

LEGISLATIVE HOUSES (POWERS AND PRIVILEGES) ACT, 2017

EXPLANATORY MEMORANDUM

This Act repeals the Legislative Houses (Powers and Privileges) Act, Cap. L12 Laws of the Federation of Nigeria, 2004, and enact Legislative Powers and Privileges Act, 2017 to give the legislature the desired powers and immunity to be able to carry out its legislative responsibilities.

LEGISLATIVE HOUSES (POWERS AND PRIVILEGES) ACT, 2017

Arrangement of Sections

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 6. Privilege of a witness.
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 9. Answers in committee not to be admissible in proceedings.
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 11. Ejection of a person from Chamber or its precincts.
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LEGISLATIVE HOUSES (POWERS AND PRIVILEGES) ACT, 2017

A Bill

For

An Act to repeal the Legislative Houses (Powers and Privileges) Act, Cap. L12 Laws of the Federation of Nigeria, 2004, and enact Legislative Powers and Privileges Act, 2017 to give the legislature the desired powers and immunity to be able to carry out its legislative responsibilities; and for related matters.

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Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria —

1. A criminal or civil proceeding shall not be instituted against a member of the Legislative House in respect of words spoken or written at the plenary session or at Committee proceedings of the Legislative House. Immunity from litigation.
2. A Legislative House or Committee shall have power to summon any person in Nigeria to come and testify, give account, tender a document or any other record in evidence, in the possession or under control of that person as provided in the First Schedule to this Act. Power to summon a witness.
3. (1) The summons issued under section 2 of this Act, shall be signed by the Clerk of the House or Committee issuing out the summons and shall contain the:
 - (a) time and venue where the person is expected to appear; and
 - (b) nature of document, account or record the person is required to produce.
(2) The summons shall be served at the person's office or residence or his last known place of abode or business, either personally by registered mail or by pasting at the door or wall of the person and giving the person at least five clear days within which the person is expected to appear.

(1) Where a person, whom a summons under section 3 of this Act is directed, as specified in the Second Schedule to this Act, does not attend as scheduled, the President or the Speaker of the Legislative House may, upon being satisfied that the summons was duly served, issue a warrant to a police officer or Sergeant-At-Arms, to apprehend the person and bring him before the issuing authority. Power to issue warrant to compel attendance.
- (2) The President or Speaker, may by endorsement on the warrant, direct that the person named on the warrant be released after the arrest, on entering into recognizance before the issuing authority.
- A Legislative House or Committee may examine a witness on oath which the Clerk is authorised to administer. Witness may be examined on oath

A person summoned before a Legislative House or Committee to testify, give an account or produce any document or record is entitled to, where necessary, privileges on –

- (a) communication related to unpublished official record of the Armed Forces;
- (b) any evidence protected by the Evidence Act; and
- (c) any evidence protected by any law regulating the affairs of a profession.

Privilege of a witness.

Cap. E14 LFN 2004.

A person who gives false evidence before a Legislative House or Committee while answering question put to the person, commits an offence and is liable on conviction under the Criminal or Penal Codes.

False evidence Caps.

(1) A member of a Legislative House shall not be obstructed or hindered from gaining entrance into the legislative chambers.

C38 and P3 LFN 2004.

(2) A person who –

- (a) hinders the movement of a member of a Legislative House into the chambers or precincts of a Legislative House;
- (b) interferes or disobeys the order given by an officer of a Legislative House in performing his official functions;
- (c) creates any disturbance which interrupts or is likely to interrupt the proceedings of a Legislative House; or
- (d) sits or votes in a Legislative House while the person is not a member of a Legislative House,

commits an offence and is liable on conviction to a fine not exceeding ₦100,000.00 or a term of imprisonment for six months or both.

Answers in committee
not to be admissible in
proceedings.

An answer by a person to a question put by a Committee of a Legislative House shall not, except in the case of criminal proceedings for the offence of perjury or an offence against this Act, be in any proceeding, civil or criminal, admissible in evidence against him.

An officer of a Legislative House may, with or without an order from a Court and warrant of arrest, as provided in the Schedule to this Act, arrest any person –

Power of arrest.

- (a) who commits an offence contrary to the provisions of this Act;
or
- (b) within the Chamber or its precincts whom he reasonably suspects of having committed an offence contrary to the provisions of this Act.

1. The President or Speaker of a Legislative House may, at any time, order for the ejection of a stranger or any other person from the Chamber or its precincts.
Ejection of a person from Chamber or its precincts.
2. A person who –
 - (a) offers a member or officer of a Legislative House any bribe, fee, compensation, reward or benefit of any kind in order to influence him in his conduct in respect of promotion of, or opposition to, any Act, resolution, or report submitted or intended to be submitted to the Legislative House, or

(b) threatens to make use of force, violence, restraint or inflict any injury or damage against a member or officer of a Legislative House in order to compel such member to declare himself in favour of, or against, any matter pending or being expected,

commits an offence and is liable on conviction to a fine of ₦500,000.00 or imprisonment for a term of five years or both.Influencing members.
3. A member of a Legislative House who accepts or agrees to accept bribe or attempt to obtain for himself or for other person any bribe, fee, compensation, reward or benefit of any kind for speaking or refraining from speaking, voting or refraining from voting, or influencing any report submitted or intended to be submitted to the Legislative House, commits an offence and is liable on conviction to a fine of ₦500,000.00 or two years imprisonment or both.
Acceptance of bribe.
4. (1) A person who –
 - (a) publishes a report of a Committee before it is laid to the Legislative House in a plenary session,

(b) assaults or obstructs a member of a Legislative House within the Chamber or its precincts,

(c) assaults or obstructs a member of a Legislative House while in the execution of his duties,

(d) fails to answer the question put to him in the proceedings of the Legislative House, or

(e) refuses to abide by laid down procedure of a particular proceeding of a Legislative House or its Committee,

commits a contempt of the Legislative House.
Contempt of a Legislative House.
 - (2) Where a member commits a contempt of Legislative House, the Legislative House may by resolution reprimand such person or suspend him from service of the Legislative House, without pay, for such period as may be determined by the House, but not to the end of a legislative session.

(3) Where a person who commits a contempt of Legislative House, under subsection 12 of this Act is liable on conviction to a fine of ₦500,000.00 or imprisonment for a term of two years or both.

15. A suspended member of a Legislative House, under section 14 (2) of this Act, shall not enter or remain within the Chamber or its precincts while the suspension remains in force.

Restriction on suspended member.

16. No evidence relating to -

(a) debates or other proceeding in a Legislative House,

Restriction on evidence as to certain matters.

(b) the contents of the minutes of evidence taken or any document laid before a Committee of a Legislative House or any proceeding or examination held before any such Committee, by any member or officer of the House or any shorthand-writer employed to take minutes of any such evidence or proceeding or, in respect of any of the matters specified in this paragraph of this section, by any person who was a witness before the Committee,

shall not be admissible in any proceeding before a court or person authorised by law to take evidence unless the Court or person is satisfied that permission has been given by the President, Speaker or the Chairman of the Committee as the case may require for such evidence to be given.

7. A person who publishes any -

(a) statement which falsely or scandalously defames a Legislative House or any Committee,

Prohibition of certain statements.

(b) writing reflecting on the character of the President or, Speaker, or Chairman of a Committee of a Legislative House in the conduct of his duty, or

(c) writing containing a gross, willful or scandalous misrepresentation of the proceedings of the Legislative House,

commits an offence and is liable on conviction to a fine of ₦2,000,000.00 or imprisonment for a term of 12 months or both.

A person who falsely prints or cause to be printed a copy of any Act, Law, Committee report or votes and proceedings of a Legislative House as purporting to have been printed by the approved printer or by the authority of the Legislative House, commits an offence and is liable on conviction to a fine of ₦2,000,000.00 or imprisonment for a term of 12 months or both.

Printing false copies of laws or proceedings.

(1) Any person, being a defendant in any civil or criminal proceeding instituted for or on account of or in respect of the publication by such person or by his servant, by order or under the authority of a Legislative House any report, paper, minute, votes or proceeding,

Protection of persons responsible for publications authorised by a Legislative House.

may, on giving to the plaintiff or prosecutor, as the case may be, 24 hours' written notice of his intention, bring -

- (a) before the Court in which such civil or criminal proceedings are held, a certificate signed by the President or Speaker of a Legislative House stating that the report, paper, minute, votes or proceeding in respect of which such civil or criminal proceedings have been instituted were published by such person or his servant by order or under the authority of a Legislative House;
- (b) an affidavit verifying such certificate.

(2) The court shall stay such criminal proceedings and every process issued therein shall be deemed to be finally determined.

0. The powers of the President, Speaker or Chairman, of a committee of a Legislative House shall be supplementary to any powers conferred on him by the Constitution or Standing Orders.

Powers of President,
Speaker or Chairman to
be supplementary to
powers otherwise
conferred.

1. A person who has cause of action against a Legislative House shall serve a three months written notice to the office of the Clerk of the Legislative House disclosing the cause of action and relief sought.

Pre-action notice.

2. Where a member of a Legislative House is arrested or detained upon warrant or order of court or sentenced by court, the court shall, immediately, notify the President or Speaker of the Legislative House.

Notification of arrest of
members of Legislative
House.

3. Notwithstanding the provision of any law -

(a) court processes or orders shall not be served or executed in the Chamber or precincts of a Legislative House; and

(b) a member of a Legislative House shall not be arrested in the Chamber or precincts of a Legislative House.

Civil process not to be
served in Chamber or
precincts.

The Legislative Houses (Powers and Privileges) Act, Cap. L12 Laws of Federation of Nigeria, 2004 is repealed.

In this Act --

Interpretation.

"Chamber" means where the members of the Legislative House sit;

"Committee" means the Committee set up by the leadership of a Legislative House;

"Issuing authority" means the authority responsible for issuing summons or warrant of arrest;

"Legislative House" means the National and States Houses of Assembly;

"Officer" include staff of the Legislative House;

“precincts” means the offices of the Legislative House and its premises;

“President” means the President of the Senate of the National Assembly; and

“Speaker” means the Speaker of the House of Representatives of the National Assembly and a State House of Assembly.

26. This Act may be cited as the Legislative House (Powers and Privileges) Act, 2017.

Citation.

SCHEDULES

First Schedule

Section 2

FORMS OF SUMMONS AND WARRANT OF ARREST

FORM NO.1

SUMMONS

SUMMONS NO:

IN THE LEGISLATIVE HOUSE OF:.....
.....

YOU ARE SUMMONED to appear before the.....
(State the Legislative House) for the following reason(s):.....
.....

(List reason for Summons; e.g. information or complaint, render evidence)

YOU ARE ORDERED TO REPORT on....., 20..... at a.m./p.m.

LOCATE D AT:.....
.....

IF YOU FAIL TO APPEAR AS ORDERED, A WARRANT MAY BE ISSUED FOR YOUR
ARREST

Date:.....

Issuing Authority

CERTIFICATE OF PERSONAL SERVICE

I swear that I personally served this summons as follows:

Date Received:..... Date Served:..... Time Served:

Person Served:

Location where served:

.....
Person Serving summons

CERTIFICATE OF SERVICE BY MAILING

I certify that a copy of this document was sent to

Through..... (State the name of the courier).

Date:.....

Person Serving Summons

Second Schedule

Section 4 (1)

FORM NO.2

WARRANT OF ARREST

..... (*Arresting Officer*)

....., 20..... that

..... (*defendant*) on....., 20

.....

.....

.....

moned to appear before the

.....

at on, 20

answer to the summons.

arved with the summons, but failed to appear.

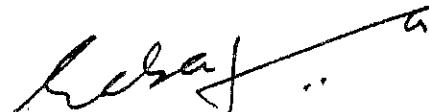
You are commanded to arrest and bring the defendant before the.....
(State the Legislative House) sitting at.....

.....
To answer the said complaint.

Date:.....

.....
Arresting Officer

I, CERTIFY, IN ACCORDANCE WITH SECTION 2 (1) OF THE ACTS AUTHENTICATION ACT CAP. A2, LAWS OF THE FEDERATION OF NIGERIA 2004, THAT THIS IS A TRUE COPY OF THIS BILL PASSED BY BOTH HOUSES OF THE NATIONAL ASSEMBLY.



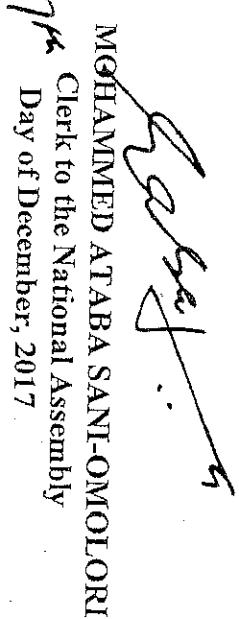
MOHAMMED ATABA SANI-OMOLORI
CLERK TO THE NATIONAL ASSEMBLY

27th DAY OF DECEMBER, 2017

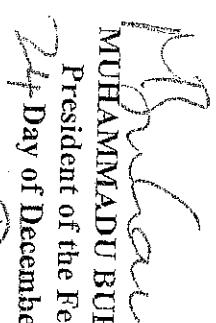
Schedule to the Legislative Houses (Powers and Privileges) Bill, 2017

SHORT TITLE OF THE BILL	LONG TITLE OF THE BILL	SUMMARY OF THE CONTENTS OF THE BILL	DATE PASSED BY THE SENATE	DATE PASSED BY THE HOUSE OF REPRESENTATIVE
Legislative Powers (Powers and Privileges) Bill, 2017.	An Act to repeal the Legislative Houses (Powers and Privileges) Act, Cap. L12 Laws of the Federation of Nigeria, 2004, and enact Legislative Powers and Privileges Bill, 2017 to give the legislature the desired powers and immunity to be able to carry out its legislative responsibilities; and for related matters.	This Bill repeals Legislative Houses (Powers and Privileges) Act, Cap. L12 Laws of the Federation of Nigeria, 2004, and enact Legislative Powers and Privileges Act, 2017 to give the legislature the desired powers and immunity to be able to carry out its legislative responsibilities.	13 th July, 2017	9 th June, 2016

I certify that this Bill has been carefully compared by me with the decision reached by the National Assembly and found by me to be true and correct decision of the Houses and is in accordance with the provisions of the Acts Authentication Act Cap. A2, Laws of the Federation of Nigeria, 2004.


MUHAMMADU BUHARI, GCFR
 President of the Federal Republic of Nigeria
 24 Day of December, 2017

I ASSENT


JAMIU SANI
 Clerk to the National Assembly
 27th Day of December, 2017

January 2018