

Uganda

Parliament (Powers and Privileges) Act Chapter 258

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Parliament (Powers and Privileges) Act

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Chapter 258

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An Act to declare and define certain powers, privileges and immunities of Parliament, and of the members of Parliament, to secure freedom of speech in Parliament, to regulate admittance to the precincts of Parliament, to give protection to the persons employed in the publication of the reports and other papers of Parliament and for purposes incidental to or connected with the matters aforesaid.

Part I – Interpretation

1. Interpretation

In this Act, unless the context otherwise requires—

- (a) "**clerk**" means the clerk to Parliament;
- (b) "**committee**" means any standing, sessional, select or other committee of Parliament;
- (c) "**court**" means a magistrate's court established under the Magistrates Courts Act, over which presides a chief magistrate or a magistrate grade I;
- (d) "**journals**" means the minutes of Parliament or the official record of the votes and proceedings of Parliament;
- (e) "**member**" means any member of Parliament;
- (f) "**officer of Parliament**" means the clerk or any other officer or person acting within the precincts of Parliament, other than when serving a summons under section 9(3), under the orders of the Speaker, and includes any police officer on duty within the precincts of Parliament;
- (g) "**police officer**" has the same meaning as in the Police Act;
- (h) "**precincts of Parliament**" means the chamber and offices of Parliament and the galleries and places provided for the use or accommodation of strangers, members of the public and representatives of the press, and includes, while Parliament is sitting, and subject to any exceptions made by the direction of the Speaker, the entire building in which the chamber of Parliament is situated, and any forecourt, yard, garden, enclosure or open space adjoining or appertaining to that building and used or provided for the purposes of Parliament;
- (i) "**Speaker**" means the Speaker of Parliament and includes any other member of Parliament when that other member is presiding at a meeting of Parliament;
- (j) "**standing orders**" means the Standing Orders of Parliament for the time being in force;
- (k) "**stranger**" means any person other than a member or an officer of Parliament.

Part II – Privileges and immunities

2. Immunity from legal proceedings

No civil or criminal proceedings may be instituted against any member for words spoken before, or written in a report to, Parliament or to a committee, or by reason of any matter or thing brought by the member in Parliament or a committee by petition, bill, motion or otherwise.

3. Freedom from arrest for civil debt during session

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

4. Exercise of civil process

No process issued by any court in Uganda in the exercise of its civil jurisdiction shall be served or executed within the precincts of Parliament while Parliament is sitting or through the Speaker, the clerk or any officer of Parliament.

5. Entry to Parliament

No stranger shall be entitled as of right to enter or to remain within the precincts of Parliament.

6. Regulation of admission to Parliament

- (1) The Speaker is authorised to issue such orders as he or she may in his or her discretion deem necessary for the regulation of the admittance of strangers to the precincts of Parliament.
- (2) Copies of orders made under this section shall be duly authenticated by the clerk and exhibited in a conspicuous position in the precincts of Parliament; and those copies when so authenticated, and exhibited, shall be deemed to be sufficient notice to all persons affected by the orders.

7. Order for withdrawal of strangers

The Speaker may at any time order any stranger to withdraw from the precincts of Parliament.

Part III – Evidence

8. Power to order attendance of witnesses

- (1) Parliament or any sessional committee may, subject to sections [13](#) and [15](#), order any person to attend before Parliament or before a committee and to give evidence or to produce any paper, book, record or document in the possession or under the control of that person.
- (2) The powers conferred by subsection (1) on a sessional committee may be exercised by any other committee which is specially authorised by a resolution of Parliament to exercise such powers in respect of any matter or question specified in the resolution.

9. Attendance to be notified by summons

- (1) Any order to attend to give evidence or to produce documents before Parliament or a committee shall be notified to the person required to attend or to produce the documents by summons under the hand of the clerk issued by the direction of the Speaker.
- (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 he or she is required

to produce, and the summons shall be served on the person mentioned in the summons either by delivering a copy of it to him or her or by leaving a copy of it at his or her usual or last known place of abode in Uganda, with some adult person; and there shall be paid or tendered to the person so summoned, if he or she does not reside within four miles of the place of attendance specified in the summons, such sum for his or her expenses as may be prescribed by standing orders.

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

10. Power to issue warrant to compel attendance

- (1) If a person to whom a summons under [section 9](#) is directed does not attend before Parliament or the committee at the time and place mentioned in the summons, the Speaker may, upon being satisfied that the summons was duly served or that the person to whom the summons is directed wilfully avoids service, direct the clerk to issue a warrant to apprehend the person and bring him or her, at a time and place to be stated in the warrant, before Parliament or the committee.
- (2) A warrant issued under this section shall be executed by a police officer.
- (3) The Speaker, on directing the issue of a warrant under this section, may if he or she thinks fit, by ordering an appropriate endorsement on the warrant, direct that the person named in the warrant be released after arrest on his or her entering into such a recognisance before a court for his or her appearance before Parliament or a committee as may be required in the endorsement.

11. Witnesses may be examined on oath

Parliament or any committee empowered to order the attendance of witnesses may require that any facts, matters and things relating to the subject of inquiry before Parliament or the committee be verified or otherwise ascertained by the oral examination of witnesses, and may cause any such witnesses to be examined upon oath, which the clerk or the chairperson of the committee or other person specially appointed for that purpose is authorised to administer.

12. Objection to answer question or to produce papers

- (1) Where any person ordered to attend to give evidence or to produce any paper, book, record or document before Parliament refuses to answer any question that may be put to him or her or to produce any such paper, book, record or document on the ground that it is of a private nature and does not affect the subject of the inquiry, the Speaker may excuse the answering of the question or the production of the paper, book, record or document, or may order the answering or production thereof.
- (2) Where any 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 him or her or to produce any such paper, book, record or document on the ground that it is of a private nature and does not affect the subject of inquiry, the chairperson of the committee may report the refusal to the Speaker with the reasons for the refusal; and the Speaker may thereupon excuse the answering of the question or the production of the paper, book, record or document or may order the answering or production thereof.

13. Privileges of witnesses

- (1) Every person summoned to attend to give evidence or to produce any paper, book, record or document before Parliament or a committee of Parliament shall be entitled, in respect of the evidence or the disclosure of any communication or the production of any such paper, book, record or document to the same right or privilege as before a court of law.
- (2) Except with the consent of the Secretary to the Cabinet, no public officer shall—
- (a) produce before Parliament or a committee any paper, book, record or document; or

- (b) give before Parliament 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 Parliament or a committee of the contents of any such paper, book, record or document.
- (3) Except when in the opinion of the Secretary to the Cabinet it would be contrary to the public interest and he or she so directs, no public officer shall refuse—
 - (a) to produce before Parliament or a committee any paper, book, record or document; or
 - (b) to give before Parliament 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 Parliament or a committee of the contents of any such paper, book, record or document which the Secretary to the Cabinet has directed shall not be produced.
- (4) An answer by a person to a question put by Parliament or a committee shall not, except in the case of criminal proceedings under sections 94, 99, 101 and 102 of the Penal Code Act or of an offence against this Act, be in any proceedings, civil or criminal, admissible in evidence against him or her.

14. Evidence of proceedings in Parliament or committee not to be given without leave

- (1) Except as provided in this Act, no member or officer of Parliament and no person employed to take minutes of evidence before Parliament or any committee shall give evidence elsewhere in respect of the contents of the minutes of evidence or of the contents of any document laid before Parliament or the committee, as the case may be, or in respect of any proceedings or examination held before Parliament or the committee, as the case may be, without the special leave of Parliament first had and obtained.
- (2) The special leave referred to in subsection (1) may be given during a recess or adjournment by the Speaker or, in his or her absence or other incapacity or during any dissolution of Parliament, by the clerk.

15. Questions relating to evidence and production of documents before Parliament or committee to be determined in accordance with usage of Parliament of the United Kingdom

Where at any time any question arises in Parliament or in a committee in regard to—

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

that question shall, subject to the preceding provisions of this Act, and except insofar as express provision is made in those provisions for the determination of that question, be determined in accordance with the usage and practice of the Commons House of Parliament of the United Kingdom of Great Britain and Northern Ireland.

Part IV – Offences and penalties

16. Proceedings to be deemed judicial proceedings for certain purposes

Any proceedings before Parliament or a committee at which any person gives evidence or produces any paper, book, record or document shall be deemed to be judicial proceedings for the purposes of sections 94, 99, 101 and 102 of the Penal Code Act.

17. Offences and penalties relating to admittance to Parliament

Any person who—

- (a) being a stranger, enters or attempts to enter the precincts of Parliament in contravention of any order of the Speaker;
- (b) being a stranger, fails or refuses to withdraw from the precincts of Parliament when ordered to withdraw from those precincts by the Speaker;
- (c) being a stranger, contravenes any order made under this Act by the Speaker regulating the admittance of strangers to the precincts of Parliament or any rule made by the Speaker under the standing orders; or
- (d) attends any sitting of Parliament as the representative of any journal after the general permission granted under any order made under this Act or under the standing orders to the representative or representatives of that journal has been revoked,

commits an offence and is liable on conviction before a court to a fine not exceeding five hundred shillings or to imprisonment for any term not exceeding three months or to both such fine and imprisonment.

18. Other offences and penalties

Any person who—

- (a) disobeys any order made by Parliament or a committee for attendance or for production of papers, books, documents or records, unless that attendance or production is excused as hereinbefore provided;
- (b) refuses to be examined before, or to answer any lawful and relevant question put by Parliament or a committee unless that refusal is excused as hereinbefore provided;
- (c) offers to any member or officer of Parliament any bribe, fee, compensation, gift or reward in order to influence him or her in his or her conduct as such member or officer, or for or in respect of the promotion of or opposition to any bill, motion, matter, rules or thing submitted to or intended to be submitted to Parliament or a committee;
- (d) assaults, obstructs, molests or insults any member coming to, being within, or going from the precincts of Parliament, or endeavours to compel any member by force, insult or menace to declare himself or herself in favour of or against any proposition or matter pending or expected to be brought before Parliament or a committee;
- (e) assaults, interferes with, molests, resists or obstructs any officer of Parliament while in the execution of his or her duty or while proceeding to or from Parliament;
- (f) creates or joins in any disturbance which interrupts or is likely to interrupt the proceedings of Parliament or a committee while Parliament or the committee is sitting;
- (g) presents to Parliament or a committee any false, untrue, fabricated or falsified document with intent to deceive Parliament or the committee; or

- (h) publishes any false or scandalous libel on Parliament, commits an offence and is liable on conviction before a court to a fine not exceeding four thousand shillings or to imprisonment for any term not exceeding two years or to both such fine and imprisonment.

19. Acceptance of bribes by members

Any member who accepts or agrees to accept or obtains or attempts to obtain for himself or herself or for any other person any bribe, fee, compensation, reward or benefit of any kind for speaking, voting or acting as such member or for refraining from so speaking, voting or acting or on account of his or her having so spoken, voted or acted or having so refrained commits an offence and is liable on conviction to a fine not exceeding four thousand shillings or to imprisonment for two years or to both such fine and imprisonment.

Part V – Miscellaneous

20. Commons journals to be *prima facie* evidence in inquiries touching privilege

Subject to this Act, 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 shall be received as *prima facie* evidence without proof of its being such copy upon any inquiry touching the privileges, immunities and powers of Parliament or of any member of Parliament.

21. Journals printed by order of Parliament to be admitted as evidence

Upon any inquiry touching the privileges, immunities and powers of Parliament or of any member, any copy of the journals printed or purporting to be printed by the Government Printer shall be admitted as evidence of such journals in all courts and places without any proof being given that the copy was so printed.

22. Penalty for printing false copy of Act, journal, etc.

Any person who prints or causes to be printed a copy of any Act now or hereafter in force, or a copy of any report, paper, minutes or votes and proceedings of Parliament as purporting to have been printed by the Government Printer or by or under the authority of Parliament, or by the Speaker, and the Act is not so printed, or shall tender in evidence any such copy as purporting to be so printed knowing that it was not so printed, commits an offence and is liable on conviction before a court to imprisonment for a term not exceeding three years.

23. Protection of persons responsible for publications authorised by Parliament

Any person, being a defendant in any civil or criminal proceedings instituted for or on account or in respect of the publication by that person or by his or her servant, by order or under the authority of Parliament, of any reports, papers, minutes, votes and proceedings, may, on giving to the plaintiff or prosecutor, as the case may be, twenty-four hours written notice of his or her intention, bring before the court in which the civil or criminal proceedings are being held a certificate under the hand of the Speaker stating that the reports, papers, minutes, votes and proceedings in respect of which the civil or criminal proceedings have been instituted were published by that person or by his or her servants by order or under the authority of Parliament together with an affidavit verifying the certificate; and the court shall thereupon immediately stay the civil or criminal proceedings, and the proceedings and every process issued in the proceedings shall be deemed to be finally determined.

24. Publication of proceedings without malice

In any civil proceedings instituted for publishing any report or summary of or any extract from or abstract of any report, paper, minutes, votes and proceedings of Parliament, if the court is satisfied that the report,

summary, extract or abstract was published *bona fide* and without malice, judgment shall be entered for the defendant.

25. Exercise of jurisdiction by courts

Neither the Speaker nor any officer of Parliament shall be subject to the jurisdiction of any court in respect of the exercise of any power conferred on or vested in the Speaker or that officer by or under this Act.

26. Powers of officers

Every officer of Parliament shall, for the purposes of this Act and of the application of the criminal law, have all the powers and enjoy all the privileges of a police officer.

27. Power of arrest

An officer of Parliament may arrest without warrant—

- (a) any person who commits in his or her presence any offence contrary to section [17](#) or [18](#);
- (b) any person within the precincts of Parliament whom he or she reasonably suspects of having committed, or being about to commit, an offence contrary to either of those sections.

28. Sanction for prosecutions

No prosecution for an offence under this Act shall be instituted except with the written sanction of the Director of Public Prosecutions.