



ST. HELENA

CHAPTER 6

LEGISLATIVE COUNCIL PROCEEDINGS ORDINANCE

Non-authoritative Consolidated Text

This is not an authoritative 'revised edition' for the purposes of the Revised Edition of the Laws Ordinance; it has been prepared under the supervision of the Attorney General for the purpose of enabling ready access to the current law, and specifically for the purpose of being made accessible via the internet.

Whilst it is intended that this version accurately reflects the current law, users should refer to the authoritative texts in case of doubt. Enquiries may be addressed to the Attorney General at Essex House, Jamestown
[Telephone (+290) 2270; Fax (+290) 2454; email pa.lawofficers@legalandlands.gov.sh]¹

Visit our [LAWS page](#) to understand the St. Helena legal system and the legal status of this version of the Ordinance.

This version contains a consolidation of the following laws—

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LEGISLATIVE COUNCIL PROCEEDINGS ORDINANCE

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Ordinance 10 of 1974 .. in force 24 December 1974

Amended by L.N. 26 of 2009

No Subsidiary Legislation has been made under this Ordinance

¹ These contact details may change during 2011 or early in 2012. In case of difficulty, email shgwebsite@sainthelena.gov.sh or telephone (+290) 2470.

CHAPTER 6**LEGISLATIVE COUNCIL PROCEEDINGS ORDINANCE****ARRANGEMENT OF SECTIONS**

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CHAPTER 6**LEGISLATIVE COUNCIL PROCEEDINGS ORDINANCE**

(Ordinance 10 of 1974 and Legal Notice 26 of 2009)

AN ORDINANCE TO DETERMINE AND REGULATE THE PRIVILEGES AND IMMUNITIES OF THE LEGISLATIVE COUNCIL AND ITS MEMBERS IN REGARD TO FREEDOM OF SPEECH AND RELATED MATTERS.

Commencement

[24 December 1974]

Short title

1. This Ordinance may be cited as the St. Helena Legislative Council Proceedings Ordinance².

Interpretation

2. In this Ordinance—
“**Council**”³ means the Legislative Council;
“**member**” means a member of the Council and includes the Governor and an *ex officio* member and a temporary member.

Immunity from legal proceedings

3. No civil or criminal proceedings may be instituted against any member for words spoken before the Council or a committee of the whole Council or by reason of any matter or thing brought by him before the Council or a Committee of the whole Council by petition, bill, question, motion or otherwise.

Evidence of proceedings before Council or committee—when admissible

4. No evidence relating to any of the following matters, that is to say—
(a) debates or proceedings in the Council or a committee of the whole Council;
(b) the contents of any document laid before the Council or a committee of the whole Council, or any proceeding of or before the Council or a Committee of the whole Council,
shall be admissible in any proceedings before a court or person authorised by law to take evidence unless the court or such person is satisfied that permission has been given by the Governor for such evidence to be given.

Protection of persons responsible for publications authorised by the Council

5. Any 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 his servant, by order or under

² Originally entitled the “Saint Helena Legislative Council Proceedings (Privileges and Immunities) Ordinance”

³ Definition of “Council” amended by L.N. 26 of 2009

the authority of the Council, of any report, paper, minute, 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 civil or criminal proceedings are being held a certificate under the hand of the Governor, or of the Clerk of Councils, stating that the report, paper, minute, votes or proceedings in respect whereof such civil or criminal proceedings have been instituted was published by such person or his servant by order or under the authority of the Council together with an affidavit verifying such certificate; and such court shall thereupon immediately stay such civil or criminal proceeding and the same and every process issued therein shall be deemed to be finally determined.

Protection of persons publishing the whole of or extracts of proceedings without malice

6. In any civil or criminal proceedings instituted for publishing the whole of or any extract from or abstract of any report, paper, minute, votes or proceedings published by or under the authority of the Council, if the court or jury, as the case may be, is satisfied that such extract or abstract was published *bona fide* and without malice, judgment shall be entered for the defendant, or the accused shall be acquitted, as the case may be.

Proceedings printed by Government Printer admissible in evidence

7. Upon any inquiry touching the privileges and immunities of the Council or of any member, any copy of the minutes or proceedings of the Council purporting to be printed by the Government Printer shall be admitted as *prima facie* evidence of such minutes or proceedings in all courts and places without any proof being given that such copy was so printed.

Commons Journals to be *prima facie* evidence in inquiries touching privileges

8. 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 inquiry touching the privileges and immunities of the Council or of any member.

Penalty for printing false copy of Ordinance, etc

9. 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, minute, vote or proceeding of the Council as purporting to have been printed by the Government Printer or by or under the authority of the Council or the Governor, 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 indictment to imprisonment for a term not exceeding three years.

Other offences

10. Any person who—

- (a) presents to the Council or a Committee of the whole Council any false, untrue, fabricated or falsified document with intent to deceive the Council or such committee; or

(b) publishes or prints any libel on the Council, or publishes by words spoken any false, scandalous or defamatory matter reflecting on the character or proceedings of the Council or which tends to bring the Council 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 whole Council, or publishes any libel on a member of the Council touching his conduct as such member (so however that nothing in this paragraph shall apply to a fair and accurate report of the proceedings of the Council published in any newspaper, or fair comment thereon), shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100 or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

Privileges granted by this Ordinance not to exceed those of Commons House of Parliament

11. For the avoidance of doubt it is hereby declared that nothing herein contained shall be deemed or taken, or held, or construed directly or indirectly, by implication or otherwise, to grant any privileges or immunities to the Council exceeding the privileges or immunities of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland or of the members thereof.
