



LAWS OF MALAYSIA

REPRINT

Act 347

HOUSES OF PARLIAMENT (PRIVILEGES AND POWERS) ACT 1952

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**HOUSES OF PARLIAMENT (PRIVILEGES AND
POWERS) ACT 1952**

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POWERS) ACT 1952**

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LAWS OF MALAYSIA**Act 347****HOUSES OF PARLIAMENT (PRIVILEGES AND
POWERS) ACT 1952**

An Act relating to the powers and privileges of the Houses of Parliament, freedom of speech and debate or proceedings in such Houses and protection to persons employed in the publication of papers of such Houses.

[29 May 1952]

Short title

1. This Act may be cited as the Houses of Parliament (Privileges and Powers) Act 1952.

Interpretation

2. In this Act unless the context otherwise requires—

“committee” means a committee of the whole House and any standing, select, special or other committee of such House or appointed by such House;

“House” means the Senate or the House of Representatives, as the circumstances may require;

“journals” means the minutes of the House or the official records of the proceedings thereof;

“member” means a member of the House;

“officer of the House” and “officer” means the Clerk to the Senate or Clerk to the House of Representatives, as the circumstances may require, and any person declared by the President to be an officer of the House;

“President” means the President of the Senate or the Speaker of the House of Representatives, as the circumstances may require;

“standing orders” means the Standing Rules and Orders of the House for the time being in force.

Freedom of speech and debate

3. There shall be freedom of speech and debate or proceedings in the House and such freedom of speech and debate or proceedings shall not be liable to be impeached or questioned in any court or tribunal out of the House.

Power of House to enquire into contraventions

4. For the purposes of this Act, the House is hereby declared to possess all such powers and jurisdiction as may be necessary for enquiring into, judging, and pronouncing upon the commission of any such acts, matters, or things as are made punishable as contempts under section 29 and awarding and carrying into execution the punishment therefor provided by this Act.

House as a court of record

5. The House sitting as a court shall have all such rights and privileges of a court of record, as may be necessary for the purpose of summarily enquiring into and punishing the acts, matters, and things made punishable as contempts under section 29.

Members and officers of House exempted from serving as jurors or assessors or, when House is sitting, to attend as witnesses in court

6. No member or officer of the House shall be required to serve on any jury or as assessor or, while in attendance on the House, to attend as a witness in any civil proceedings in any court, unless that court holds its sittings at the seat of the House. The certificate of the President shall be deemed sufficient proof of any such member’s or officer’s attendance in the House.

Immunity of members from civil or criminal proceedings for anything done or said before the House

7. No member shall be liable to any civil or criminal proceedings, arrest, imprisonment, or damages by reason of any matter or thing which he may have brought by petition, bill, resolution, motion, or otherwise, or have said before the House or any committee.

Exemption from liability in damages for any act done under the authority of the House

8. No person shall be liable in damages or otherwise for any act done under the authority of the House, and within its legal powers or under any warrant issued by virtue of those powers.

Power of House to punish for contempt of the House

9. The House may, for or in respect of any of the offences hereinafter mentioned, whether committed by a member or by any other person, summarily punish for contempt by fine not exceeding one thousand ringgit as provided by the standing orders or by this Act; and if any such fine so imposed be not immediately paid the offender shall be committed to the custody of the keeper of any gaol or of an officer of the House in such place as it may direct until payment be made or until the House is dissolved or prorogued, whichever be the earlier.

The said offences shall be—

- (a) disobedience to any order for attendance or for production of papers, books, records, or documents made by the House or any committee duly authorized in that behalf, unless the attendance or production be excused as provided in section 19;
- (b) refusing to be examined before or to answer any lawful and relevant question put by the House or any such committee, unless such refusal be excused as provided in section 19;
- (c) the wilful failure or refusal to obey any lawful order of the House, whereby the House is or is likely to be obstructed or impeded;

- (d) the offering to or acceptance by any member or officer of a bribe to influence him in his conduct as such member or officer, or the offering to or acceptance by any member or officer of any fee, compensation, gift or reward for or in respect of the promotion of or opposition to any bill, resolution, matter, rule, or thing submitted to or intended to be submitted to the House or any committee;
- (e) assaulting, obstructing, or insulting any member coming to or going from the House or on account of his conduct in the House or endeavouring 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 House;
- (f) assault upon, interference with or resistance to an officer of the House while in the execution of his duty;
- (g) sending to a member any threatening letter or challenging a member to a fight on account of his conduct in the House;
- (h) creating or joining in any disturbance in the House or in the vicinity of the House, whereby any proceedings of the House are or are likely to be interrupted;
- (i) tampering with, deterring, threatening, beguiling, or in any way unduly influencing any witness in regard to evidence to be given by him before the House or any committee;
- (j) presenting to the House or to any committee any false, untrue, fabricated or falsified document with intent to deceive the House or any committee;
- (k) prevarication or other misconduct as a witness before the House or any committee;
- (l) the publication of any false or scandalous libel on any member touching his conduct as a member;
- (m) the publication of any Report of a Committee of the House or of any evidence given or any documents presented to such Committee or extracts from such documents, before such Committee has presented its Report to the House;

- (n) the publication of any report or statement purporting to be a report of the proceedings of the House in any case—
- (i) where such proceedings have been conducted after exclusion by order of the House of the public; or
 - (ii) when such publication has been expressly prohibited by order of the House; or
 - (iii) when such report or statement constitutes or contains a wilful misrepresentation of the proceedings of the House or of the speech of any member thereof or is otherwise not made or published in good faith.

No member to vote on matters in which he has a direct pecuniary interest

10. (1) A member shall not in or before the House or any committee take part in the discussion of any matter in which he has a direct pecuniary interest without disclosing the extent of that interest and shall not in any circumstances vote upon any such matter.

(2) Any member who acts in contravention of this section may be adjudged guilty of contempt by the House, and shall be liable to the penalties provided in this Act for such contempt.

(3) This section shall not apply to any vote or discussion concerning any remuneration or allowance to be received by members in their capacity, as such, or to any interest which a member may have in any matter in common with the public generally, or with any category or section thereof.

Power of President to issue warrants for apprehension and imprisonment

11. For the purpose of punishing any of the contempts referred to in this Act, the President, is hereby empowered, upon a resolution in that behalf of the House, to issue a warrant under his hand for the apprehension and imprisonment of any person sentenced to imprisonment or who, having been sentenced to pay a fine, fails to pay the same.

Contents of warrant

12. Every warrant aforesaid shall contain a statement that the person therein mentioned has been adjudged guilty of contempt by the House and shall specify the nature of the contempt; and every such warrant shall be sufficient, if it can be reasonably inferred therefrom that the person mentioned therein has been adjudged guilty of any of the contempts aforesaid, and it shall not be necessary to observe any particular form in any such warrant.

Power of President to order arrest of persons causing disturbance during sitting of House

13. Any person creating or joining in any disturbance in the House during its actual sitting may be arrested without warrant on the verbal order of the President, and may be kept in the custody of an officer of the House until the House can consider the alleged offence.

Duty to assist in the apprehension of persons ordered to be arrested by the President

14. Every police officer and every person is hereby required to assist in the apprehension and detention of any person in pursuance of any such verbal order as aforesaid of the President, and to aid and assist in the execution of any such warrant as aforesaid, and where any such warrant directs that the person mentioned therein shall be imprisoned in any gaol or other place, the keeper thereof is hereby required to receive such person into his custody in the said gaol or other place and there to imprison him according to the tenor of the warrant.

Power to enter and search premises

15. It shall be lawful for any person charged with or assisting in, the execution of any warrant under the hand of the President to break open in the day time, any door or search any premises in which the person for whose apprehension such warrant was issued may be, or may reasonably be suspected of being, concealed.

Power of House to order attendance of witnesses and production of documents

16. The House, and any committee which is duly authorized by an order of the House to send for persons, documents, or papers, may order any person to attend before the House or before such committee, and to produce any paper, book, record, or document in the possession or under the control of such person.

Attendance to be notified by summons

17. Any order to attend or to produce documents before the House or before any committee, shall be notified to the person required to attend or to produce documents, by summons under the hand of the Clerk issued by direction of the President; and in every such summons there shall be stated the time when, and the place where, the person summoned is required to attend and the particular documents which he is required to produce, and the summons shall be served on the person mentioned therein, either by delivering to him a copy thereof or by leaving a copy thereof, at his usual or last known place of abode in Malaysia, with some adult person, and there shall be paid or tendered to the person so summoned, if he does not reside within six miles of the House, such sum for his expenses as may be prescribed by any standing order in that behalf.

Examination of witnesses upon oath

18. The House or any committee may require that any facts, matters, and things relating to the subject of enquiry before the House or such 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 President, or the Chairman of the committee or person specially appointed for that purpose may administer.

Exemption from answering questions or producing documents

19. If any person ordered to attend or produce any paper, book, record, or document before the House or any committee refuses to answer any question that may be put to him or to produce any such paper, book, record, or document on the ground that the same

is of a private nature and does not affect the subject of enquiry, the President, or the Chairman of the committee, as the case may be, may report such refusal with the reasons therefor, and the House may thereupon excuse the answering of such question or the production of such paper, book, record, or document or may order the answering or production thereof.

Punishment for giving a false answer

20. Any person who, before the House or any committee (and whether or not that person has been sworn or has made an affirmation), wilfully and corruptly makes a false answer to any question material to the subject of enquiry which may be put to him during the course of any examination, shall be guilty of the offence of giving false evidence and liable on conviction to the penalties prescribed therefor in section 193 of the Penal Code [*Act 574*].

Rules relating to privileged evidence apply to evidence before the House

21. The Evidence Act 1950 [*Act 56*], relating to privileged evidence shall apply in the case of evidence before the House or any committee.

Certificate by President that a witness has answered questions put to him by the House

22. Every witness before the House or a committee who shall answer fully and faithfully any questions put to him by the House or such committee to its satisfaction shall be entitled to receive a certificate under the hand of the President or the Chairman of the committee, stating that such witness was upon his examination so required to answer and did answer any such questions.

Prohibition to give evidence outside the House of any evidence before the House without the leave of the House

23. No member or officer of the House and no shorthand writer employed to take minutes of evidence before the House or any committee, shall give evidence elsewhere in respect of the contents of such evidence or of the contents of any manuscript or document laid before the House or any committee or in respect of any proceedings or examination had before the House or any committee

without special leave of the House first had and obtained. Such special leave may be given after a dissolution or during a recess or adjournment by the President, or in his absence or other incapacity by the Clerk.

Journals of the House admissible as evidence

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

Penalty for printing false copy of law, report, etc.

25. Any person who shall print or cause to be printed a copy of any law now or hereafter in force or a copy of any report, paper, minutes or votes and proceedings of the House or any committee as purporting to have been printed by the Government Printer, or by or under the authority of the House, or any committee, or by the President, 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 to imprisonment for a period not exceeding three years.

Certificate of President a defence in proceedings instituted in respect of publications of the House

26. 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 the authority of the House or any committee, of any reports, papers, minutes, 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 President, or of the Clerk, stating that the reports, papers, minutes, votes, or proceedings, in respect whereof such civil or criminal proceedings have been instituted, were published by such person or by his servants by order or under the authority of the House or any

committee, together with an affidavit verifying such certificate, and such court shall thereupon immediately stay such civil or criminal proceedings and the same and every process issued therein shall be deemed to be finally determined.

Privileged publications

27. In any civil or criminal proceedings instituted for publishing any extract from or abstract of any such report, paper, minutes, votes, or proceedings, as in the preceding section mentioned, if the court or jury, as the case may be, be satisfied that such extract or abstract was published *bona fide* and without malice judgment or verdict, as the case may be, shall be entered for the defendant or accused.

President to act notwithstanding dissolution or prorogation of House

28. For the purposes of this Act, the person who fills the office of President of the Senate or Speaker of the House of Representatives, as the case may be, at the time of prorogation or dissolution of Parliament shall be deemed to be the President until Parliament is again summoned or until another person has been chosen to be President of the Senate or Speaker of the House of Representatives, as the case may be, in accordance with Article 56 or 57 of the Federal Constitution.

Additional penalty by the House

29. (1) Every person who has committed an offence against section 10 or 11 and has been adjudged guilty of contempt by the House may, in addition to any other penalty to which he is by this Act or any other law liable, be sentenced to imprisonment for such period not exceeding sixty days as is determined by the House.

(2) Such person shall be imprisoned under warrant issued under the hand of the President.

Recovery of penalties

30. The Attorney General may sue for and recover in any civil court of competent jurisdiction any penalty incurred by any person under this Act as though such penalty were a debt due to the Government.

Prosecutions to be instituted only at the instance of the Attorney General

31. No prosecution for any contravention or breach of this Act shall be instituted except at the instance of the Attorney General.

Privileges and immunities of the House of Commons to be enjoyed by the House and members thereof

32. (1) Save as is otherwise expressly provided by this Act, the House and the members thereof respectively shall hold, enjoy and exercise such and the like privileges and immunities, and powers relating thereto as are held, enjoyed and exercised by the Commons House of the Parliament of the United Kingdom and by the members thereof and also such privileges, immunities and powers as are from time to time defined by any law of Malaysia but not exceeding those at the commencement of such law held, enjoyed and exercised by the Commons House aforesaid and by the members thereof respectively whether such privileges, immunities or powers were so held, possessed or enjoyed by custom, statute or otherwise.

(2) Any member of the House who claims to be entitled to any privilege, immunity or power under this section may be required by the President to refer to the authority, apart from this section, on which he bases his claim.

(3) The President may from time to time declare the authorities to which references may be made for the purposes of this section.

Privileges, etc., to be judicially noticed

33. Such privileges, immunities and powers shall be part of the general and public law of Malaysia.

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

34. Subject to this Act any copy of the Journals of the Commons House of the Parliament of the United Kingdom 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 enquiry touching the privileges, immunities and powers of the House or of any committee or member.

LAWS OF MALAYSIA

Act 347

**HOUSE OF PARLIAMENT (PRIVILEGES AND
POWERS) ACT 1952**

LIST OF AMENDMENTS

Amending law

Short title

In force from

- NIL -

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