POWERS, PRIVILEGES AND IMMUNITIES OF PARLIAMENT AND PROVINCIAL LEGISLATURES ACT

A. BACKGROUND

1. In view of the recent Constitutional Court judgment on 18 March 2016, in Democratic Alliance v Speaker of National Assembly and Others [2016] ZACC 8, there is a need to review the provisions of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (the Act).

2. In this matter the Constitutional Court held the following:

"1. The omission of the words “other than a member” after the word “person” at the beginning of section 11 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004 is declared to be inconsistent with the Constitution.

2. Section 11 of the Act is to be read as though the words “other than a member” appear after the word “person” at the beginning of the section.”

3. The Act would have to be amended by the introduction of a committee bill.

B. TERMS OF REFERENCE

1. Review the Act in its entirety and in doing so must take into account –

a. The Constitutional Court judgement; and

b. any other case law, existing legislation, and international best practice relating to parliamentary powers and privileges.