

ACT 300
PARLIAMENT ACT, 1965
 ARRANGEMENT OF SECTIONS

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The sections printed in italics have been superseded by the provisions in Chapter Ten of the 1992 Constitution.

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ACT 300

PARLIAMENT ACT, 1965²

AN ACT to consolidate with amendments the enactments relating to Parliament.

*Membership***1. Persons qualified for membership**

(1) Subject to the Provisions of this section, a person shall be qualified to be elected as a Member if,

- (a) he is a citizen of Ghana, and*
- (b) he has attained the age of twenty-five years, and*

2. This Act was assented to on 27th September, 1965, as the National Assembly Act, 1965. It was enacted pursuant to article 20 of the Constitution. Most of the provisions of this Act have been suspended by Chapter Ten of the Constitution. The spent provisions are here printed in italics.

- (c) *he is able both to speak and read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Assembly:*

Provided that a person who is unable to read by reason of blindness or other physical cause shall not for that reason only be treated as failing to satisfy the condition set out in paragraph (c) of this subsection.

(2) *No person shall be qualified to be elected as a Member if he is at the time of the election a person such as is mentioned in the following Table.³*

TABLE

1. *A person holding the office of President.*
2. *A person disqualified from practicing his profession in Ghana by virtue of an order made in respect of him personally by a competent authority, not being an order made at his own request or more than five years previously.*
3. *A person adjudged to be of unsound mind or detained as a criminal lunatic.*
4. *A person who has been sentenced in Ghana for any offence to death or to imprisonment for a term exceeding twelve months, or for any offences to imprisonment for consecutive terms exceeding twelve months in all, not being a person*
 - (a) *who has been granted a free pardon in respect of the said offence or offences, or*
 - (b) *whose said imprisonment terminated more than five years previously.*
5. *A person who has been convicted in Ghana of an offence which involved dishonesty not being a person*
 - (a) *who has been granted a free pardon in respect of the said offence, or*
 - (b) *whose imprisonment for the said offence terminated more than five years previously, or*
 - (c) *who, not having been sentenced to imprisonment for the said offence, was convicted more than five years previously.*
6. *A person against whom an order was made under the Preventive Detention Act, 1964 (Act 240) or under any enactment repealed by that Act and continued in force by virtue of section 10 thereof.*
7. *A person who is disqualified for membership of the Assembly under the provisions of section 256 of the Criminal Code, 1960 (Act 29) or sections 85 or 89 of the Electoral Provisions Act, 1965 (Act 291).*

(3) *If any question arises under this or the next following section as to whether an offence involved dishonesty it shall be determined by the Chief Justice, and a certificate signed by the Chief Justice setting out his determination shall be conclusive for all purposes.*

2. Tenure of membership

- (1) *Every Member shall cease to be a Member on the dissolution of the Assembly.*
- (2) *A Member shall cease to be a Member if*
 - (a) *an event occurs whereby he becomes a person such as is mentioned in the Table contained in the section 1; or*
 - (b) *the Speaker receives a notice signed by him whereby he resigns his seat; or*

3. *See article 9 of the 1992 Constitution.*

- (c) *he is expelled from the Assembly under section 37 of this Act; or*
- (d) *the Speaker receives a notice signed by a majority of the registered electors in the electoral district in which such Member was elected that he no longer enjoys the confidence and support of the electorate in that district:*
Provided that in the case of a Member who is a member of the Party, the notice is received by the speaker through the General Secretary of the Party;
- (e) *the Speaker receives a notice signed by the General Secretary of the Party that the Member who was elected to the National Assembly as a member of the Party has ceased to be a member of the Party; or*
- (f) *the Speaker receives a notice signed by the General secretary of the Party that the Member who was elected to the National Assembly as a member of the Party no longer enjoys the confidence and support of the Party; or*
- (g) *in the course of the proceedings of the Assembly he publicly declares his intention of systematically refraining from attending the proceedings of the Assembly, and the Speaker or other person presiding confirms that the member made that declaration in his hearing.⁴*

3. Filling of vacancies

(1) *There shall be a general election at a time within two months after every dissolution of the Assembly as the President shall by proclamation appoint.*

(2) *As soon as may be after*

- (a) *the seat of a Member has become vacant by reason of his death or the operation of subsection (2) of section 2, or*
- (b) *it is established that the election of a person as a Member is invalid by reason that the person was disqualified for election or otherwise,*

the Speaker shall order the holding of a by-election to fill the vacant seat.⁵

4. Oaths

Except for the purpose of enabling this section to be complied with, no Member shall sit or vote in the Assembly or a committee until he has taken and subscribed before the Assembly the Oath of Allegiance and the Oath of a Member of parliament, or has made before the Assembly the appropriate affirmations in lieu thereof, as required by law:

Provided that if, between the time when a person becomes a Member and the time when the Assembly next meets thereafter, a meeting takes place of a committee of which that person is a member, that person may, in order to enable that person to attend the meeting and take part in the proceedings, take and subscribe the said Oaths or make the said affirmations before a Judge of the supreme Court, who shall forthwith report to the Assembly through the Speaker that he has done so.⁶

4. See article 97 of the 1992 Constitution.

5. This is not governed by Regulations made by Constitutional Instrument made by to the Electoral Commission.

6. See article 100 of the 1992 Constitution.

5. Allowances to be paid to Members

There may be paid to each Member allowances at such rates as may be fixed by the Assembly; and the payment thereof is hereby charged on the Consolidated Fund.⁷

Speaker, Deputy Speaker and Officers

6. The Speaker

(1) *The Speaker shall be a person elected by the Members, not being a Minister.*

(2) *The election of the Speaker shall take place before the dispatch of any other business at the first sitting of the Assembly after the office of the Speaker has become vacant.*

(3) *The office of the Speaker shall become vacant*

- (a) *immediately before the first sitting of the Assembly after a dissolution; or*
- (b) *on the publication in the Gazette of a notice signed by the Speaker whereby the Speaker resigns from office; or*
- (c) *if the Assembly resolves that it has no confidence in the speaker and the resolution is supported by the votes of at least two-thirds of the total number of Members:*

Provided that a resolution under paragraph (c) of this subsection shall be of no effect unless at least seven days' notice that it was to be moved was given in the manner required by Standing Orders for the giving of notices of motions.⁸

7. Speaker's salary and allowances

There shall be paid to the Speaker a salary and allowances at such rates as may be fixed from time to time by the Assembly; and the payment there of is hereby charged on the Consolidated Fund.⁹

8. Deputy Speaker

(1) *There shall be one more Deputy Speakers elected from among the Members, not being Ministers, by the Members.*

(2) *The election of a Deputy Speaker shall take place at the first sitting of the Assembly after the office of a Deputy Speaker has become vacant, or as soon thereafter as may be convenient.*

(3) *The office of a Deputy Speaker shall become vacant*

- (a) *immediately before the first sitting of the Assembly after a prorogation or dissolution; or*
- (b) *if the Deputy Speaker ceases to be a Member otherwise than by reason of a dissolution, or becomes a Minister; or*

7. See article 98 of the 1992 Constitution.

8. See article 95 of the 1992 Constitution.

9. See article 95 (5) of the 1992 Constitution.

- (c) *on the receipt by the Speaker, or, if the speaker is absent or his office is vacant, by the Clerk, of a notice signed by the deputy Speaker whereby he resigns his office; or*
- (d) *if the Assembly resolves that it has no confidence in the Deputy Speaker.*¹⁰

9. A Deputy Speaker's salary and allowances

*There shall be paid to a Deputy Speaker salary and allowances at such rates as may be fixed from time to time by the Assembly; and the payment thereof is hereby charged on the Consolidated Fund.*¹¹

10. Powers of Deputy Speaker

In the absence of any indication to the contrary in an enactment conferring functions on the Speaker, a Deputy Speaker shall have power, if authorised in that behalf by the Speaker or by Standing Orders, or if the office of the speaker is vacant, to perform any of those functions, and, if the office of Speaker is vacant, shall perform any of those functions which are obligatory; and references to the Speaker in an enactment shall be construed accordingly.

11. Staff of Assembly

(1) *There shall be a Clerk of the National Assembly, who shall be a person who is a public officer.*

(2) *The staff of the Clerk shall consist of persons who are public officers.*¹²

Proceedings of the Assembly

12. Standing Orders

(1) *Subject to the provision of this Act, the Assembly may make Standing Orders for the regulation and orderly conduct of proceedings and the dispatch of business.*

(2) *Without prejudice to the generality of subsection (1), Standing Orders may empower the Speaker to issue a warrant of arrest for the purpose of securing the attendance of a person ordered by the Assembly or a committee to appear before it and may for that purpose apply, with such modifications as may be necessary, any enactment relating to the arrest of accused persons.*¹³

13. Quorum

*No business except that of adjournment shall be transacted in the Assembly if objection is taken by any Member present, not being a Member presiding, that there are less than twenty-five Members present, excluding any Member presiding.*¹⁴

10. See article 96 of the 1992 Constitution.

11. See article 96 of the 1992 Constitution.

12. See article 124 of the 1992 Constitution

13. See article 110 of the 1992 Constitution..

14. See article 102 of the 1992 Constitution

14. Voting

(1) *Subject to the provisions of this or any other Act, all questions proposed for decision in the Assembly shall be determined by a majority of the votes of the Members present and voting; and if, upon any question before the Assembly, the votes of the Members are equally divided the motion shall be lost.*

(2) *The Speaker shall have neither an original nor a casting vote, but any other person presiding, including a Deputy Speaker shall have an original vote but no casting vote.*¹⁵

15. Right to introduce Bills

Subject to the provisions of the Act and of Standing Orders a Members may introduce a Bill or propose a motion for debate in, or may present a petition to, Parliament, which shall be disposed of according to Standing Orders.¹⁶

16. Restriction on financial business

*Except with the recommendation or consent of the President signified thereto, the Assembly shall not proceed upon any Bill, motion or petition which, in the opinion of the person presiding, would dispose of or charge the Consolidated Fund or other public thereon, or impose, alter or repeal any rate, tax or duty.*¹⁷

17. Irregularities not to invalidate proceedings

*The Assembly or a committee shall not be disqualified for transaction of business by reason of any vacancy among the Members, including any vacancy not filled at a general election; and any proceedings therein shall be valid notwithstanding that some person who was not entitled to do so sat or voted or otherwise took part in the proceedings.*¹⁸

*Privileges and Immunities***18. Freedom of speech and proceedings**

There shall be freedom of speech, debate and proceedings in Parliament and that freedom shall not be impeached or questioned in a Court or place out of Parliament.¹⁹

19. Immunity from proceedings for Acts in Parliament

Without prejudice to the generality of section 18, civil or criminal proceedings shall not be instituted against a Member in a Court or place out of Parliament by reason of anything said by the Member in Parliament or a matter or thing brought by the Member before Parliament by petition, Bill, motion or otherwise.²⁰

15. See article 104 of the 1992 Constitution.

16. See also articles 106 and 107 and 108 of the 1992 Constitution.

17. See article 108 of the 1992 Constitution.

18. See article 105 of the 1992 Constitution.

19. See also article 115 of the 1992 Constitution.

20. See also article 116 of the 1992 Constitution.

20. Immunity from service of process and arrest

- (1) Civil or criminal process issuing from a Court or place out of Parliament shall not
- (a) be served on, or executed in relation to, the Speaker or a Member while the Speaker or Deputy Speaker or Member is on the way to, attending at or returning from a proceeding of Parliament, or
 - (b) be served or executed within the precincts of the Parliament while Parliament is sitting, or
 - (c) be served or executed through the Speaker, a Deputy Speaker or an officer.

(2) The Speaker, on an application being made in that behalf, may direct that paragraph (a) of subsection (1) shall not apply to the service or execution of a criminal process specified in the direction.²¹

21. Immunity from witness summons

(1) Neither the Speaker nor a Deputy Speaker nor a Member or an officer shall be required, while attending Parliament, to appear as a witness in a Court or place out of Parliament.

(2) The certificate of the Speaker to that effect is conclusive evidence of attendance at Parliament.²²

22. Immunity from service as juryman

Neither the Speaker nor a Deputy Speaker nor a Member or officer shall be required to serve on a jury or as an assessor in a Court or place out of Parliament.²³

23. Immunity from acts authorised by Parliament

(1) A person shall not be under a civil or criminal liability in respect of an act ordered or authorised, in accordance with law, by Parliament or by the Speaker, a Deputy Speaker or a Member or an officer.

(2) The certificate of the Speaker to that effect is conclusive evidence that an act was in fact ordered or authorised by Parliament or by that person.

24. Immunity from publication of proceedings

Subject to the Constitution, and to this Act, a person shall not be under a civil or criminal liability in respect of the publication of the text or a summary of a report, paper, the minutes, votes or proceedings of Parliament unless it is shown that the publication was effected maliciously or otherwise in want of good faith.²⁴

25. Privilege of witnesses

(1) A person summoned to attend to give evidence or to produce a paper, book, record or any other document before Parliament, is entitled, in respect of the evidence, or

21. See also article 117 of the 1992 Constitution.

22. See also article 118 of the 1992 Constitution.

23. See also article 119 of the 1992 Constitution.

24. See also article 120 of the 1992 Constitution.

the production of the document, to the same privilege as if that person were appearing before a Court.

(2) Subject to article 135 of the Constitution, a public officer shall not be required

- (a) to produce before Parliament a document, or
- (b) to give before Parliament evidence on a matter if

the document or evidence is stated by the public officer to form part of or to relate to the unpublished official records of a naval, military, an air force or a civil department, or to relate to the affairs of the Republic.

(3) An answer by a person to a question put by Parliament is not admissible in evidence against that person in civil or criminal proceedings out of Parliament, not being proceedings for perjury brought under section 210 of the Criminal Offences Act, 1960 (Act 29).²⁵

Contempt of Parliament

26. General

An act which impedes or tends to impede Parliament in the performance of its functions, or affronts the dignity of Parliament, is a contempt of Parliament, and the setting forth in this Act of particular contempts shall not be taken to affect the generality of this section.²⁶

27. Interference with Members and officers

(1) It is a contempt of Parliament

- (a) for a person to assault, obstruct, molest or insult the Speaker or a Member while that person is within the precincts of Parliament or is on the way to or returning from the proceedings of Parliament;
- (b) for a person who knows or has reasonable grounds for believing that a person is an officer to assault, obstruct, molest or insult the officer while the officer is performing functions or is on the way to or returning from the performance of functions.

(2) It is a contempt of Parliament

- (a) for a person to endeavour, by means of bribery, fraud or the infliction or threatened infliction of violence, restraint or spiritual or temporal injury, to influence a Member in the performance of functions;
- (b) for a person to inflict violence, restraint or spiritual or temporal injury on a Member by reason of anything done or omitted to be done by the member in the performance of functions;
- (c) for a Member to accept, or procure for personal gain or for any other person, a benefit in return for undertaking to perform any of the functions of the Member in a particular manner or by reason of anything done or omitted to be done by the Member in the performance of functions.

25. See also article 121 of the 1992 Constitution.

26. See also article 122 of the 1992 Constitution.

28. Interference with proceedings

It is a contempt of Parliament

- (a) for a person to create or join in a disturbance which interrupts or is likely to interrupt the proceedings of Parliament;
- (b) for a stranger to sit or vote in Parliament;
- (c) for a Member persistently to obstruct the proceedings of Parliament, whether or not in contravention of Standing Orders.

29. Inducing false or incomplete evidence

It is a contempt of Parliament

- (a) for a person to give evidence to Parliament, whether or not on oath, which is false or incomplete, or, with intent to deceive Parliament to produce before it a false document, or wilfully to conceal, destroy, mutilate or alter a document ordered by Parliament to be produced to it;
- (b) for a person wilfully to hinder the attendance of a witness before Parliament or the giving of evidence or production of a document to Parliament or to suborn a witness or otherwise tamper with evidence, or to inflict violence, restraint or spiritual or temporal injury on a person by reason of evidence given by him to Parliament.

30. Disobedience by witnesses

It is a contempt of Parliament

- (a) for a person to disobey without reasonable excuse an order made by Parliament to attend before it or to produce a document or answer a question, not being a document or question as to which the witness is entitled to claim privilege or which is ruled by the person presiding to be irrelevant;
- (b) for a person to publish evidence taken by, or a document presented to, Parliament in contravention of Standing Orders or any other order of Parliament.

31. Disobedience by Members

It is a contempt of Parliament for a Member to disobey an order given in accordance with Standing Orders by the person presiding at any proceedings of Parliament.

32. Disobedience by strangers

It is a contempt of Parliament

- (a) for a stranger to enter or remain within the precincts of Parliament in disobedience of an order of Parliament or of Standing Orders or an order given under the Standing Orders;
- (b) for a stranger to behave within the precincts of Parliament otherwise than in accordance with Standing Orders or an order given under the Standing Orders.

33. Defamation of Assembly

It is a contempt of Parliament for a person to make a statement or otherwise publish a matter which falsely or scandalously defames Parliament or the Speaker, a Member or an officer in that capacity, or which contains a gross or scandalous misrepresentation of any proceedings of Parliament.

*Punishment of Offences***34. Exclusion of disorderly Member**

If in the opinion of the person presiding over Parliament or a committee, the conduct of a Member is grossly disorderly, the person presiding may order the Member to withdraw from the precincts of Parliament and the Member shall forthwith leave the precincts and shall not enter them again during the remainder of the day's sitting.

35. Reprimand of Member in contempt

Where a Member is found by Parliament to be guilty of contempt of Parliament, Parliament may direct that the Member be reprimanded in the Member's place by the Speaker.

36. Suspension of Member in contempt

(1) Where a Member is found by Parliament to be guilty of contempt of Parliament, Parliament may suspend the member from the service of Parliament for a period not exceeding nine months, whether or not that period extends beyond the end of the session.

(2) Where a Member is suspended from the service of Parliament, the Member

- (a) shall forthwith leave the precincts of Parliament and shall not enter them again while the suspension continues;
- (b) shall forfeit the allowances to which the Member would otherwise be entitled as a Member in respect of the period of suspension;
- (c) if entitled to a salary and allowances as a Minister or as a Deputy Speaker there shall be deducted therefrom an amount equal to the amount which would be forfeited by the Member under paragraph (b) of this subsection if that person were not so entitled.

37. Expulsion of Member

(1) Where a Member is found by Parliament to have been guilty of conduct which, whether or not it amounts to contempt of Parliament, is so grossly improper as to indicate that the Member is unfit to remain a Member, the Member may be expelled by Parliament.

(2) A resolution for the expulsion of a Member under subsection (1) shall be of no effect unless

- (a) at least seven days' notice that it was to be moved was given in the manner required by Standing Orders for the giving of notices of motions, and
- (b) it is supported by the votes of at least two-thirds of the total number of Members.

38. Punishment of officer in contempt

(1) Where an officer is found by Parliament to be guilty of contempt of Parliament, Parliament may order the finding to be reported to the chairman of the Parliament Service Board with a view to disciplinary proceedings being taken against the officer, and may further order that, pending the conclusion of those proceedings, the officer be suspended from duty in Parliament.

(2) A person suspended from duty under subsection (1) shall not enter the precincts of Parliament while the suspension continues.

39. Exclusion of stranger in contempt

When a stranger is found by Parliament to be guilty of contempt of Parliament, Parliament may order the stranger not to enter the precincts of Parliament for a period not exceeding nine months, whether or not that period extends beyond the end of the session.

40. Detention of stranger causing disturbance

(1) An officer may arrest without warrant or order

- (a) a stranger who commits in the presence of the officer a contempt under paragraph (a) or (b) of section 28 of this Act or under section 32 of this Act, or
- (b) a stranger within the precincts of Parliament whom the officer reasonably suspects to have committed a contempt.

(2) As soon as is reasonably practicable after the arrest of a person under subsection (1), the Speaker shall be informed of the arrest and may order that the person arrested be detained in the custody of an officer for a period not extending beyond the end of the day's sitting, or otherwise dealt with according to law.

41. Reprimand of stranger in contempt

When a stranger is found by Parliament to be guilty of contempt of Parliament, Parliament may order the stranger to appear at the bar of Parliament at a time specified in the order to be reprimanded by the Speaker.

42. Removal of trespassers

A person who is within the precincts of Parliament in contravention of this Act may be removed by an officer, who is entitled to use the force which is reasonably necessary.

43. Criminal prosecution

(1) A stranger who is guilty of contempt of Parliament is liable to a fine not exceeding two hundred and fifty penalty units or a term of imprisonment for one year or both the fine and the imprisonment.

(2) Proceedings taken in respect of an act under one or more of sections 34 to 42 of this Act shall not affect the liability of a person to prosecution and punishment in respect that act under this section or any other enactment.

(3) Subject to article 88 of the Constitution, Parliament may order the Attorney-General to prosecute a person whom it suspects to have committed a contempt of Parliament which constitutes an offence under this section or any other enactment.

Miscellaneous

44. Interpretation

In this Act, unless the context otherwise requires,

“**Clerk**” means the Clerk of Parliament;

“**committee**” means a select committee or any other committee of Parliament;

“**meeting**” means a sitting or sittings of Parliament commencing when Parliament first meets after being summoned at any time and ending when Parliament is adjourned *sine die* or at the conclusion of a session;

“**Member**” means a Member of Parliament;

“**Minister**” includes a Deputy Minister;

“**officer**” includes the Clerk or a person acting within the precincts of Parliament under the orders of the Speaker, and a police officer on duty within the precincts of Parliament but does not include a person suspended from duty under section 38;

“**Parliament**” includes a committee of Parliament;

“**precincts of Parliament**” includes the offices of Parliament and the galleries and places provided for the use or accommodation of strangers, and while Parliament is sitting and subject to any exceptions made by direction of the Speaker, the entire building in which 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;

“**session**” means the sittings of Parliament commencing when Parliament first meets after dissolution and ending when Parliament is dissolved;

“**sitting**” includes a period during which Parliament is sitting continuously without adjournment, and a period during which Parliament is in committee;

“**Standing Orders**” means orders of Parliament in force under article 110 of the Constitution;

“**stranger**” means a person other than the President, Vice-President, the Speaker, a Member or an officer.

45. Repeals

(1) The following enactments are hereby repealed:

The National Assembly Act, 1961 (Act 86);

The National Assembly (Amendment) Act, 1964 (Act 229).

(2) Standing Orders made under, or continued in force by, the National Assembly Act, 1961 (Act 86) shall, subject to the Assembly's powers of revocation and amendment thereof, continue to have effect as if made under section 12 of this Act.
