

CHAPTER 113

HOUSE OF REPRESENTATIVES (PRIVILEGES AND POWERS) ORDINANCE

To establish the privileges of the House of Representatives, to give the House of Representatives certain powers and to provide for other matters connected therewith.

(15th October 1942)*

ORDINANCE XX of 1942, as amended by Ordinance VI of 1959; Acts: XIII of 1974, XXII of 1976, IV and XIII of 1983 and XI of 1995; and Legal Notice 409 of 2007.

1. The short title of this Ordinance is the House of Representatives (Privileges and Powers) Ordinance.

Short title.
Amended by:
IV: 1983.2.

2. No civil or criminal proceedings may be instituted against any member of the House of Representatives (hereinafter referred to as "the House") for words spoken before, or written in a report to the House or to a Committee thereof whether a Committee of the whole House or a Select Committee, or by reason of any matter or thing brought by him therein by petition, bill, resolution, motion or otherwise.

Immunity from legal proceedings.
Amended by:
IV: 1983.2

3. (1) For the duration of the session members of the House shall enjoy freedom from arrest for civil debt provided this be not fraudulent or otherwise in contravention of the [Criminal Code](#).

Privileges.
Amended by:
IV: 1983.2.
Cap. 9.

(2) The privileges established by this Ordinance shall be in addition to and not in derogation of any other privilege established under the provisions of any other law now in force.

4. (1) The House shall have power to order the attendance of witnesses and experts before it to give evidence or an opinion on any matter relating to or connected with the Government of Malta, or on any matter regarding which the House considers it in the public interest to have information.

Power of House to order attendance of witnesses.
Amended by:
XXII: 1976.4;
IV: 1983.2.

(2) Articles 566, 588, 589, 590(1) and 590(2) (so far as it refers to the discovery of naval, military and air force matters) of the [Code of Organization and Civil Procedure](#) shall apply to witnesses or experts giving evidence or an opinion before the House.

Cap. 12.

(3) The House may administer an oath or an affirmation where an affirmation would be admitted in a court of justice as provided in article 111 of the [Code of Organization and Civil Procedure](#) to all persons examined before it as aforesaid.

Cap. 12.

(4) Any such oath or affirmation shall be administered by the Clerk of the House.

*See Government Notice No. 544 of 19th October, 1942.

Witnesses to be ordered to attend by warrant.
Amended by: IV. 1983.2.

5. (1) Witnesses and experts shall be ordered to attend by means of a warrant issued by order of the House signed by the Clerk thereof.

(2) The warrant may contain such directions as regards the production of documents, books, papers or other objects as the House considers necessary in each particular case:

Provided that no person shall be bound to produce documents the production of which may not be demanded under the provisions of article 637 of the [Code of Organization and Civil Procedure](#).

Cap. 12.

(3) A copy of such warrant shall be served by a messenger of the House or by a Police officer on the witness or expert either by the delivery thereof to him or by the leaving thereof with any member of his household, not being a minor, at his usual place of abode, at least twenty-four hours before the time at which he is to attend before the House.

(4) The officer effecting service shall in every case draw up a certificate showing on whom and how service was effected.

When power for taking evidence or expert opinion may be delegated.
Amended by: XXII.1976.4; IV.1983.2.

6. Whenever a witness or an expert is for any just cause unable to attend before the House, or whenever the House deems it fit that the evidence or opinion of a witness or of an expert be taken in a place other than the Chamber of the House, the House may appoint a person or persons, under such conditions or directions as in each particular case it may consider necessary or expedient, to receive, on behalf of the House, the evidence or opinion required. Such person or one of such persons shall be vested by the House with the power to administer the oath or affirmation.

Delegation of power to take evidence and expert opinion to a Committee of the House.
Amended by: IV. 1983.2.
Substituted by: XI.1995.2.

7. The House may delegate its power in respect of the examination of witnesses and experts, but not in respect of the infliction of punishment, to the Standing Committee on Privileges mentioned in the Standing Order of the House 120D.

Disobedience to order of House.
Amended by: IV. 1983.2.

8. (1) A person who, having been duly served with a copy of the warrant as prescribed in article 5, fails, without lawful excuse, to appear before the House, or having appeared before the House refuses to be sworn or to make answer to such questions as according to the provisions of this Ordinance may be put to him touching the matter in question, or to produce and show to the House any documents, books, papers or other objects being in his possession or under his control which he has been required by the House and is bound to produce, or to comply with any other direction of the House, shall be guilty of contempt of the House and shall be liable to the penalties prescribed in article 11.

(2) A person who fails to attend before the House when so required as aforesaid may be compelled to attend by warrant of arrest issued by order of the House, signed by the Clerk thereof and executed by the Police.

9. An oath or affirmation taken or made by a witness or by an expert before the House of Representatives or any Committee thereof shall for the purposes of the [Criminal Code](#) be comparable to an oath or affirmation taken or made before a court in civil matters.

Perjury.
Amended by:
IV: 1983.2.
Cap. 9.

10. Articles 4, 5 and 6 and Schedules A and C of the [Witnesses \(Fees\) Ordinance](#) shall apply to witnesses and to experts summoned under article 4(1) and experts so summoned shall for the purposes of the said Schedule A be deemed to be witnesses called to give evidence on scientific matters.

Fees and expenses payable to witnesses and experts.
Cap. 108.

11. (1) Where it appears *prima facie* to the Speaker that a person, whether a Member of the House or not, has committed any of the acts referred to in subarticle (4), he shall, refer the matter to a committee set up in accordance with article 7 and to be styled Committee of Privileges. The term "*prima facie*" shall mean that a complaint raised alleges a breach of a rule set out in this Ordinance or in the Standing Orders of the House of Representatives or any resolution approved by the House of Representatives in relation to the acts referred to in the said subarticle (4), and shall in no case mean or imply an expression of guilt or innocence.

Penalties.
Amended by:
XIII. 1974.2;
IV: 1983.2,3,4;
XIII. 1983.5.
Substituted by:
XI. 1995.3.
Amended by:
L.N. 409 of 2007.

(2) The Committee shall be delegated with powers to examine the evidence contained in article 6 with respect to the examination of witnesses and experts, documents or reports and the chairman shall be empowered to administer the oath or affirmation in accordance with article 7.

(3) The Committee shall, after having made such examinations as it deems fit and, where possible, after hearing the person allegedly committing the acts, report to the House recommending that:

- (a) the House authorizes the Speaker to order the executive police to bring the person who allegedly has committed such acts before the Court of Magistrates (Malta), which shall have jurisdiction accordingly; and that Court shall have no such jurisdiction unless an order as aforesaid has been made by the Speaker; or
- (b) the House resolves that the acts so committed would be adequately punished with an admonition, and in such case such person shall be admonished by the Speaker.

(4) The following shall constitute offences against this Act, that is to say:-

- (a) any act or contempt of the authority of the House by words or gestures committed by any witness or by any other person in the presence of the House or of a Committee of the House;
- (b) any insult or disrespect to the person of the person presiding the meeting of the House or any of its committees and any insult or disrespect to a Member of the House even if such Member be not present at the time of the insult or disrespect, when in either case the

insult or disrespect is proffered or committed in the presence of the House or any of its committees when sitting;

- (c) any infringement of any regulations, order, or directions made or given by the House relating to the admission of strangers to the Chamber of the House and their behaviour therein;
- (d) any assault upon, obstruction or insult of a Member while on his way to or from the House or on account of his conduct in the House, or any endeavour to compel a 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;
- (e) the sending to a Member of the House of any threatening letter respecting his conduct in the House;
- (f) any assault upon, interference with, or resistance to an officer of the House while in the act of performing, or on account of having performed his duty;
- (g) the creation of or participation in any disturbance in the House or in the vicinity of, or within the precincts of the Chamber of the House while the House is sitting, whereby the proceedings of the House are or are likely to be interrupted;
- (h) any 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 thereof;
- (i) the presenting to the House or to any Committee thereof of any false, untrue, fabricated or falsified document with intent to deceive the House or that Committee;
- (j) the publication of any defamatory libel on the Speaker or any Member touching anything done or said by him as Speaker or as a Member in the House or in a Committee thereof;
- (k) the wilful or reckless publication of any false or perverted report of any debate or proceedings of the House or a Committee thereof.

(5) Without prejudice to any higher punishment laid down in the provisions of any other law, any person who commits any of these acts referred to in subarticle (4), shall be guilty of an offence against this Act and shall on conviction, be liable to the punishment of admonition or to imprisonment for a term not exceeding six months or to a fine (*multa*) of not more than one thousand and one hundred and sixty-four euro and sixty-nine cents (1,164.69) or to both such fine and imprisonment.

(6) For the purposes of this article:

"publication" means any act whereby any printed matter is or

may be communicated, to or brought to the knowledge of any person or whereby any words or visual images are broadcast; and

"broadcast" means the broadcast of words or of visual images by means of wireless telegraphy or wire or both, whether or not such words or images are in fact received by any person.

(7) A person shall be deemed guilty of the acts mentioned in article (4)(j) and (k) if the publication referred to in article (4)(j) and (k) consists in the publication of such defamatory libel, false or perverted report, in printed form in Malta, or in the distribution in Malta of such printed matter containing such defamatory libel, false or perverted report from whatsoever place such printed matter may originate, or in any broadcast from any place in Malta or any place outside Malta of any such defamatory libel, false or perverted report.

(8) In the case of a person guilty of an act mentioned in article (4)(j), the court may in addition to the punishments established in subarticle (3), order in the case of a newspaper that in a subsequent issue thereof, not later than the next but one, and in the case of a broadcasting medium that on the day immediately following that on which the order is given, the judgement whereby the accused is found guilty of such act, be published or broadcast as the case may be, free of charge in the same language in which the offence was committed; and if at the time such judgement or immediately thereafter the newspaper has ceased publication or the broadcasting medium has ceased to operate, or in the case of any other publication, the court may in the order or in a subsequent order, order that the judgement be published or broadcast at the expense of the person so found guilty in another newspaper or on another medium within a period not exceeding one month.

(9) In the case of persons found guilty of an act mentioned in article (4)(k), the court may in addition to the punishments established in subarticle (5) order that the offender publish, at such date and time as the court may establish, free of charge, in the same newspaper or on the same broadcasting medium as the case may be, a statement by way of contradiction or explanation.

(10) Default of compliance with an order made under subarticles (8) and (9) shall be deemed to constitute an offence against this Act and subject to the same penalties as provided in subarticle (5).

(11) Any person who is an accomplice in any of the acts mentioned in article (4)(a) to (k) shall be deemed to be guilty of the same acts and shall be liable to the penalties laid down in the said subarticle.

(12) Notwithstanding the foregoing provisions of this article, the House may punish with an admonition any person who in the presence of the House commits any act of indiscipline and may order that such person shall not be allowed to attend meetings of the House as a stranger for such period as the House may determine, being a period not beyond the last day of the session of the House in which such order shall have been given.

(13) The provisions of this article shall be without prejudice to the provisions of any standing orders or resolutions which the House of Representatives may from time to time make to regulate the conduct of its members and order during its proceedings.

Immunity for anything done under authority of the House.
Amended by:
IV. 1983.2.

12. No person shall be liable in damages or otherwise howsoever for any act done under the authority of the House and within its legal power or under or by virtue of any warrant issued under such authority.

Procedure.
Amended by:
IV. 1983.2,3.

13. *Repealed by XI. 1995.4.*

Execution of order of punishment.
Amended by:
VI. 1959.3;
IV. 1983.2,3.

14. *Repealed by XI. 1995.4.*

Application to Committees.
Amended by:
IV. 1983.2,3.

15. The powers and the privileges herein conferred on the House and on the Speaker of the House are conferred equally on the Committees of the House, whether they be Committees of the whole House or Select Committees, and on the Chairman thereof.

Code of Ethics.
Added by:
XI. 1995.5.

16. (1) The House of Representatives may, by resolution, adopt a Code of Ethics to regulate the conduct of its members and it shall be the duty of all members of the House to adhere by any Code of Ethics in force.

(2) Until such time as the House of Representatives shall by resolution adopt a Code of Ethics by resolution in accordance with subarticle (1), the Code of Ethics contained in the Schedule to this Act shall be deemed to be a code of ethics adopted by a resolution of the House in accordance with subarticle (1) and may be amended or substituted accordingly.

Added by:
XI. 1995.6.

SCHEDULE

(Article 16)

Code of Ethics of Members of the House of Representatives

1. A member of the House of Representatives shall at all times, both inside and outside the House, conduct himself in a manner which reflects the status and dignity of the House of Representatives.

2. A member of the House of Representatives shall adhere to the spirit and letter of the Rules of the House of Representatives and to the rules of duly constituted committees thereof as contained in the Standing Orders of the House or any resolution approved by the House of Representatives.

3. A member of the House of Representatives may not receive any remuneration or compensation under whatever form for his work as a Member of the House of Representatives, except for his official remuneration as a Member.

4. While a member of the House of Representatives is in duty bound to relay the complaints of his constituents and to make representations in their name to Government authorities the Member is expected not to use any improper influence, threats or undue pressure in the course of his duties.

5. Every member of the House of Representatives will annually at the time established by the Speaker of the House of Representatives indicate in a register which will be purposely kept by the Speaker, which register shall be open to inspection by the public:

- a. his work or profession, and if he is employed, the identity of his employer;
- b. his own immovable property, that of his spouse if the community of acquests applies, that of his minor children as well as, if he so wishes, the manner of its acquisition and of its use;
- c. shares in commercial companies investments including money deposited in banks and any other form of pecuniary interest;
- d. directorships or other official positions in commercial companies, associations, boards, co-operatives or other groups, even if voluntary associations;
- e. a member of the House of Representatives, who has a professional interest, including work interest consultancy, management or any form of connection, pecuniary or otherwise, with persons, groups or companies, that have a direct interest in legislation before the House, shall declare his interest in the House, at the first opportunity, before a vote is taken on the Second Reading of a Bill;
- f. a Member of the House of Representatives, shall not accept gifts from persons, groups or companies that had any direct or indirect intent in legislation before the House of Representatives;
- g. a Member of the House of Representatives shall accept no honorarium for a speech, writing or publication, or other similar activity from any person, organisation or companies in excess of the usual and customary value for such services;
- h. a Member of the House of Representatives, who has made a visit outside Malta, financed in whole or in part by one person, group or company which has a direct interest in legislation before the House, shall declare the fact in a register purposely kept by the Speaker, and accessible to the public;
- i. a Member of the House of Representatives is expected to report to the Speaker and to the competent authorities any attempt at corruption, pressure or undue influence by third persons, aimed at influencing his conduct as a member.

6. Reference shall not be made in professional, occupational or business matters to membership of the House of Representatives which in any way can give undue advantage to a member.
