**LEGISLATIVE HOUSES (POWERS AND PRVILEGES) ACT**

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            LEGISLATIVE HOUSES (POWERS AND PRIVILEGES) ACT

**An Act to declare and define certain powers, privileges and immunities of the Legis-
lative Houses established under the Constitution of the Federal Republic of Nige-
ria and of the members of such Legislative Houses; to regulate the conduct of
members and other persons connected with the proceedings thereof and for mat-
ters concerned therewith.**

[16 of 1953. 30 of 1957.)

*[30th April,*1953]

[Commencement.)

**1. Short title**

This Act may be cited as the Legislative Houses (Powers and Privileges) Act.

1. **Interpretation**

In this Act, unless the context otherwise requires-

**"Chamber"** in relation to a Legislative House, means the place in which the Legisla-
tive House sits in session for the transaction of business;

**"committee"** means a standing, select or special committee and includes any such
committee of a Legislative House which joins with a committee of any other Legislative
House;

**"Constitution"** means the Constitution of the Federal Republic of Nigeria 1999;

[Cap. C23.)

**"Legislative House"** means the Senate, the House of Representatives, or a House of
Assembly of a State, constituted under the constitution;

**"officer"** in relation to a Legislative House, means the clerk or any other officer or
person acting within the Chamber of the Legislative House or the precincts thereof under

the orders of the President or Vice-President of the Senate, Speaker or Deputy Speaker of
the House of Representatives or of the House of Assembly of a State, as the case may be,
and includes any police officer on duty within the precincts of the House;

**"precincts"** means the offices of a Legislative House and the galleries and places
provided for the use or accommodation of strangers, members of the public and repre-
sentatives of the press and includes, while a Legislative House is sitting and subject to
any exceptions made by direction of the President or Vice-President of the Senate,
Speaker or Deputy Speaker of the House of Representatives or of the House of Assembly
of a State, the entire building in which the Chamber of the House is situated and any
forecourt, yard, garden, enclosure or open space adjoining or appertaining to such build-
ing and used or provided for the purposes of the House;

**"President"** means the President of the Federal Republic of Nigeria;

**"standing orders"** means standing orders made by the Legislative House and for the
time being in force;

**"stranger"** in relation to a Legislative House, means any person who is not a member
or officer of that House.

*Freedom of speech*

1. **Immunity from proceedings**

No civil or criminal proceedings may be instituted against any member of a Legisla-
tive House-

      *(a)*in respect of words spoken before that House or a committee thereof; or

      *(b)*in respect of words written in a report to that House or to any committee
thereof or in any petition, bill, resolution, motion or question brought or intro-
duced by him therein.

*Evidence before committees*

**4. Power of committee to order attendance of witnesses**

A committee of a Legislative House authorised by the standing orders thereof or by a
resolution of the House to send for persons, papers and records may order any person-

                               *(a)*to attend before it and to give evidence; or

      *(b)*to attend before it and to produce any paper, book, record or other document in
the possession or control of such person.

**5. Issue and service of summons to attend**

(1) Any order to attend, to give evidence or to produce documents before a commit-
tee of a Legislative House in accordance with section 4 of this Act shall be notified to the
person required to attend or to produce documents, by a summons under the hand of the
Clerk of the House issued by the direction of the President or Speaker thereof.

 (2) In every summons issued in accordance with subsection (1) of this section, there
shall be stated the time when and the place where the person summoned is required to
attend and, in the case of an order made in accordance with paragraph *(b)*of section 4 of
this Act, the documents he is required to produce.

(3) Subject to the provisions of subsection (4) of this section, every such summons
shall be served on the person mentioned therein by delivering to him a copy thereof and
there shall be paid or tendered to the person so summoned such sum for expenses as may
be authorised by standing order of the House.

(4) A summons issued in accordance with this section may be served by an officer of
a Legislative House or by a police officer:

Provided that the President or Speaker may, if he is satisfied that for any reason
personal service of a summons cannot be effected, order that service be effected by for-
warding the same by registered post addressed to the person to whom it is directed at his
last known place of abode or business.

**6. Power to issue warrant to compel attendance**

(1) If a person to whom a summons under section 5 of this Act is directed does not
attend before the committee at the time and place mentioned therein, the President or
Speaker, as the case may be, of the Legislative House may, upon being satisfied that the
summons was duly served or that the person to whom the summons is directed wilfully
avoids service, issue a warrant to apprehend him and bring him, at a time and place to be
stated in the warrant, before the committee.

(2) A warrant issued under this section shall be executed by a police officer.

(3) The President or Speaker, as the case may be, on issuing a warrant for the arrest
of any person under this section, may if he thinks fit, by endorsement on the warrant,
direct that the person named in the warrant be released after arrest on his entering into
such a recognisance before a magistrate for his appearance before the committee of the
Legislative House as may be required in the endorsement.

**7.Witness may be examined on oath**

A committee of a Legislative House, if authorised by standing orders or resolution of
that House to send for persons, papers and records, may require that any facts, matters
and things relating to the subject of inquiry before such committee be verified or ascer-
tained by the oral examination of witnesses, and may cause any such witnesses to be ex-
amined on oath, which the chairman of the committee or the Clerk thereof is hereby
authorised to administer.

**8. Privilege of witnesses**

(1) Every person summoned to attend, to give evidence or to produce any paper,
book, record or other document before a committee of a Legislative House shall be enti-
tled in respect of such evidence or the disclosure of any communication or the production
of any such paper, book, record or other document to the same privilege as before a court
of law.

 (2) Except with the consent of the President (or in the case of the records or affairs of
State of a department of the Government of a State, the Governor of such State) no public
officer shall be required-

      *(a)*to produce before any committee of a Legislative House any paper, book, rec-
ord or other document; or

                               *(b)*to give before any committee of a Legislative House evidence on any matter,

if such paper, book, record or other document or such evidence is stated by the public
officer to form part of or to relate to the unpublished official records of any naval, mili-
tary, air force or civil department, or to relate to any affairs of State.

**9. 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 shal\
not, except in the case of criminal proceedings for an offence against section 117 of the
Criminal Code or an offence against this Act, be in any proceedings, civil or criminal,
admissible in evidence against him.

  [Cap. C38.]

**10. False evidence**

Any person who before a committee of a Legislative House knowingly gives a false
answer to any question material to the subject of the inquiry of the committee which may
be put to him during the course of his examination shall-

      *(a)*if the answer was given on oath, be deemed to be guilty of an offence against
section 117 of the Criminal Code and shall be liable on conviction to the pun-
ishment therefor prescribed by that Code;

[Cap. C38.]

      *(b)*if the answer was given otherwise than on oath, be guilty of an offence and
shall be liable on conviction to imprisonment for twelve months.

**11. Refusal to answer or failure to attend**

Any person who -

      *(a)*fails without reasonable excuse, the proof whereof shall be upon him, to attend
before a committee when so required by an order made under the provisions of
section 4 of this Act; or

      *(b)*refuses to be examined before, or to answer any question put by, a committee,
or to produce any paper, book, record or other document which he has been
required to produce by an order made under the provisions of section 4 of this
Act, unless such question or paper, book, record or other document is not, in
the opinion of the chairman, material to the subject of the inquiry of the com-
mittee or such refusal is allowed under the provisions of section 8 of this Act,

shall be guilty of an offence and shall be liable on conviction to a fine of fifty naira or to
imprisonment for three months or to both such fine and imprisonment.

**12. Fabricating evidence**

Any person who presents to a committee of a Legislative House any false, untrue, fab-
ricated or falsified document with intent to deceive the committee shall be guilty of an
offence and shall be liable on conviction to a fine of two hundred naira or imprisonment
for twelve months or to both such fine and imprisonment.

**13. Proceedings to be deemed judicial proceedings for certain purposes**

The proceedings before a committee of a Legislative House authorised by standing
orders or resolution of the House to send for persons, papers and records shall be deemed
to be a judicial proceeding for the purposes of sections 121, 122 and 123 of the Criminal
Code.

[Cap. C38.)

*Conduct of strangers*

**14. Entry to Chamber or precincts of Legislative Houses**

(1) No stranger in respect of a Legislative House shall be entitled to enter or remain
within the Chamber or precincts of the Legislative House without the authority of the
President or Speaker, as the case may be, of the House.

(2) Notwithstanding the provisions of subsection (1) of this section, where two or
more Legislative Houses sit in session for the transaction of business in the same place,
then while anyone of those Legislative Houses is sitting, no person who is not a member
or officer of that House shall be entitled to enter or remain within the Chamber or pre-
cincts of the House without the authority of the President or Speaker, as the case may be,
of the House.

**15. Offences relating to admittance to the Chamber or precincts**

Any person who-

       *(a)*being a stranger enters the Chamber or precincts of a Legislative House with-
out permission duly granted under the authority of the President or Speaker, as
the case may be, thereof contrary to the provisions of section 14 of this Act, or
being therein with such permission refuses to leave at the order of the Presi-
dent or Speaker, as the case may be, of the Legislative House; or

       *(b)*being admitted to the Chamber or precincts of a Legislative House as a
stranger contravenes any rule made by the President or Speaker, as the case
may be, of the Legislative House under the standing orders of that House re-
lating to the admission of strangers; or

       *(c)*attends any silting of a Legislative House as representative of any newspaper
or journal after a general permission granted under the standing orders of the
House to the representative or representatives of that newspaper or journal has
been revoked,

shall be guilty of an offence and shall be liable on conviction to a tine of fifty naira or to
imprisonment for three months or to both such fine and imprisonment.

16. Obstructing members or officers, and creating disturbances, etc.

Any stranger in respect of a Legislative House who-

      *(a)*hinders or obstructs any member of that Legislative House coming to, going
from or being within the Chamber or the precincts thereof; or

      *(b)*interferes with, resists or obstructs any officer of a Legislative House while in
the execution of his duty; or

      *(c)*creates or joins in any disturbance which interrupts or is likely to interrupt the
proceedings of that Legislative House while it is sitting; or

                                *(d)*sits or votes in that Legislative House, shall be guilty of an offence and liable on conviction to a fine of one hundred naira or to imprisonment for six months or to both such fine and imprisonment.

**17. Power of arrest**

An officer of a Legislative House may, without an order from a magistrate and with-
out a warrant, arrest-

      *(a)*any person who commits any offence contrary to section 15 or 16 of this Act in
his presence;

      *(b)*any person within the Chamber or precincts of the Legislative House whom he
reasonably suspects of having committed an offence contrary to either of the
said sections.

**18. Strangers may be removed on orders of President or Speaker**

The President or Speaker, as the case may be, of a Legislative House may at any time,
order any stranger in respect of that House to withdraw from the Chamber and precincts
of the House, and if any such person shall fail to obey such order he may be forcibly re-
moved from the Chamber and precincts of the House by any officer of the House and no
proceedings shall lie in any court against the President or Speaker, as the case may be, or
such officer in respect of such removal.

**19. Influencing members**
Any person who-

       *(a)*offers to any 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 as
such member or officer, or for or in respect of the promotion of or opposition to any bill, resolution, matter or thing submitted or intended to be submitted to
a Legislative House; or

       *(b)*makes use of or threatens to make use of any force, violence or restraint or
inflicts or threatens to intlict any temporal or spiritual injury, damage, harm or
loss upon or against a member of a Legislative House in order to compel such
member to declare himself in favour of or against any proposition or matter
pending or expected to be brought before that Legislative House, or on account
of such member having declared himself in favour of or against any proposi-
tion or matter brought before that Legislative House,

shall be guilty of an offence and liable on conviction to a fine of four hundred naira or to
imprisonment for two years or to both such line and imprisonment.

*Conduct of members*

**20. Acceptance of bribes by members**

Any member of a Legislative House who accepts or agrees to accept or obtains or at-
tempts to obtain for himself 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 spoken, voted or acted or having so refrained shall be guilty of an offence and
liable on conviction to a fine of four hundred naira or to imprisonment for two years or to
both such fine and imprisonment.

**21. Contempt of a Legislative House by** **members**
(1) Any member of a Legislative House who-

      *(a)*being a member of a committee of the House, publishes to any person not be-
ing a member of such committee any evidence taken by the committee before
it has been reported to the House; or

      *(b)*assaults or obstructs a member of the Legislative House within the Chamber or
precincts of the House; or

      (c)              assaults or obstructs any officer of the Legislative House while in the execu-
tion of his duty; or

                               *(d)*is convicted of any offence under this Act,

shall be guilty of contempt of the Legislative House.

(2) Where any member is guilty of contempt of a Legislative House, the House, may
by resolution, reprimand such member or suspend him from the service of the House for
such period as it may determine:

Provided that such period shall not extend beyond the last day of the meeting next
following that in which the resolution is passed, or of the session in which the resolution
is passed, whichever shall first occur.

(3) No salary or allowance payable to a member of a Legislative House for his serv-
ice as such shall be paid in respect of any period during which he is suspended from the
service of the House under the provisions of this section.

(4) Nothing in this section contained shall be construed to preclude the bringing of
proceedings, civil or criminal, against any member in respect of any act or thing done
contrary to paragraph *(b)*or (c) of subsection (1) of this section.

22. **Suspended member excluded from Chamber and precincts**

A member of a Legislative House who has been suspended from the service of that
House shall not enter or remain within the Chamber or precincts of the House while such
suspension remains in force, and, if any such member is found within the Chamber or
precincts of the House in contravention of this section, he may be forcibly removed there-
from by any officer of the House and no proceedings shall lie in any court against such
officer in respect of such removal.

*Evidence of proceedings*

**23. Restriction on evidence as to certain matters**

No evidence relating to any of the following matters, that is to say-

      *(a)*debates or other proceedings in a Legislative House;

      *(b)*the contents of the minutes of evidence taken or any documents laid before a
committee of a Legislative House or any proceedings or examinations held be-
fore any such committee,

by any member or officer of the House or any shorthand-writer employed to take minutes
of any such evidence or proceedings or, in respect of any of the matters specified in para-
graph *(b)*of this section, by any person who was a witness before the committee shall be
admissible in any proceedings before a court or person authorised by law to take evidence
unless the court or such last-mentioned person is satisfied that permission has been given
by the President or Speaker, as the case may be, of the House or the chairman of the
committee (as the case may require) for such evidence to be given.

*Publications and reports*

**24. Publication of certain statements and writings an offence**

(1) Any person who-

      *(a)*publishes any statement, whether in writing or otherwise, which falsely or scan-
dalously defames a Legislative House or any committee thereof; or

       *(b)*publishes any writing reflecting on the character of the President or Speaker, as
the case may be, of a Legislative House or the chairman of a Committee of a
Legislative House in the conduct of his duty as such President, Speaker or
chairman; or

       *(c)*publishes any writing containing a gross, wilful or scandalous misrepresenta-
tion of the proceedings of a Legislative House or of the speech of any member
in the proceedings of a Legislative House,

shall be guilty of an offence and shall be liable on conviction to a fine of two hundred
naira or to imprisonment for twelve months, or to both such fine and imprisonment.

(2) In this section "publish", in relation to any writing, means exhibiting in public,
or causing to be read or seen, or showing or delivering, or causing to be shown or deliv-
ered, with the intent that the writing may be read or seen by any person.

**25. Printing false copies of laws or proceedings**

Any person who prints or causes to be printed a copy of any Act or law now or here-
after in force, or a copy of any report, paper, minutes or votes or proceedings of a Legis-
lative House as purporting to have been printed by the Government Printer or by or under
the authority of a Legislative House or by the President or Speaker, as the case may be, of
a Legislative House, and the same is not so printed, or tenders in evidence any such copy
as purporting to be so printed having reasonable cause to know that it is not so printed,

shall be guilty of an offence and shall be liable on conviction to a fine of two hundred
naira or imprisonment for twelve months or to both such fine and imprisonment.

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

(1) Any person, being a defendant in any civil or criminal proceedings instituted for
or on account of or in respect of the publication by such person or by his servant, by or-
der or under the authority of a Legislative House, 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-

      *(a)*before the court in which such civil or criminal proceedings are being held a
certificate under the hand of the President or Speaker, as the case may be, of
the Legislative House stating that the reports, papers, minutes, votes or pro-
ceedings in respect of which such civil or criminal proceedings have been in-
stituted 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 thereupon immediately stay such civil or criminal proceedings and
the same and every process issued therein shall be deemed to be finally determined.

**27. Publication of extracts of proceedings without malice**

In any civil or criminal proceedings for printing any extract from or an abstract of any
report, paper, votes or proceedings published by or under the authority of a Legislative
House, 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 maybe,
shall be entered for the defendant or accused.

*Miscellaneous*

**28. Powers of President or Speaker to be supplementary to powers otherwise con-
ferred**

The powers of the President or Speaker, as the case may be, of a Legislative House
conferred by this Act shall be supplementary to any powers conferred on him by the Con-
stitution, or by standing orders.

**29. Notification of arrest of member of House of Representatives**
Where a member of the National Assembly is-

       *(a)*arrested or detained in custody upon the warrant or order of a court; or

[30 of 1957.]

       *(b)*sentenced by a court to a term of imprisonment,

the court shall, as soon as practicable, inform the President of the Senate or the Speaker
of the House of Representatives, as the case may be, accordingly.

for the transaction of the business of a Legislative House; or
for any religious, charitable or scientific purpose; or

for any other purpose with the consent of the President or Governor given on
such terms as he may think fit.

**30. Courts not to exercise jurisdiction over acts of President, Speaker or officer**

Neither the President or Speaker, as the case may be, of a Legislative House nor any
officer of a Legislative House shall be subject to the jurisdiction of any court in respect of
the exercise of any power conferred on or vested in him by or under this Act or the
standing orders of the Legislative House, or by the Constitution.

**31. Civil process not to be served in Chamber or precincts**

Notwithstanding anything in any written law, no process issued by any court in Nige-
ria in the exercise of its civil jurisdiction shall be served or executed within the Chamber
or precincts of a Legislative House while that House is sitting or through the President,
Speaker or any officer of a Legislative House.

**32. Restriction on prosecutions**

No prosecution shall be instituted for an offence under this Act except by the Attor-
ney-General of the Federation upon information given to him in writing by the President
of the Senate or Speaker of the House of Representatives, or by the Attorney-General of a
State upon information given to such officer by the Speaker of the Legislative House of a
State.

**33. Seditious meetings, etc**.

(1) Subject to the provisions of this section, no meeting of more than fifty persons
shall be convened or held within a radius of one mile of a Legislative House during any
sitting day; and any meeting convened or held contrary to the provisions of this subsec-
tion, shall be deemed to be a seditious meeting.

(2) Nothing in this section shall be construed to apply to any meeting convened or held-

 (3) Every person who convenes, gives notice of or attends any meeting prohibited by
this section, or as owner or occupier of any premises consents by any means to the use of
the premises for the purposes of such a meeting, shall be guilty of an offence and be li-
able on summary conviction to a fine of not less than one hundred naira or to imprison-
ment for a term of not less than six months or to both.

         LEGISLATIVE HOUSES (POWERS AND PRIVILEGES) ACT

**SUBSIDIARY LEGISLATION**

*No Subsidiary Legislation*