



ST HELENA

REVISED EDITION OF THE LAWS, 2017

**CONSTITUTIONAL & ADMINISTRATIVE LAW**

**LEGISLATIVE COUNCIL PROCEEDINGS ORDINANCE, 1974<sup>1</sup>**

*Ordinance 10 of 1974*

*In force 24 December 1974*

*Amended by L.N. 26/2009*

*No subsidiary legislation to 1 November 2017*

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**LEGISLATIVE COUNCIL PROCEEDINGS ORDINANCE, 1974**

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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.

**Short title**

**1.** This Ordinance may be cited as the St Helena Legislative Council Proceedings Ordinance, 1974.

**Interpretation**

**2.** In this Ordinance—  
“**Council**” means the Legislative Council;

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<sup>1</sup> Under section 10 of the Revised Edition of the Laws Ordinance, 1999 this text is authoritative and is the sole authentic edition in respect of the law contained in it as at 1 November 2017.

“**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 the member before the Council or a committee of the whole Council by petition, bill, question, motion or otherwise.

### **Evidence of proceedings before Council or committee**

- 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,

is 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. (1)** A person who is a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by or on behalf of the person, by order or under the authority of the Council, of any report, paper, minute, votes or proceedings, may bring before the court in which the proceedings are 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 of which the proceedings have been instituted was published by or on behalf of the defendant by order or under the authority of the Council.

**(2)** The defendant must give to the plaintiff or prosecutor (as the case may be) 24 hours written notice of his or her intention to bring such a certificate.

**(3)** The certificate must be accompanied by an affidavit of the person giving it verifying the certificate.

**(4)** A court before which a certificate as mentioned in subsection (1) is brought must immediately stay the proceedings and the proceedings and every process issued in them are to be considered as finally determined.

### **Protection of persons publishing 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 must be entered for the defendant, or the defendant must 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 must 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 evidence in inquiries touching privileges**

8. Subject to this Ordinance, upon any inquiry touching the privileges and immunities of the Council or of any member, 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 must be received as *prima facie* evidence without proof of its being such a copy.

### **Penalty for printing false copy of Ordinance, etc.**

9. It is an offence for a person to—
- (a) print or cause to be printed—
    - (i) a copy of any Ordinance now or hereafter in force; or
    - (ii) 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, if the copy is not so printed; or
  - (b) tender in evidence any such copy as purporting to be so printed knowing it was not so printed.

Penalty: A fine, or imprisonment for 3 years, or both.

### **Other offences**

10. (1) It is an offence for a person to—
- (a) present 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;
  - (b) publish or print any libel on the Council;
  - (c) publish 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;
  - (d) publish or print any libel on, or publish 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
  - (e) publish any libel on a member of the Council touching his or her conduct as such member.

Penalty: A fine of £100 or imprisonment for 3 months, or both.

(2) Subsection (1) (d) does not apply to a fair and accurate report of the proceedings of the Council published in any newspaper, or to fair comment on such proceedings.

**Privileges not to exceed those of Commons House of Parliament**

**11.** This Ordinance must not be construed as granting 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 of that House.

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