published bona fide and without malice, judgment or verdict shall be entered for the defendant or accused.

PART 5—OFFENCES AND PENALTIES

14. Offences relating to admittance to Assembly

A 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 by the Speaker; or
- (c) contravenes any of the Standing Orders or any order made by the Speaker under section 6 relating to the admission of non-members;

commits an offence and is liable on summary conviction to a fine of \$10,000 or to six months' imprisonment or to both.

15. Attempted intimidation of Assembly or committee

- (1) A person who is a member of a group of twelve 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 commits an offence and is liable on summary conviction

to a fine of \$19,200 or to six months' imprisonment or to both.

- (2) A 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 commits an offence and is liable on summary conviction to a fine of \$19,200 or to six months' imprisonment or to both.

16. Other offences

- (1) A person who—
- (a) offers to a member or an officer of the Assembly a bribe, fee, compensation, gift, benefit or reward of any kind in order to influence him in his conduct as a member or officer of the Assembly, or for or in respect of the promotion or 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 a 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 an 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;
- (g) subject to subsection (2), 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 a member;
- (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 Assembly or a committee;
- (i) inflicts or threatens to inflict harm in body or estate upon a member or officer of the Assembly with intent to influence him in his conduct as a member or officer;
- (j) molests a member or officer of the Assembly on account of his conduct as a member or officer;
- (k) gives false evidence, prevaricates or commits other misconduct as a witness before any committee;
- (l) destroys any document that has been ordered to be produced before a committee;
- (m) endeavours, directly or indirectly, to deter or hinder any person from appearing or giving evidence before any committee;

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- (n) tampers with any witness in regard to evidence to be given by him before any committee;
 - (o) threatens, punishes, damnifies, injures, assaults or insults any person who has given evidence before a committee on account of his evidence; or
 - (p) publishes any evidence taken by a committee before the evidence has been reported to the Assembly,
commits an offence and is liable on summary conviction to a fine of \$10,000 or to six months' imprisonment or to both.
- (2) Nothing in paragraph (1)(f) or (g) applies to a fair and accurate report of the proceedings of the Assembly published in a newspaper, radio, television or other medium of communication or to fair comment on them.

17. Officers to have powers of police officer

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.

18. Power of arrest

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

- (a) a person who commits any offence contrary to section 14 or 15 in his presence; or
- (b) a person within the Chamber or precincts of the Assembly whom he reasonably suspects of having committed an offence contrary to section 14 or 15.

19. Acceptance of bribes by members

A member who accepts or agrees to accept or obtains or attempts to obtain for himself or for any other person a bribe, fee, compensation, reward or benefit of any kind—

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- (a) for speaking, voting or acting in a particular manner or for otherwise influencing him in his conduct as a member;
 - (b) for refraining from so speaking, voting or acting; or
 - (c) on account of his having spoken, voted or acted, or having refrained from speaking, voting or acting or having been influenced in his conduct as a member,
- commits an offence and is liable on conviction to a fine of \$15,000 or two years imprisonment or to both.

20. Contempt by members both

- (1) A 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, gives evidence before a 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 another member within the Chamber or precincts of the Assembly;
 - (d) assaults or obstructs an officer of the Assembly while in the execution of his duty; or
 - (e) is convicted of an offence under this Act,is in contempt of the Assembly.
- (2) If a member is in contempt of the Assembly, another member may move a resolution that the member in contempt be reprimanded or suspended by the Speaker.
- (3) If the Assembly passes the resolution under subsection (2), the Speaker shall reprimand the member in contempt

or suspend the member in contempt from the service of the Assembly for the period that he 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.

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

PART 6—MISCELLANEOUS

21. Powers of Speaker to be supplementary to Standing Orders

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

22. Jurisdiction of courts in respect of acts of Speaker or officers

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

23. Service of criminal or civil process

Despite anything to the contrary, no process issued by a 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 an officer of the Assembly.

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24. Restriction on prosecution

No prosecution shall be instituted for an offence under this Act except by or with the written consent of the Director of Public Prosecution.

(Sgd.) Charliena White

SPEAKER

Passed by the Legislative Assembly this 25th day of June, 2024.

(Sgd.) Judith Baker

CLERK OF THE LEGISLATIVE ASSEMBLY