

**STANDING ORDERS**

**OF**

**THE NATIONAL ASSEMBLY**

**OF**

**LESOTHO**

# **NATIONAL ASSEMBLY STANDING ORDERS**

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## CHAPTER 1

### INTRODUCTION

#### 1. Interpretation

(1) In these Standing Orders, unless the context indicates otherwise,

“Accountable” means the accounting by Ministers and officials of government ministries and departments, including the reporting thereon;

“ATC” means the Announcements, Tablings and Committee Report – a document of the National Assembly that forms part of the House documentation;

“Chairperson”, in the case of a Committee of the whole House, means the Speaker or any person acting as Chairperson in terms of Standing Order No. 10 (Presiding in the House), and in the case of a select committee, the Chairperson thereof;

“Clerk” means the Clerk to the National Assembly, an acting Clerk and includes any other Clerks-at-the Table;

“Committees” means Portfolio Committees, Sessional Select Committees and Ad Hoc Committees;

“Committee of Supply” means the Committee of the whole House when considering Estimates of Revenue and Expenditure;

“Compassionate leave” means leave granted for the purposes and for the periods as determined and adopted by the Business Committee as a policy of the National Assembly;

“Constitution” means The Constitution of Lesotho of 1993 as amended;

“Division” means the calling of names when a question is decided;

“Estimates” means the estimates of revenue and expenditure for a particular financial year and includes supplementary estimates;

“Government business” means bills, motions and any other business for which Cabinet Ministers are in charge;

“House” means the National Assembly of Lesotho;

“Leader of the House” means a senior member of the Cabinet responsible for arranging government business in the National Assembly;

“Majority” means 50% plus one of the members constituting a quorum in the House, in the case of a sitting, or the members constituting a quorum in the case of Committee;

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

“Member” means a member of the National Assembly and includes a Senator who is a Minister, except where specified or where the context otherwise requires;

“Minister” means a Minister of the Government of Lesotho and includes an Assistant Minister;

“Oversight” means demanding accountability regarding the actions and conduct of Government Ministries and Departments, receiving reports thereon, conducting site inspections where applicable and making findings and recommendations;

“Parastatal” means a semi-autonomous body as defined in the Parliamentary Powers and Privileges Act No. 8 of 1994;

“Petition” means a submission or complaint on any public matter delivered to the National Assembly;

“Printing” means all mechanical and photographic methods of producing words in visible form;

“Private Member’s Business” means bills, motions and any other business for which members other than Ministers are in charge;

“Privileges” means privileges or immunities of the members or the House as contemplated in Part 2 of the Parliamentary Powers and Privileges Act No. 8 of 1994;

“Public Business” means Government business, committee business and private members business;

“Serjeant-at-Arms” means any person appointed to perform the duties and functions of the Serjeant-at-Arms;

“Session” means a period commencing when Parliament first meets after a general election or prorogation and ending when Parliament is next thereafter prorogued or dissolved without having been prorogued;

“Sitting” means a period during which the House is sitting continuously without having adjournment *sine die* and includes any period during which the House is in committee;

“Speaker” means the Speaker of the National Assembly and includes any other member of the House presiding for the time being in the House in terms of Standing Order No. 9 (Presiding in the House);

“Subordinate law” means the instruments of subordinate law contemplated in section 27A of the Interpretation Act, 1977.

(2) In calculating a period of a day or days named in these Standing Orders account shall be taken of Saturdays but no account shall be taken of a Sunday or public holiday unless the House sits on that Sunday or public holiday.

## **2. Oath or Affirmation of Allegiance**

(1) Except for the purpose of the election of a Speaker at the commencement of a new Parliament, a member shall not sit, participate in any proceedings of the House or vote until he or she has taken the oath or affirmation of allegiance before the House in the form prescribed by law.

(2) A Minister, being a Senator, shall not sit and participate in any proceedings of the House until he or she has made and subscribed the Oath or Affirmation of Allegiance before the Senate.

(3) The Clerk of the National Assembly shall inform the Clerk of the Senate of the names of members who have taken the oath or affirmation of allegiance before the House.

### **3. Quorum**

(1) Unless the Constitution provides otherwise, the quorum for a sitting of the House or a Committee of the whole House shall be twenty five percent (25%) of the total membership of the House.

(2) If a member objects that a quorum is not present in the House, the Speaker shall direct that members be summoned. All members present when taking objection shall remain within the Chamber, and if after ten minutes have expired, the Speaker is satisfied that a quorum is not present, the Speaker shall adjourn the House without question.

(3) (a) If in committee of the whole House the attention of the Chairperson is drawn to the fact that a quorum is not present the Chairperson shall direct that members be summoned. All members present when taking objection shall remain within the Chamber. If after ten minutes have expired the Chairperson is satisfied that a quorum is not present the Chairperson shall leave the Chair, the House resumes, and the Speaker counts the members in the House.

(b) If quorum is then present the House shall again resolve itself into Committee, but if a quorum is not present the Speaker shall adjourn the House without question put;

(c) If, during a division, it appears from the number of members voting or abstaining that a quorum is not present, then-

(i) the division shall be invalid; and

(ii) the question on which it was held shall stand over until the next sitting

### **4. Absence of Members**

(1) A member shall attend-

(a) all sittings of the House;

(b) committee meetings of the National Assembly; and

- (c) official seminars, training sessions, and workshops approved by the Speaker;

unless leave has been granted or an apology made and accepted in terms of paragraphs (2) or (3).

(2) If a member wishes to be absent from sittings or meetings mentioned in paragraph (1) he or she shall obtain leave from the Speaker.

(3) (a) The Speaker may grant a member leave of absence in accordance with the leave policy of the House;

(b) The Speaker shall inform the Clerk of the leave granted under paragraph (3)(a);

(c) The Clerk shall publish such leave under “Announcements” in the ATC and inform the Chairpersons of Committees in which the member serves.

(4) If a member fails to attend a sitting or meeting mentioned in paragraph (1) without obtaining leave from the Speaker, or if he or she fails to remain for at least two thirds of the duration of the sitting or meeting, he or she shall be punished and an amount determined by the Business Committee shall be deducted from his or her sitting allowance for each sitting or meeting from which he or she is absent or does not remain for at least two thirds of the duration of the meeting.

(5) A presiding officer of the House, Committee or other meeting mentioned in paragraph (1) shall certify the attendance register of every meeting, indicating members absent with leave of absence and without leave of absence.

## **5. Language**

(1) Bills, speeches, petitions and papers shall be presented before the House in either English or Sesotho.

(2) Notices, Order Papers and Minutes of Proceedings shall be in either English or Sesotho.

(3) Proceedings of the House shall not be invalidated, adjourned or delayed by reason only of the fact that a translation from English into Sesotho or from Sesotho into English has not been provided.

## CHAPTER II

### OFFICERS OF THE HOUSE

#### 6. Election of Speaker

(1) Whenever there is a vacancy in the office of the Speaker, whether as the result of the dissolution of Parliament or otherwise, the House shall, as soon as a quorum is present, proceed to elect a Speaker.

(2) The procedure for the election of a Speaker shall be as follows:

- (a) The Clerk shall preside over the election of the Speaker;
- (b) A member who wishes to propose a person for election as Speaker shall ascertain whether that person is willing to serve if elected;
- (c) A member shall propose that a person be elected as Speaker and move “That (name of the person) do take the Chair of this Honourable House”. The proposal shall be seconded but no debate shall be allowed;
- (d) If only one person is proposed and seconded as Speaker, that person shall be declared to have been elected;
- (e) If more than one person is proposed and seconded, the House shall proceed to elect the Speaker by secret ballot.
- (f) For the purpose of the ballot
  - (i) the Clerk shall give to each member present a ballot on which the member may write the name of the person for whom he or she wishes to vote;
  - (ii) ballot papers shall be folded in such a way that a name written thereon cannot not be seen;

- (iii) the Clerk shall then call the names of all the members of the House and each member present when his or her name is called shall come to the table and drop the ballot paper into a ballot box;
    - (iv) the Clerk shall then count the ballot papers and the result thereof shall be reported to the House.
  - (g) If a candidate receives more votes than any other candidate, the Clerk shall declare him elected.
  - (h) If two candidates receive the same number of votes and that number of votes exceeds the number of votes received by the third candidate, a further ballot shall be taken in the manner prescribed in sub-paragraphs (i) to (iv) of paragraph (f) but votes may be cast only for one or the other of the candidates who received the same number of votes. If all three candidates receive the same number of votes a further ballot shall be taken in a similar manner save that votes may again be cast for all three candidates;
  - (i) A member who arrives after the names of the members of the House have been called by the Clerk, but before the Clerk has begun to count the ballot papers, is entitled to vote.
- (3)
  - (a) If a ballot paper does not comply with sub-paragraphs (f)(i) and (ii) of this Standing Order, the Clerk may reject it and proceed with the election.
  - (b) If the provisions of the Standing Order have not been carried out properly, the Clerk may declare a particular ballot or the whole election void and order the proceedings for the ballot or the election to begin afresh.
- (4)
  - (a) After the ballot papers have been counted, they shall be placed in a ballot box;
  - (b) When a person has been declared elected as Speaker, the ballot box shall be sealed in the presence of the House and kept in the custody of the Clerk for one calendar month;

(c) Subject to any direction the Clerk may receive from the House, the Clerk shall destroy the ballot papers after one calendar month and certify to the House that this has been done.

## **7. Speaker Takes the Chair**

(1) The elected Speaker, after being called to the Chair, may express sense of the honour conferred, take the oath or make the affirmation of allegiance and thereafter return to the Chair.

(2) The Clerk shall then administer the oath or affirmation to any of the members present who have not yet been sworn or made affirmation.

## **8. Election of Deputy Speaker**

(1) At the first sitting of the House after the dissolution of Parliament, or after the occurrence of a vacancy in the office of the Deputy Speaker, the House shall proceed to elect a Deputy Speaker.

(2) The procedure for the election of a Deputy Speaker shall be similar to that prescribed for the election of a Speaker, except that the Speaker shall preside.

## **9. Presiding in the House**

(1) The Speaker shall preside at any sitting of the House, or a Committee of the whole House, and in his or her absence the Deputy Speaker shall preside.

(2) If both the Speaker and the Deputy Speaker are absent, the Clerk shall announce the fact to the House, and a motion may forthwith be made and seconded that a named member preside for that day only. Such motion shall be decided without amendment or debate, the question being put by the Clerk, and a second motion naming another member shall not be moved unless the first has been negatived.

(3) Whenever the House resolves itself into a Committee of the whole House the Speaker or Deputy Speaker, as the case may be, shall leave the Chair of the House, sit at the Clerk's Table at the right of the Clerk and act as Chairperson of the committee. When the House resumes, the Speaker or the Deputy Speaker shall return to the Chair of the House.

## **10. Duties of the Clerk and the Clerk's Department**

- (1) The Clerk is responsible for keeping the minutes of proceedings of the House and of committees of the whole House. The minutes of proceedings shall record the names of members attending, all decisions taken and details of every division held.
- (2) The Clerk is responsible for submitting the minutes of proceedings of each sitting to the Speaker for the Speaker's signature and shall then circulate copies to members before the commencement of the next sitting.
- (3) The Clerk is responsible for publishing future business on the ATC. The ATC shall be open for inspection by members at all reasonable hours.
- (4) The Clerk is responsible for preparing for each sitting an Order Paper showing the business for that sitting.
- (5) The Clerk is responsible for the custody of the votes, records, bills and other documents laid before the House, which are open for inspection by members of the House, and other persons, under arrangements approved by the Speaker.
- (6) The Clerk, acting under the directions of the Speaker, is responsible for the production of an official report of all speeches made in the House and in committee of the whole House.
- (7) The Clerk is responsible for providing every committee of the House with a Clerk and with a recorder whenever the committee has requested to take oral evidence.
- (8) The Clerk and officials from the Clerk's department shall perform further duties under these Standing Orders, and all other duties in the service of the House ordered by the House or directed by the Speaker.

## CHAPTER III

### SESSIONS, MEETINGS AND SITTINGS

#### **11. First Meeting of a New Parliament**

On the first day of meeting of a new Parliament pursuant to a summons by His Majesty, members having assembled at the time and place appointed, the Clerk shall read the summons and the House shall thereafter proceed forthwith to the election of the Speaker.

#### **12. First Sitting of a Session**

At the first sitting of a session not being the first session of a new Parliament, the Clerk shall first read the summons appointing the time and place for the opening of the session, and conduct the oath or affirmation to any of the members present who have not yet been sworn or made affirmation.

#### **13. His Majesty's Speech and Motion for Address**

(1) If His Majesty has signified that he wishes to open Parliament by delivering a speech, the Speaker shall inform the House of the time and place appointed by His Majesty for the delivery of such speech, and at which time it shall be resumed in the place so appointed. Immediately after such speech has been delivered the sitting may be suspended for such a period, or adjourned until such a day, as the Speaker decides.

(2) On the resumption of the sitting or on the day to which the House has been adjourned under paragraph (1) of this Standing Order a motion may be moved without notice for an address of thanks to His Majesty for his speech.

(3) Motions under this Standing Order shall be moved in the following form: "That a humble address be presented to His Majesty as follows: We, the National Assembly of Lesotho here assembled, beg leave to offer our humble thanks for the speech which has been delivered by your Majesty to this Honourable House". Amendments to this motion may be moved only by way of adding words at the end.

(4) Should His Majesty signify that he has no desire to deliver a speech to open Parliament, the Council of State shall inform His Majesty that it is the intention of the Council of State, represented by the Prime

Minister, to deliver a speech to open Parliament within 15 days, and if His Majesty has not signified that he intends to deliver the speech the Council of State, represented by the Prime Minister, shall deliver the speech to open Parliament.

#### **14. Meetings**

(1) Meetings of the House during each session shall be held on such day and commence at such hour as the Speaker may determine after consultation with the Government.

(2) A written notice of the day and hour of such meeting shall be given by the Clerk to members at least fourteen days before the day of the meeting but in cases of emergency the Speaker may dispense with such notice and in that event the longest possible notice shall be given.

(3) The Speaker may at any time change the day or hour to an earlier or later time after consultation with the Leader of the House, and the Clerk shall, as soon as possible send to every member a notice of the altered time determined by the Speaker.

#### **15. Days of Sitting**

(1) Subject to paragraph (2) of this Standing Order, the House shall sit on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays only, but not on public holidays.

(2) The House may, if it has so decided on a motion moved by a Minister, sit on a Saturday, Sunday or public holiday named in the motion.

(3) Every adjournment of the House shall be to the next sitting day unless the House has decided on a motion moved by a Minister to adjourn to an earlier or later day or *sine die*.

#### **16. Hours of Sitting**

(1) Every sitting of a meeting shall commence at 2:30 p.m. and conclude at 6:30 p.m. except on Fridays when the sitting shall commence at 9:00a.m. and conclude at 1:00 p.m.

(2) Except as provided in paragraph (3) of this Standing Order, at 6:30 p.m. or on the earlier conclusion of all business on the Order Paper, the Speaker shall adjourn the House without question put.

(3) If the Speaker is of the opinion that the business on which the House is engaged is urgent, he or she may extend the sitting.

(4) Subject to paragraph (5) the Speaker may at any time suspend a sitting or adjourn the House.

(5) If the House is in committee when the Speaker is required to or proposes to adjourn the House he or she shall return to the Chair of the House before adjourning it.

(6) If a division is in progress at an hour at which the Speaker is required under this Standing Order to suspend the sitting or adjourn the House, the sitting may not be suspended or the House adjourned until the result of the division has been declared and (if no objection is taken) any further questions contingent upon the main question have been decided.

## **17. Order of Business at a Sitting**

The business of each sitting, other than the first sitting of a session, shall be in the following order:

- (a) Prayers;
- (b) Administration of oath or affirmation of allegiance;
- (c) Reading by the Speaker of messages received from His Majesty;
- (d) Other announcements by the Speaker;
- (e) Obituary and other ceremonial speeches,
- (f) Election of Deputy Speaker;
- (g) Presentation of papers and tabling of reports;
- (h) Asking and answering of questions put to the Government
- (i) Statements by Ministers;
- (j) Application for leave to move the adjournment of the House under Standing Order No. 29 (Motions for Adjournment - Definite matter of urgent public importance);
- (k) Statements of business and motions relating to business made or moved by a Minister;
- (l) Personal explanations;
- (m) Raising of matters of privilege;

- (n) motions for leave to introduce bills and presentations of bills; and
- (o) Other public business in the order set out in the Order Paper.

## **18. Conclusion of a Meeting**

(1) On a motion for the adjournment of the House *sine die* moved under paragraph (3) of Standing Order No. 15 (Days of Sittings) a member who is not a Minister and who has obtained the right to do so, may raise any matter for which the Government is responsible. When the member has concluded his or her speech, the Minister may reply. Thereafter every other member who is not a Minister, and who has obtained the right to do so, may successively raise a matter for which the Government is responsible. After each member so speaking has concluded his or her speech the Minister may reply.

(2) A member who wishes to raise a matter under the provisions of paragraph (1) of this Standing Order shall give notice of the matter in writing to the Speaker not less than one clear day before the sitting at which it is intended to do so, but the Speaker has the discretion to dispense with the written notice.

(3) The Speaker determines the order in which members may raise matters of which they have given notice under paragraph (1) of this Standing Order. If more than fifteen members have given notice the Speaker determines the order by means of a ballot, but members who raised a matter on the adjournment at the conclusion of the previous meeting shall be placed after those members who did not.

(4) On a day on which a motion is to be moved under paragraph (1) of this Standing Order, the Speaker may extend the hours of sitting of the House to an hour decided by the Speaker, but the Speaker shall announce that hour not later than the beginning of the sitting. If the motion has not been moved or having been moved has not been agreed to by that hour or, if no such hour has been determined, by 6:30 p.m, the Speaker shall then adjourn the House without question put *sine die*.

## CHAPTER IV

### BUSINESS OF THE HOUSE

#### **19. Precedence of Public Business**

(1) Subject to paragraph (4) of this Standing Order, public business has priority on the Order Paper for all sittings other than on Fridays, and private members' business has priority on Fridays.

(2) Government business shall be set down on the Order Paper in such order as the Government may direct.

(3) Subject to paragraph (5) of this Standing Order, private members' business entered in the ATC for any day shall be set down on the Order Paper for that day in such order as the Business committee may determine. In making such determination the Business Committee shall have regard to, but shall not be bound by the order in which the business in question appears in the ATC.

(4) Any public business on the Order Paper which has not been disposed of at the conclusion of a sitting shall be placed on the Order Paper for the next sitting, and the provisions of paragraphs (1) and (2) of this Standing Order shall apply with the necessary changes.

(5) Where any private members' business is entered in the ATC for, or has been postponed to, any day other than a Friday and if the Government and the member in whose name such business stands agree that such business may be taken before any item of Government business for that day, it shall be set down on the Order Paper accordingly.

#### **20. Business for Which the Recommendation of the Cabinet is Required**

(1) Except on the recommendation of the Cabinet signified by a Minister (which does not include an Assistant Minister) the House may not:

- (a) Proceed upon any bill (including any amendment to a bill) that, in opinion of the person presiding, makes provision for any of the following purposes-

- (i) the imposition of taxation or alteration of taxation otherwise than by reduction;
  - (ii) the imposition of any charge upon the Consolidated Fund or any other public fund of Lesotho or the alteration of any such charge otherwise than by reduction;
  - (iii) the payment, issue or withdrawal from the Consolidated Fund or any other public fund of Lesotho of any monies not charged thereon or any increase in the amount of such a payment, issue or withdrawal; or
  - (iv) the composition or remission of any debt due to the Government of Lesotho; or
- (b) Proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of these purposes.
- (2) The recommendation of the Cabinet shall be signified:
- (a) In the case of a bill, on the presentation thereof;
  - (b) In the case of an amendment to a bill, on the mover being called to move the amendment;
  - (c) In case of a motion or an amendment to a motion, on the mover being called to move that motion or amendment.
- (3) The signification of the recommendation of the Cabinet shall be recorded in the minutes of proceedings

## **21. Obituary and Ceremonial Speeches**

Obituary and ceremonial speeches may be made only after notice to the Speaker and only by those members who have obtained the Speaker's leave.

## **22. Presentation of Papers and Tabling of Reports**

(1) The following papers may be presented to the House only by a Minister:

- (a) Information or documentation of Government Ministries, Commissions or parastatals that are required by statute to be presented to Parliament;
- (b) International treaties, agreements or notes of foreign countries;
- (c) Annual reports, reviews or statistical reports of Government Departments, Commissions or parastatals; and
- (d) Statements of Government policy, including Green Papers and White Papers.

(2) A report from a committee may be tabled only by the Chairperson of that committee, or, in his or her unavoidable absence, by another member authorised by the Chairperson.

## **23. Nature of Questions**

A member who is not a Minister may address a question to the Government on a public matter for which the Government is officially responsible, in which information on that matter is sought or official action is required.

## **24. Notice of Questions**

(1) A question shall not be asked without notice except as provided in paragraph (5) of this Standing Order.

(2) A member shall give notice of a question by delivering a signed and written copy thereof to the office of the Clerk.

(3) A member may not at one sitting ask more than three questions of which notice has been given.

(4) If a member asks the permission of the Speaker to ask a question without notice on grounds that it is urgent and relates to a matter of public importance or to the arrangement of business, the Speaker may permit the

member, if the Speaker is satisfied that it is of that nature, and that sufficient private notice of the question has been given or is to be given by the member concerned to the Government.

## **25. Contents of Questions**

- (1) Questions shall not:
  - (a) Include the names of persons or statements which are strictly not necessary to make the question intelligible;
  - (b) Contain a statement which the member who asks the question is not prepared to substantiate;
  - (c) Contain arguments, inferences, opinions, or argumentative and offensive expressions;
  - (d) Refer to debates or answers to questions in the current session
  - (e) Refer to proceedings in a committee before that committee has made its report to the House;
  - (f) Seek information about a matter which is secret in nature;
  - (g) Reflect on the decision of a court of law or be so drafted as to be likely to prejudice a case pending in a court of law;
  - (h) Not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract case, or the answer to a hypothetical proposition;
  - (i) Be about whether statements in the press or a private individual or private concerns are accurate;
  - (j) Be about the character or conduct of any person mentioned in paragraphs (7) and (8) of Standing Order No. 43 (Contents of Speeches) and shall not be about the character or conduct of any other person except in such person's official and public capacity;
  - (k) Be asked again during the same session if they have been fully answered;

- (1) Seek information which can be found in accessible documents or ordinary works of reference tabled in the House.
- (2) If the Speaker is of the opinion that a question of which a member has given notice to the Clerk, or which the member has sought to ask without notice, does not comply with Standing Order No. 23 (Nature of Questions) or with this Standing Order, the Speaker may direct:
  - (a) That it be placed on the Order Paper with such alterations as directed; or
  - (b) In the case of a question which a member has sought to ask without notice, that it may be so asked with such alterations as directed; or
  - (c) That the member concerned be informed that the question is out of order.

## **26. Asking and Answering of Questions**

- (1) All questions shall be replied to on a Tuesday, except urgent questions which shall be replied to on every sitting day.
- (2) For each question placed on the Order Paper, the Speaker shall call on the member in whose name the question stands. The member called shall then rise and ask the question by reference to its number on the Order Paper and the Minister who is to answer shall give the reply.
- (3) A member shall not address the House on a question, and a question shall not be made a pretext for a debate.
- (4) If a member is not present to ask a question when the member's name is called an authorised member may ask the question.
- (5) In the case where the sitting is concluded before some questions are asked, responses thereof shall be submitted to the Table for circulation.
- (6) After an answer has been given to a question supplementary questions may be put by any member for the purpose of elucidating that answer, but the Speaker shall refuse to allow a supplementary question to be answered if in his or her opinion it introduces matter which is not

related to the original question or answer or which infringes any of the provisions of Standing Order No. 23 (Nature of Questions) or Standing Order No. 25 (Contents of Questions).

(7) Should a question be deferred three times due to inability or unavailability of a Minister to answer the question, then the Leader of the House shall answer the question in the House and provide an explanation for the Ministers failure to answer the question.

## **27. Questions to the Prime Minister Without Notice**

(1) The Business Committee shall determine one Tuesday of the month for questions to the Prime Minister without prior notice;

(2) The questions shall be limited to a period not exceeding twenty five minutes;

(3) Political parties shall in writing, and under the signatures of the chief whip or leader of that party in the National Assembly, submit the names of members who will ask questions to the Clerk not earlier than five clear days before the day determined by the Business Committee for questions to the Prime Minister without notice;

(4) A question put by a member under this Standing Order shall not be included in the number of questions allowed to that member under any other Standing Order.

## **28. Statements by Ministers**

(1) A Minister wishing to make a statement on some public matter for which the Government is officially responsible must inform the Speaker before the beginning of the sitting at which the statement will be made.

(2) A statement shall not be debated, but the Speaker may allow short questions to be put to the Minister making the statement for clarity, but shall not allow the asking of any further questions after the lapse of twenty minutes after the conclusion of the statement.

## **29. Motions for Adjournment – Definite Matter of Urgent Public Importance**

(1) Any member who is not a Minister may on any day, other than the first day of a session, rise in his or her place and ask leave to move the

adjournment of the business before the House for the purpose of discussing a definite matter of urgent public importance.

(2) A member who asks leave to move the adjournment of the business before the House shall, before the commencement of the sitting, hand to the Speaker a written notification of the matter which that member wishes to discuss. The Speaker shall refuse to allow the claim unless the Speaker is satisfied that the matter is definite, urgent and of public importance.

(3) If the Speaker is so satisfied and either

(a) leave of the House is given; or

(b) if it is not given, at least fifteen members rise in their places to support the request,

the motion shall stand over until 3.30 p.m. on the same day, and at that hour any proceedings on which the House is engaged shall stand adjourned until the motion for adjournment of the business has been negatived or withdrawn or postponed to the next sitting day.

(4) If the motion for adjournment of the business is agreed to, any proceedings which have been proposed or business which has not yet been reached shall be adjourned until the matter of urgent public importance is finalised.

(5) No second motion under this order may be made on the same day.

### **30. Personal Explanations**

(1) A member who wishes to make an explanation of a personal nature in the House shall submit the terms of the proposed explanation in full to the Speaker not later than the day preceding that on which it is intended to be made. No explanation of a personal nature may be made without the Speaker's leave.

(2) In making an explanation of a personal nature, a member may not bring forward any controversial matter and when that member resumes his or her seat the House shall proceed to the next business.

### **31. Matters of Privilege**

(1) A member<sup>1</sup> who wishes to raise a matter which may affect the privileges of the members or the House shall do so as soon as possible after the matter comes to the member's attention. The member shall inform the Speaker, stating the facts to which the member wishes to draw attention, at least one hour before the commencement of the sitting at which the matter is to be raised.

(2) When a member is called by the Speaker to raise a matter of privilege, the member shall briefly state the facts and the grounds which may affect the privileges of the members or the House.

(3) The Speaker shall then state whether the matter may or may not affect the privileges of the members or the House: Provided that if he or she deems it necessary he or she may defer the decision until the next sitting of the House.

(4) If the opinion of the Speaker is that the matter raised may affect the privileges of the members or the House, a member may without notice move a motion based on that matter of privilege and the motion shall be debated forthwith. No amendment may be allowed and speeches shall not exceed ten minutes. The Speaker shall put the question necessary to decide the motion within thirty minutes after the commencement of the mover of the motion's speech.

(5) If during a sitting of the House a matter suddenly arises which in the opinion of the Speaker appears to involve the privileges of the members or the House and which calls for immediate intervention of the House, the proceedings may be interrupted, save during the progress of a division, by a motion based on such matter and the provisions of paragraph (4) of this Standing Order shall apply to proceedings upon such a motion.

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<sup>1</sup> For the purposes of this Standing Order, the term Member does not include a Minister who is a Senator.

## CHAPTER V

### MOTIONS

#### **32. Notice of Motions and Amendments**

(1) Unless otherwise provided in these Standing Orders, a motion or amendment shall not be moved in the House unless notice of it has been given as provided in this Standing Order and Standing Order No. 33 (Manner of Giving Notice of Motions and Amendments).

(2) Unless otherwise provided in these Standing Orders, one clear day's notice is required for a motion which is to be moved by a Minister, and three clear days' notice is required for a motion to be moved by any other member.

(3) If notice of a motion is required notice may not be dispensed with except by leave of the Speaker and with the assent of the majority of members present at the time.

(4) Except as otherwise provided in these Standing Orders no amendment may be moved to a motion unless:

- (a) Notice of the amendment has been given not later than the day before that on which the motion is to be considered by the House; or
- (b) The Speaker or the Chairperson gives leave to dispense with the notice of the amendment; or
- (c) Notice is not required or has been dispensed with in regard to the motion which that amendment proposes to amend.

#### **33. Manner of Giving Notice of Motions and Amendments**

(1) Notice of a motion or an amendment thereto shall be given by the delivery of a copy of the motion or amendment, signed by the member wishing to move the motion or amendment, to the office of the Clerk during office hours on a day on which the House sits or between the hours of 11:30 a.m. and 4:30 p.m. on a day on which the House does not sit. Notices will not be received on a Saturday, Sunday or public holiday unless the House sits on such a day.

(2) Notices received by post outside the hours aforementioned will be regarded to have been delivered on the next day.

(3) A notice of motion or an amendment shall be submitted to the Speaker who shall direct

- (a) that it be printed on the terms in which it was handed in; or
- (b) that it be printed with such alterations as may be directed; or
- (c) that it be returned to the member who signed it, as being out of order.

(4) A request to dispense with notice of a motion or an amendment shall not be entertained by the Speaker or Chairperson unless a written copy of the motion or amendment accompanies the request.

#### **34. Manner of Debating Motions**

(1) No member other than a Minister may move a motion standing in another member's name, but a Minister may move a motion which stands in the name of any other Minister.

(2) A member who has subscribed may be called upon by the Speaker or Chairperson to move a motion and shall rise in his or her place and move the motion stating its terms.

(3) Every motion moved (except in committee of the whole House) requires seconding unless otherwise provided in these Standing Orders. The Speaker shall not put the question on a motion which is not so seconded.

(4) When a motion has been moved and seconded, the Speaker or Chairperson shall propose the question thereon to the House or the committee in the same terms as the motion. Debate may then take place on that question and may continue, subject to Standing Order No. 42 (Closure of Debate), so long as any member who is entitled to speak wishes to speak.

(5) When no more members wish to speak, the Speaker or Chairperson shall put the question to the House or the Committee for its decision.

(6) When an amendment or several amendments have been proposed to a question under Standing Order No.35 (Amendments to Motions) the Speaker or Chairperson, after all amendments have been disposed of, shall again propose the question on the motion, or may propose the question on the motion as amended, as the case may require. After further debate, if any arises thereon, the question shall then be put to the House or the committee for its decision.

### **35. Amendments to Motions**

(1) Subject to paragraph (4) of Standing Order No. 32 (Notice of Motions and Amendments) a member who has risen to speak on a question proposed by the Speaker or Chairperson may propose an amendment to that question. No member other than a Minister may move an amendment in another member's name but a Minister may move an amendment which stands in the name of any other Minister.

(2) An amendment does not require seconding.

(3) An amendment to a motion shall take one of the following forms:

- (a) Leaving out one or more of the words of the motion;
- (b) Inserting one or more of the words in the motion;
- (c) Adding one or more words at the end of the motion;
- (d) Leaving one or more words of the motion and inserting one or more words instead;
- (e) Leaving out one or more words at the end of the motion and adding one or more words instead.

(4) (a) On every amendment the question to be proposed shall be "That this amendment be made".

(b) When two or more amendments are proposed to be moved to the same motion the Speaker or Chairperson shall call on the movers in order in which their amendments relate to the text of the motion, or in cases of doubt in the order decided by the Speaker or Chairperson.

(5) (a) An amendment to an amendment which a Member wishes to

propose may be moved at any time after the question on the original amendment has been proposed and before it has been put at the conclusion of the debate on the original amendment.

- (b) An amendment to an amendment shall be disposed of in the same way as an amendment to a motion, the question to be proposed being “That this amendment to the amendment be made”.
- (c) When every amendment to an amendment has been disposed of the Speaker or Chairperson shall again propose the question on the original amendment or propose the question on the original amendment as amended, as the case may require, the question to be proposed in the latter case being “That this amendment as amended be made”.

### **36. Withdrawal of Motions and Amendments**

- (1) A motion or an amendment may be withdrawn at the request of the mover by leave of the House or committee after the question has been proposed from the Chair and before the question is fully put thereon if there is no dissenting voice (which in this context shall not include the voice of a Minister who is a Senator). A motion or amendment which has been so withdrawn may be proposed again if notice required by these Standing Orders is given.
- (2) If the question has been proposed on an amendment to a motion or to another amendment, the original motion or amendment may not be withdrawn until the amendment thereto has been disposed of.
- (3) A notice of motion or an amendment may be removed from the Notice Paper at any time before it is called if the member in whose name the motion or amendment stands gives instructions to that effect to the Clerk.
- (4) If a member who is rising to move a motion or an amendment states, before the question thereon has been proposed, that it is no longer his or her intention to move such a motion or amendment, the Speaker or Chairperson may not propose the question.

## CHAPTER VI

### RULES OF DEBATE

#### **37. Time and Manner of Speaking**

- (1) A member shall speak standing and shall address the Speaker or Chairperson.
- (2) A member shall speak from his or her seat, but if the member is not prepared to take a question from another member, he or she shall speak from the dispatch box.
- (3) Whenever the Speaker or the Chairperson rises during a debate, any member then speaking or offering to speak shall sit down and the members shall be silent so that the Speaker or the Chairperson may be heard without interruption.
- (4) A member may not read a speech but may read an extract from books or papers in support of an argument and may refresh his or her memory by reference to notes.
- (5) A member shall refer to another member by that member's constituency, ministerial office or by name.

#### **38. Interruptions**

A member may not interrupt another member except by rising.

- (a) on a point of order, when the member speaking shall resume his or her seat and the member interrupting shall simply direct attention to the point which he or she wishes to bring to notice and submit it to the Speaker or Chairman for decision;
- (b) to elucidate some matter raised by that member in the course of his or her speech, if the member speaking is willing to give way and resumes his or her seat and the member wishing to interrupt is called by the Speaker or Chairperson.
- (c) to claim closure under Standing Order No. 42 (Closure of Debate).

- (d) to move a motion approving a declaration of emergency under Standing Order No. 106 (Declaration of Emergency).

### **39. Occasions When a Member May Speak More Than Once**

- (1) A member shall speak more than once on a question except
  - (a) in committee; or
  - (b) in explanation under paragraph (2) of this Standing Order; or
  - (c) in the case of the mover of a motion, in reply as under paragraph (5) of this Standing Order; or
  - (d) in the case of Ministers,
    - (i) when replying to members raising matters on the motion for the adjournment of the House under Standing Order No. 18 (Conclusion of a Meeting); or
    - (ii) with the leave of the Speaker and of all members present at the time.
- (2) A member who has spoken on a question may again be heard if the Speaker so permits, to explain some part of his or her speech which has been misunderstood, but when speaking no new matter may be introduced.
- (3) A member who has spoken on a question may speak again on an amendment proposed to that question and on a motion that the debate be adjourned, moved during the debate on that question.
- (4) (a) When an amendment proposed to a question has been debated and disposed of, neither the mover of that amendment nor a member who spoke on the main question before the amendment was moved may speak again on the main question or on the main question as amended.
- (b) When a motion that the debate be adjourned has been debated and disposed of, neither the mover of that motion nor any member who has spoken on the main question

before the motion was moved may speak again on the main question as amended.

(5) In the House the mover of a motion may reply after all the other members present have had an opportunity of addressing the House and before the question is put. After this reply no other member may speak. The mover of an amendment does not have a right of reply.

(6) A member shall not speak on a question after it has been fully put by the Speaker or Chairperson.

#### **40. Time Limit of Speeches**

(1) Except where otherwise provided in these orders, when the Speaker is in the Chair no speech may exceed twenty minutes except in the case of:

- (a) (i) The Prime Minister and the Leader of the Opposition; and
- (ii) Ministers or members in charge of bills or motions, who may not be so restricted in regard to the length of time they may speak; and
- (b) One Minister or member (other than the Prime Minister and the Leader of the Opposition) speaking in reply to the mover, who may not exceed one hour: The Speaker may grant this privilege to one other member of the opposition parties on a Government bill or motion.

(2) A member may not speak longer than ten minutes on each occasion in committee of the whole House on a bill or other matter except Ministers or members in charge of business before the committee.

(3) During a motion moved under paragraph (b) of Standing Order No.60 (Procedure on Reporting of Bills), or the third reading of a bill, speeches shall not exceed ten minutes.

(4) During the consideration of Senate amendments to a bill a member shall not speak on any one amendment for more than ten minutes other than the Minister or member in charge of the bill, who may speak for twenty minutes.

(5) During a debate on a motion for the adjournment of the House under Standing Order No. 18 (Conclusion of a Meeting) speeches shall not exceed ten minutes unless further time is allowed by the Speaker in a particular case.

#### **41. Adjournment of Debate**

(1) A member who has risen to speak on a question proposed by the Speaker in the House may move without notice that the debate be adjourned. Thereupon the Speaker shall put the question on that motion.

(2) When a motion that the debate be adjourned has been agreed to, the debate on the question then before the House shall be adjourned and the House shall proceed to the next item of business.

(3) When a motion that the debate be adjourned has been negatived the debate on the question then before the House shall continue and a further motion that the debate be adjourned shall not be moved during that debate except by a Minister, or the member in charge of the business under discussion.

(4) When the House is in committee a member may move that further proceedings of the committee be adjourned. If the motion is agreed to the Chairperson shall leave the Chair of the committee and the House shall resume, but if the motion is negatived the committee shall continue its proceedings.

(5) It is not in order to move an amendment to a motion under the provisions of this Standing Order.

#### **42. Closure of Debate**

(1) (a) After a question has been proposed, a member may at any time during the course of debate, rise in his or her place and move "That the question be now put".

(b) The member speaking shall sit down and unless it appears to the Speaker that

(i) the motion is an abuse of the rules of the House;

(ii) the motion is an infringement of the rights of the minority; or

- (iii) it is in the interest of the House that the matter be debated;

the question “That the question be now put” shall be put forthwith.

- (c) No debate on that motion shall be allowed, and if the motion is carried, the debate then before the House shall cease and the question before the House shall be put forthwith.

### **43. Contents of Speeches**

- (1) A member’s speech shall be restricted to the subject under discussion and a matter irrelevant to that subject shall not be introduced.
- (2) A member shall not refer to any matter on which a judicial decision is pending.
- (3) It is out of order to attempt to reconsider a specific question on which the House has taken a decision during the current session except on a motion to rescind that decision made with the permission of the Speaker.
- (4) It is out of order to use offensive and insulting language about either House of Parliament or any member thereof.
- (5) A member shall not ascribe improper motives to another member.
- (6) The name of His majesty shall not be used to influence the House.
- (7) The conduct of His Majesty or of judges or other persons performing judicial functions shall not be referred to.
- (8) The personal conduct of a member of the Senate or the House shall not be referred to except on a motion moved for that exclusive purpose.
- (9) The personal conduct of a member of the Senate or the House may not be referred to except on a motion moved for that exclusive purpose.
- (10) A member shall not allude to any debate or proceedings of the current session in the Senate, or to any measure pending therein.

#### **44. Behaviour of Members not Speaking**

During a sitting

- (a) members shall enter or leave the House with decorum;
- (b) members shall not cross the floor of the House unnecessarily or cross between the Chair and the member who is speaking;
- (c) members shall not read newspapers, books, letters or other documents except those directly connected with the business of the House; and
- (d) while a member is speaking, all other members shall be silent and shall not make unseemingly interruptions.

### **CHAPTER VII**

#### **VOTING**

#### **45. Decision of Questions**

- (1) Subject to the provisions of the Constitution and any other law, all questions put to the House shall be decided by the majority of votes of the members present and voting.
- (2) A question put on a bill for the purposes of section 3 of the Constitution shall not be decided unless it is supported at the final voting by two thirds of all the members.
- (3) A question shall not be put on a bill to alter the Constitution under section 85(2) of the Constitution unless it is supported at the final voting by the majority of all the members.
- (4) A question put on a bill to alter the Constitution under section 85(3) of the Constitution shall not be decided unless it is supported at the final voting by the majority of the members present.

(5) A member presiding in the House has an original vote but not a casting vote and if the votes are equally divided, the question shall be declared not to have been carried.

#### **46. Collection of Voices**

(1) When the Speaker or Chairperson has put a question to the House or to the committee for its decision, those who are in favour of the question are called upon to say "Aye" and then upon those who are against to say "No".

(2) As soon as the Speaker or Chairperson has collected the voices of the Ayes and the Noes, the question being then fully put no other member may speak to it.

(3) The Speaker or Chairperson shall in judging the number of voices on either side, state whether the Ayes have it or whether the Noes have it. If no member challenges the statement under the next paragraph the Speaker shall declare the question to have been so decided.

(4) A member may challenge the statement of the Speaker or Chairperson by claiming a division. Whenever a division is claimed it shall be held forthwith in the manner prescribed in Standing Order No.47 (Divisions).

(5) If the Speaker or Chairperson considers that a division has been unnecessarily claimed, the members who challenge that decision may be called to rise in their places; and if less than ten such members so rise, the question shall be declared to have been decided according to the original statement, and the names of the members who rose in their places shall be recorded in the minutes of proceedings.

(6) In every instance where the Constitution lays down that a fixed majority is necessary to decide any question, the Speaker or Chairperson may not collect the voices but shall direct that a division be taken.

#### **47. Divisions**

(1) When a division has been claimed a bell shall be rung for two minutes. On the conclusion of that time the doors of the Chamber shall be shut and no further members may enter or leave the chamber.

(2) Subject to paragraph (3) of this Standing Order, the votes shall then be taken by the Clerk who shall ask each member separately in alphabetical order how the member wishes to vote. A member shall upon

his or her name being called, give a vote by saying “Aye” or “No” or by expressly stating abstention from voting.

(3) A member shall vote according to his or her voice given under paragraph (1) of the Standing Order No. 46 (Collection of Voices), and the vote of a member who has claimed a division shall be recorded among those cast in the sense counter to the statement of the Speaker or Chairperson under paragraph (3) of that Standing Order.

(4) As soon as the Clerk has counted the votes the Speaker or Chairperson shall state the numbers voting for the Ayes and for the Noes respectively and the number of members present who abstained from voting and shall then declare the result of the division and such declaration shall not thereafter be challenged.

(5) If a member states that, that member’s vote was made in error, or that the vote has been recorded wrongly or the calling of the member’s name could not be heard, such member may claim to have his or her vote altered and recorded as the case may be, if the member’s statement is made before the Speaker or Chairperson has declared the result of the division.

#### **48. Electronic Voting**

(1) If a system is in place to record the votes of members electronically, members shall vote by

- (a) pressing the “yes” button if they wish to vote in favour of a question;
- (b) pressing the “no” button if they wish to vote against a question;
- (c) pressing the “abstain” button if they wish to abstain from the vote.

(2) As soon as the voting is complete the Speaker shall declare the results. The declaration may not thereafter be challenged.

## **CHAPTER VIII**

### **RULES OF ORDER**

#### **49. Decision of Chair Final**

The Speaker or the Chairperson is responsible for the observance of the rules of order in the House and Committee of the whole House respectively. The Speaker or Chairperson's decision on a point of order is not open to appeal and shall not be reviewed by the House except on a motion made after notice.

#### **50. Order in the House and Committee**

(1) The Speaker or the Chairperson after having called the attention of the House or the Committee to the conduct of a member who persists in irrelevance or tedious repetition of that member's own or other members' arguments in the debate, may direct that member to discontinue his or her speech.

(2) The Speaker or Chairperson may order a member whose conduct is grossly disorderly to withdraw immediately from the House for the remainder of that day's sitting, and the Clerk shall act on order received from the Chair to ensure compliance.

(3) If on any occasion the Speaker or Chairperson deems that the powers conferred under the preceding paragraph are inadequate to deal with any member who has committed the offence of disregarding the authority of the Chair or of contravening the rules of order in the House by persistently and willfully obstructing or otherwise, the Speaker or Chairperson may name such member.

(a) If the offence was committed by such a member in the House, the Speaker shall call upon a Minister or a member to move, "That (naming the member) be suspended from the service of the House". The Speaker shall put the question on such motion forthwith, no amendment, adjournment or debate being allowed.

(b) If the offence was committed in Committee of the whole House, the Chairperson shall forthwith suspend proceedings, the House shall be resumed and the Chairperson shall report the circumstances to the House, whereupon the procedure provided for in the preceding sub-paragraph shall be followed.

(4) If any member is suspended under this Standing Order, the suspension on the first occasion in any session shall continue for one week, on the second occasion for a fortnight, and on the third or any subsequent occasion for one month.

(5) On receiving from a member so suspended a written apology, the Speaker shall lay it before the House, and it shall be entered in the minutes of proceedings. On a motion being made for the discharge of the order of suspension the question thereon shall be decided without amendment or debate. If the question is agreed to, the order shall be discharged and the member readmitted.

(6) When there is grave disorder arising in the House, the Speaker may, if considered necessary, adjourn the House without question put, or suspend the sitting for a time to be named by him or her.

(7) For the purpose of paragraphs (3), (4) and (5) of this Standing Order, the term 'member' does not include a Minister who is a Senator.

## **CHAPTER IX**

### **PROCEDURE ON BILLS**

#### **51. Origination of Government Bills**

(1) A Minister presenting a bill shall give notice thereof not later than the previous day in terms of paragraph (1) of Standing Order No. 33 (Manner of Giving Notice of Motions and Amendments).

(2) Before presenting a bill the Minister shall furnish the Speaker with a copy of the bill in order to enable him or her to decide whether the bill makes provision for any of the proposals set out in sub-paragraph (a) of paragraph (1) of Standing Order No. 20 (Business for which the Recommendation of the Cabinet is Required). If the Speaker is of opinion that the bill would make such a provision the Speaker shall so inform the Minister concerned, and except on the recommendation of the Cabinet the House may not receive the bill.

(3) When called by the Speaker the Minister concerned shall rise in his or her place and after signifying the recommendation of the Cabinet, if necessary the Minister may present the bill by laying a copy of it on the Table. The recommendation of the Cabinet shall be recorded in the minutes of proceedings.

(4) The Clerk shall then read the short and long titles of the bill which shall then be deemed to have been read the first time.

(5) The Bill shall then stand referred to the Portfolio Committee under which the subject of the Bill falls for consideration thereof in accordance with Standing Order No 95 (Powers and Functions of Portfolio Committees).

## **52. Origination of Bills by Private Members**

(1) A member who is not a Minister and who wishes to present a bill shall give notice of a motion for leave to be given to bring in the bill, such motion shall include the terms of the long title of the bill which is proposed to be brought in. Should the Speaker be of the opinion that such a bill would necessarily make provision for any of the proposals set out in sub-paragraph (a) of paragraph (1) of Standing Order No.20 (Business for which the Recommendation of the Cabinet is Required) he or she shall decline to allow such motion to be moved except upon the recommendation of the Cabinet.

(2) When a motion for leave to bring in a bill has been agreed to, the member in charge shall, as soon as practicable submit a copy of the proposed text of the bill. The Speaker shall, as soon as may be practicable thereafter, examine the proposed text of the bill so submitted, to determine whether it-

- (a) is properly drafted in the form prescribed in paragraph (2) of Standing Order No. 53 (Publication and Circulation of Bills) and that the memorandum required by paragraph (3) of that Standing Order has been attached to the bill; and
- (b) makes provision for any of the purposes set out in the sub-paragraph (a) of paragraph (1) of Standing Order No. 20 (Business for which the Recommendation of the Cabinet is Required).

(3) If the Speaker is of the opinion that the provisions of sub-paragraph (a) of paragraph (2) of this Standing Order have not been complied with he or she shall inform the member concerned that the proposed bill is not in a form which may be received by the House. No further proceedings may be taken on that bill.

(4) If the Speaker is of the opinion that the provisions of sub-paragraph (a) of paragraph (2) of this Standing Order have been complied with, he or she shall certify the proposed bill as proper to be received by the House.

(5) A bill which the Speaker has so certified may be presented by the member who originally submitted it on giving six clear day's notice of presentation.

(6) When called by the Speaker the member concerned shall rise in his or her place and present the bill by laying a copy of it on the Table. The bill shall then be read the first time in the manner prescribed in paragraph (4) of Standing Order No. 51 (Origination of Government Bills) provided that where the Speaker has determined that the bill makes provision for any of the purposes set out in sub-paragraph (a) of paragraph (1) of Standing Order No. 20 (Business for which the Recommendation of the Cabinet is required) he or she shall not call upon the member to present the bill unless the Cabinet's recommendation thereto is signified.

(7) The Bill shall then stand referred to the Portfolio Committee under which the subject of the Bill falls for consideration thereof in accordance with Standing Order No 95 (Powers and Functions of Portfolio Committees)

### **53. Publication and Circulation of Bills**

(1) As soon as a bill has been presented the Clerk shall publish the text thereof, as contained in the copy on the Table, in the ATC or in such other manner as the Speaker may direct.

(2) When a bill is published

- (a) it shall be given a short title corresponding to the title by which it is to be cited if it becomes law;
- (b) it shall be given a long title setting out the purposes of the bill in general terms and no provision which is outside the scope or contrary to the purport of such long title shall be included in the text of the bill;
- (c) the clauses of the bill shall be preceded by the enacting formula provided by law;
- (d) it shall be divided into clauses, numbered consecutively and have a title in the margin or at the head of each clause; and
- (e) matters of detail dependent on the provisions of the bill may be annexed to the bill in the form of a schedule or schedules.

- (3) A memorandum stating the object of the bill shall be attached to every bill and shall be provided by the member presenting it.
- (4) In the case of a bill involving the expenditure of public money an indication of the cost shall be annexed to the bill. The annexure shall be provided
  - (a) by the Minister of Finance in the case of a Government bill; and
  - (b) by the member presenting it in the case of any other bill.
- (5) As soon as possible after the presentation of a bill the Clerk shall cause a copy of it to be sent to every member.

#### **54. Procedure on Bills in Portfolio Committee**

- (1) A Portfolio Committee considering a bill shall have the powers as prescribed in Standing Order 95 (Powers and Functions of Portfolio Committees).
- (2) The Minister or member who presented the bill or the officials and legal advisors of his or her Ministry shall brief the Committee on the policy context, financial implications, contents and effects of the bill.
- (3) The Committee shall consider whether the bill warrants public hearings as contemplated in Standing Order 76 (Facilitation of Public Participation), and if it is so resolved, the Committee shall conduct public hearings.
- (4) The Committee shall consider the bill with due regard to the briefings and inputs received. Thereupon the committee shall formulate a report for presentation in the House.
- (5) When the Committee recommends that the bill be passed with amendments, the Committee shall submit the text with all the proposed amendments and a text of the bill in which the amendments are inserted.

#### **55. Notice of Second Reading**

Following the submission of the committee report, the Clerk shall cause its publication on the ATC. Thereupon the Business Committee shall set down the date for the Second Reading of the Bill by the House.

## **56. Second Reading**

- (1) On the second reading of a bill the House shall debate the Report of the relevant Portfolio Committee on the bill comprising the text of the bill with the proposed amendments, confining it to the general principle and merits of the bill.
- (2) To the question that the bill with proposed amendments be now read a second time, an amendment may be proposed to leave out all the words after “that” in order to add words stating the object and motives on which opposition to the bill is based, but these words must be strictly relevant to the principle of the bill and not deal with its details.
- (3) An amendment which is not of the kind specified in the preceding paragraph shall not be proposed to the question that the bill be now read the second time.
- (4) A member may move that the bill be not debated further, but that the bill be referred back to the Portfolio Committee for further consideration with or without instructions on amendments.
- (5) When a motion for the second reading of a bill has been negatived or amended no further proceedings may be taken on that bill.

## **57. Committal of Bills**

- (1) When a motion of the second reading of a bill has been agreed to, the bill shall stand committed to a Committee of the whole House unless the House, on a motion which may be moved without notice by any member at any time before the House has resolved itself into a committee of the whole House on the bill, resolves not to commit the bill to a committee of the whole House.
- (2) A speech on a motion under paragraph (1) shall not exceed ten minutes, and the Speaker shall, thirty minutes after the mover has begun his or her speech, put the question necessary to decide the motion;
- (3) Proceedings on a bill in committee of the whole House may not be begun earlier than two clear days after the day on which the bill was read a second time, unless a motion, for which no notice is required, and which must be decided forthwith without amendment or debate, is moved by the member in charge of the bill, that the House resolve itself into committee on the bill forthwith.

**58. Functions of Committee of the Whole House on Bills**

- (1) The main principles of a bill which has been read a second time and have been accepted by the House may not be discussed in committee of the whole House.
- (2) A Committee of the whole House shall consider amendments as proposed by the portfolio committee in charge of the bill in question or any other member as it thinks fit if the amendments (including new clauses and new schedules) are relevant to the subject matter of the bill.
- (3) A member may move that the bill be referred back to the Portfolio Committee for further consideration with or without instructions on amendments.

**59. Procedure in Committee of the Whole House on a Bill**

- (1) A Committee of the whole House on a bill shall first consider the clauses and proposed new clauses of the bill.
- (2) A clause of a bill may be postponed unless a decision has already been taken on it. Postponed clauses shall be considered after the remaining clauses of the bill have been considered and before new clauses are brought up.
- (3) A proposed new clause shall be considered after the clauses of the bill have been disposed of and before consideration of schedules to the bill: Provided that a new clause proposed in place of a clause which has not been agreed to may be considered immediately after the disagreement.
- (4) When a clause comes up for consideration in the Committee the Chairperson shall first call the clause
  - (a) by its number in the case of a clause of the bill; or
  - (b) by its title in the case of a proposed new clause.
- (5) On the number of a clause of the bill being called, the member in charge of the bill may with the leave of the Chairperson make a brief statement in explanation of the clause; thereafter amendments may be proposed to the clause in accordance with paragraphs (7) to (11) of this Standing Order.
- (6) If no amendments are proposed to a clause of a bill, or when all proposed amendments have been disposed of, the Chairperson shall

propose the question “That the clause (or the clause as amended) stand part of the bill” and when all members who wish to speak thereon have spoken, subject to the provisions of Standing Order No. 42 (Closure of Debate), the Chairperson shall put that question to the Committee for its decision.

(7) The provisions of paragraph (4) of Standing Order No. 32 (Notice of Motions and Amendments) and the provisions of Standing Order No. 33 (Manner of Giving Notice of Motions and Amendments) apply to notices of amendments to a bill subject to the replacement of the word “motion” by the word “clause”.

(8) The provisions of paragraphs (2), (3) and (4) of Standing Order No. 35 (Amendments to Motions) apply to the discussion of amendments to bills, modified where appropriate by the replacement of the words “motion” and “question” by the word “clause”.

(9) A member shall not move an amendment which is inconsistent with a clause already agreed to or which is inconsistent with a decision which the committee has already given. If the Chairperson is of the opinion that the discussion has shown that the amendment contravenes the provisions of this paragraph, the Chairperson may withdraw it from the consideration of the committee at any time during the discussion of the amendment.

(10) The Chairperson may refuse to allow an amendment to be moved if in the Chairperson’s opinion

- (a) it would make the clause or schedule which it proposes to amend unintelligible or ungrammatical; or
- (b) it is frivolous; or
- (c) it amounts to a proposal to omit the whole substance of a clause for the purpose of inserting other provisions.

(11) Except on the recommendation of the Cabinet, the Committee may not proceed on any amendment which in the opinion of the Chairperson would make provisions for any of the proposals set out in sub-paragraph (a) of paragraph (1) of Standing Order No. 20 (Business for which the Recommendation of the Cabinet is Required).

(12) On the title of any new clause being called, the clause is deemed to have been read a first time. The question shall then be proposed “That the clause be read a second time”; if this question be agreed to, amendments

may then be moved as if the clause were a clause of the bill, and the provisions of paragraphs (7) to (11) of this Standing Order shall apply accordingly. If no amendments are proposed, or when all proposed amendments have been disposed of, the Chairperson shall propose the question “That the clause (or the clause as amended) be added to the bill”.

(13) When all the clauses of the bill and every proposed new clause have been disposed of, the committee shall next consider the schedules to the bill and proposed new schedules, and shall proceed on the schedules in the same way as on clauses of the bill and proposed new clauses.

(14) An amendment, proposed new clause or proposed new schedule upon which a question has been proposed may be withdrawn at the request of the mover by leave of the committee before the question has been fully put on it, if no member objects.

(15) If the question has been proposed on an amendment

- (a) to an amendment;
- (b) to a proposed new clause; or
- (c) to a proposed new schedule;

the original amendment, the new clause or the new schedule may not be withdrawn until the amendment thereto has been disposed of.

(16) If an amendment to the long title or the short title of the bill is made necessary by an amendment to the bill, it shall be made at the conclusion of all proceedings on clauses and schedules, but no question may be put that the title (or the title as amended) stand part of the bill nor may a question be put on the enacting formula.

(17) When all proceedings on the bill have been concluded the Chairperson shall return to the Chair of the House and shall report the bill to the House with or without amendment.

## **60. Procedure on Reporting of Bills**

(1) As soon as a bill has been reported from a committee of the whole House the member in charge may

- (a) give notice of intention to move the third reading on a future day, in which case the bill may be placed on the Order Paper for third reading on a day not earlier than two clear days

thereafter; or move without notice that the House proceed to the third reading forthwith;

- (b) not move an amendment to such a motion other than by way of substituting words to the effect that the Bill be recommitted to a Committee of the whole House, and the debate on any such amendment is governed by the provisions of paragraph (2)(a) of Standing Order No.61 (Motion of Recommittal of a Bill Reported from Committee of the Whole House) as if the amendment were itself a motion for recommitment.

(2) If neither the motion to proceed to third reading forthwith nor the amendment is agreed to, the provisions of paragraph (a) of this Standing Order shall apply.

#### **61. Motion of Recommittal of a Bill Reported from Committee of the Whole House.**

(1) If any member desires to propose further amendments to a bill as reported from a committee of the whole House or to introduce any new provision therein, such member may, unless the House has resolved to proceed to the third reading forthwith, after giving such private notice of the further amendments or new provision as the Speaker may deem adequate, move without notice, immediately before the member in charge of the bill moves the third reading thereof, that the bill be recommitted either wholly or in respect only of some specified clause or clauses or schedules of the bill; or some proposed new clause or new schedule.

(2) When a motion for recommitment has been moved and seconded no amendments may be proposed to it except amendments to widen the scope of the proposed recommitment.

(3) No speech on a motion for recommitment or an amendment thereto may exceed ten minutes, and the Speaker shall, thirty minutes after the mover of the motion has begun his or her speech, put any question which may be necessary to decide the motion and any amendments which may have been moved to it.

(4) When a motion for recommitment is agreed to, the bill shall stand recommitted as required by the motion and the House shall immediately resolve itself into a committee of the whole House to consider it.

(5) When a motion for recommitment is negatived the House shall forthwith proceed to the third reading of the bill.

## **62. Proceedings on Recommittal of Bill Reported from Committee of the Whole House**

(1) When the whole bill has been recommitted the Committee shall go through the bill as provided in Standing Order No. 59 (Procedure in Committee of the Whole House on a Bill).

(2) When a bill has been recommitted in respect only of some specified clause or clauses or schedule or schedules of the bill, or some proposed new clause or new schedule, the Committee shall consider only the matter so recommitted and shall proceed on every such clause or schedule in the manner provided in paragraphs (1) to (15) of Standing Order No. 59 (Procedure in Committee of the Whole House on a Bill) and may thereafter if necessary consider amending of the long or short title of the bill as provided in paragraph (16) of that Standing Order: Provided that if the Speaker considers it necessary or desirable the Speaker may require the whole bill to be recommitted in terms of paragraph (1) of this Standing Order.

(3) When all proceedings in Committee of the whole House on a recommitted bill have been completed the Chairperson shall return to the Chair of the House and report the bill as amended (or not amended) on recommitment, to the House. The House shall forthwith proceed to the third reading of the bill.

## **63. Third Reading**

(1) The House shall proceed to the third reading of a bill on a motion that this bill be read the third time and do pass. Debate on that motion shall be confined to the contents of the bill and no amendment may be moved to the motion.

(2) Amendments for the correction of errors or oversights may, with the Speaker's permission, be made to the bill before the question for the third reading of the bill is put by the Speaker, but no amendments of a material character shall be proposed.

(3) When a motion for the third reading of a bill has been agreed to, the Clerk shall write at the end of the bill words "Passed by the National Assembly this day", giving the date.

(4) When a motion for the third reading of a bill has been negatived no further proceedings may be taken on that bill.

(5) A copy of every bill passed by the House, certified as a true copy by the Speaker and with such additional certification as may be required, shall be forwarded by the Clerk to the Senate together with a message desiring the Royal Assent.

#### **64. Procedure on Senate Messages Concerning Bills**

(1) When a message has been received from the Senate that they have agreed to a bill without amendment, the Clerk shall present a copy of the bill, certified by the Speaker as a true copy, to His Majesty for assent in accordance with Section 80 of the Constitution.

(2) When amendments have been made by the Senate to a bill, or amendments which the House has made to Senate amendments to a bill, consideration of such amendments shall be put down for such day as the Business Committee may appoint. Provided that with the leave of the Speaker and the assent of the majority of members present (among whom there may not in this context be included a Minister who is a Senator) the amendments may be considered forthwith.

(3) On the Order being read for the consideration of Senate amendments, such amendments shall be read in turn by the Clerk, and an amendment or amendments may then be proposed to the Senate amendment. If no amendment to the Senate amendment be proposed or made, the question shall then be put that this House do agree with the Senate in that amendment; but if an amendment has been made, the question shall be that the House do agree with the Senate amendment as amended.

(4) If any Senate amendment is disagreed to, an amendment to the bill in lieu thereof may be proposed.

(5) After the last Senate amendment to a bill has been considered if any of the Senate amendments have been amended, or if further amendments have been agreed to in lieu thereof, the question shall be proposed forthwith that a message be sent to the Senate desiring their concurrence to those amendments. If such question be agreed to, the provisions of this paragraph and paragraphs (3) and (4) of this Standing Order apply to any further amendments which may be made by the Senate; but if such question be disagreed to, the provisions of paragraph (6) of this Standing Order in the case a bill to which the Senate amendments have been disagreed to shall apply.

(6) On the conclusion of all proceedings under paragraphs (3), (4) and (5) of this Standing Order the Clerk shall, if the Senate amendments have

been agreed to, present the bill to His Majesty as provided in paragraph (1) of this Standing Order. If any or all of the Senate amendments have been disagreed to, the Clerk shall, unless the House has otherwise resolved, in like manner present to His Majesty a true copy of the bill, in which shall be incorporated any Senate amendments which may have been agreed to by the House, together with a further certificate by the Speaker in accordance with paragraph (4) of Section 80 of the Constitution.

(7) If the Senate

- (a) has not signified its agreement to a bill, or to all amendments made by the House to Senate amendments to a bill at the expiry of the period stated in paragraphs, (1) or (3) of Section 80 of the Constitution, whichever may be appropriate; or
- (b) has signified by message its disagreement to the second or third reading of a bill before the expiry of such period, the Clerk shall, unless the House resolves otherwise, forthwith present the bill to His Majesty as provided in paragraph (4) of Section 80 of the Constitution.

## **65. Withdrawal of Bills**

The member in charge of a bill may, at the beginning of the proceedings on a bill at a sitting, announce that he or she withdraws the bill.

## **66. Bills of the Same Provisions**

- (1) Once the second reading of a bill has been agreed to or negatived, no question may be proposed during the same session for the second reading of another bill containing substantially the same provisions.
- (2) If a member rises to move the second reading of such a bill the Speaker shall direct that the bill be withdrawn.

## CHAPTER X

### FINANCIAL PROCEDURE

#### **67. Introduction of Annual Budget and Estimates of the Revenues and Expenditure**

- (1) The Minister of Finance shall introduce the annual budget and estimates of the revenues and expenditure in terms of section 112(1) of the Constitution.
- (2) The Minister of Finance shall move a motion that this House gives general approval to the financial proposals contained in the estimates of revenue and expenditure for the year.
- (3) In moving the motion the Minister may make a statement on financial and economic policy and on the financial proposals contained in the estimates.
- (4) The motion does not require seconding and when the question has been proposed on it the debate shall stand referred to a Portfolio Committee charged by this House with consideration of the budget and estimates. After the portfolio has submitted its report, the Clerk shall cause its publication on the ATC. Thereupon the Business Committee shall set the date for the debate on the budget and estimates.

#### **68. Consideration of Budget and Estimates by Committee**

- (1) The Committee considering the estimates shall have the powers as prescribed in Standing Order 95 (Powers and Functions of Portfolio Committees).
- (2) The Minister or the officials of his or her Ministry shall brief the Committee on the policy context, financial implications, contents and effects of the estimates.
- (3) The Committee may decide to invite inputs from experts, stakeholders or the public on the estimates and may conduct public hearings thereon.
- (4) The Committee shall consider the estimates having due regard to the briefings and inputs received. Thereupon the Committee shall formulate a report on the budget and estimates of revenue and expenditure for presentation in the House.

## **69. Debate on the Budget and Estimates**

- (1) When the debate on the budget and the estimates is resumed, it shall take place on the general principles of financial and economic policy set forth by the Minister, the financial proposals contained in the estimates and the matters raised in the Committees Report.
- (2) When the debate is concluded, the estimates shall stand referred to the Committee of supply.

## **70. Allocation of Time in Committee of Supply**

- (1) The Business Committee shall allot a maximum number of days for consideration of the estimates and in so doing shall determine
  - (a) the order in which the Committee of Supply shall consider the heads of those estimates; and
  - (b) the length of time allotted for the consideration of any head or part of head.
- (2) If the end of the time allotted for a head or part of a head is reached before that head or part of a head has been disposed of, the Chairperson shall forthwith put the question necessary to dispose of it.
- (3) The Business Committee may allot not more than one day for the third reading of an annual appropriation bill and the debate on the bill shall be confined to the general principles of the expenditure for which it provides. If proceedings on the third reading have not ended by 6:30 p.m. the Speaker shall at that hour put the question that the bill be read the third time.

## **71. Procedure in Committee of Supply**

- (1) The Committee of Supply shall consider the amendments as proposed by the portfolio committee charged by this House for consideration of the budget and estimates and any other members as may be deemed appropriate.
- (2) In committee of supply upon the estimates, the Chairperson shall call the title of each head of expenditure in the order determined by the Business Committee, and shall propose the question that the sum of M.....for head.....stand part of the estimates, and unless an

amendment is proposed under the provisions of paragraphs (3), (4) and (5) of this Standing Order, debate may take place on that question.

(3) No amendment in respect of the annual estimates may be moved unless two clear day's notice has been given of the amendment, except as provided in paragraph (3) of Standing Order No. 74 (Report from the Committee of Supply).

(4) An amendment to increase a head may be proposed only by a Minister and the recommendation of the Cabinet shall be signified before it is moved. An amendment to decrease a head or part of a head, may be moved by any member.

(5) An amendment to increase or reduce the sum allotted to a head of expenditure whether generally, or in respect of any item therein, shall take the form of a motion, that head ..... be (increased/reduced) by M.....in respect of (or by leaving out) sub-head .....item....., sub-item.....

(6) If notice has been given of two or more amendments to reduce a head in respect of the same item or sub-head, they shall be considered in the order of magnitude of the reduction proposed, starting with the amendment proposing the greatest reduction. If such an amendment is agreed to no other amendment may be proposed in respect of the same item or sub-head.

(7) The Committee of Supply has the power to refer the estimates or any part thereof to the Committee referred to in Standing Order No. 68 (Consideration of Budget and Estimates by Committee) for consideration and report – back to the Committee of Supply.

## **72. Reports from the Committee of Supply**

(1) When the Committee of Supply has completed the consideration of the Estimates, the Chairperson shall return to the Chair of the House and report thereafter to the House the estimates as amended or not amended as the case may be by the Committee of Supply. The Speaker shall thereafter ask the Minister of Finance whether the Minister wishes to make a statement under paragraph (2) of this Standing Order.

(2) If the Minister of Finance does not wish to make a statement, the House is deemed to have agreed to the estimates, as amended or not amended, as the case may be, by the Committee of Supply.

(3) If the Minister of Finance makes a statement in regard to any head or heads of the estimates, all other heads are deemed to have been agreed to.

(4) If, on being asked by the Speaker, the Minister of Finance states that a further amendment to any head or heads is proposed, those heads shall thereupon stand recommitted to the Committee of Supply and on a day fixed by the Business Committee, the House shall again resolve itself into Committee of Supply to consider the head or heads. The Minister of Finance shall give not less than one clear day's notice of any proposed amendment.

(5) When the Committee of Supply reconsiders the recommitted head or heads, they may consider only those amendments of which the Minister of Finance has given notice, in the order in which they relate to those heads. A separate question shall not be put on a head and when every amendment has been disposed of, the Chairperson shall return to the Chair of the House and shall thereupon report the head or heads to the House as further amended or not amended as the head or heads to the House as further amended (or not amended as the case may be) after recommittal. The head or heads shall then be deemed to have been agreed to by the House as further amended (or not amended as the case may be) after recommittal.

### **73. Annual Appropriation Bill**

(1) As soon as all proceedings under the provisions of Standing Order No. 72 (Reports from the Committee Supply) have been brought to a conclusion, the Minister of Finance may present an annual appropriation bill forthwith, no notice being required.

(2) As soon as an annual appropriation bill has been published under paragraph (1) of Standing Order No. 56 (Publication and Circulation of Bills) it is deemed to have been read a second time and considered in committee and the Minister of Finance may give not less than two clear day's notice of the intention to move the third reading.

### **74. Supplementary Estimates, Statements of Excess and Adjustment Estimates.**

(1) A supplementary estimate or statement of excess as contemplated in section 112(2) of the Constitution must be introduced and submitted to

this House in accordance with the provisions of the Standing Orders contained in Chapter X of these Standing Orders and the provisions of these Standing Orders are *mutatis mutandis* applicable.

(2) If the Minister of Finance intends to adjust any estimate approved by Parliament, the adjustment estimates must be introduced and submitted to this House in accordance with the provisions of the Standing Orders contained in Chapter X of these Standing Orders and the provisions of these Standing Orders are *mutatis mutandis* applicable.

#### **75. Supplementary and Final Appropriation Bills**

A supplementary or final appropriation bill presented to the House shall be proceeded with under Standing Order No. 73 (Annual Appropriation Bill) except that the Minister of Finance may move that the bill be read the third time at any time after it has been published, and no notice of such motion is required.

## **CHAPTER XI**

### **PUBLIC PARTICIPATION**

#### **76. Facilitation of Public Participation**

The National Assembly and its committees shall facilitate public participation in its legislative and other processes through implementing the following:

- (a) Observing the institutionalised days as provided in these Standing Orders;
- (b) Conducting public hearings as and when necessary;
- (c) Educating the public on their role in Parliament.

#### **77. Admission of Public**

(1) Except as otherwise stated, committee proceedings shall be open to the public.

(2) The Speaker reserves the right to regulate public and media access to the National Assembly and to order the refusal of entry, the body search and removal of the same where appropriate.

(3) The Chairperson of a committee reserves the right to regulate public and media access to committee meetings and to order the refusal of entry, the body search and removal of the same where appropriate.

## **78. Institutionalised Days**

(1) The National Assembly shall strive to observe the following institutionalized days and other days as may be deemed appropriate from time to time:

- a. SADC Day
- b. AU Day
- c. Heroes/Africa Day
- d. Commonwealth Day
- e. Open Day
- f. Youth Day
- g. Women's Day
- h. Day for the Disabled
- i. Day for the Aged
- j. International Literacy Day
- k. Day for the Religious Fraternity
- l. World AIDS Day
- m. Armistice Day
- n. 16-Days of Activism against gender based violence.

(2) Institutionalised days shall be observed on the dates determined by the House.

(3) Occasions to mark institutionalised days may be held within the precincts of Parliament, or such other places as may be determined by the House.

(4) Members of the public may be invited to attend the occasions stipulated in paragraph (1) of this Standing Order.

## CHAPTER XII

### PETITIONS

#### 79. Submission and Referral of Petitions

(1) All petitions to the National Assembly shall be handed to the Clerk who shall immediately refer them to the Speaker and cause their publication in the ATC under announcements bearing the following particulars:

(a) The name of the petitioner;

(b) The date received.

(2) The Speaker shall at the earliest convenience, refer the petition to the relevant committee or Ministry for appropriate action.

(3) A committee or Ministry to which a petition is referred shall report back to the House within twenty working days from the date of referral. The submission thereof shall be published in the ATC and may, if deemed appropriate, be debated in the House.

## CHAPTER XIII

### COMMITTEES

#### GENERAL

#### 80. Committee Sittings

A committee established in terms of these Standing Orders may conduct its business whether the National Assembly is sitting, not sitting, or in recess.

#### 81. Membership of Committees

(1) The size (which may not be less than five or more than twenty five members) of a committee established in terms of these Standing Orders shall be determined by the Business Committee.

(2) The members of a committee are appointed by the Business Committee.

(3) Appointment of members shall reflect the proportionality and diversity of political parties represented in Parliament as well as gender balance.

(4) An alternate member may be appointed for one or more members of a committee.

(5) The names of members appointed to a committee shall be published in the ATC as soon as possible.

## **82. First Meeting of a Committee**

The first meeting of a committee of the commencement of a term of the National Assembly shall, unless it is convened otherwise, be convened by the Clerk as soon as it is necessary after the appointment of members to serve on the committee.

## **83. Chairperson of a Committee**

(1) The Chairperson of a committee shall be elected at the first meeting of the committee. The Clerk shall preside over the election of the Chairperson.

(2) In the absence of the Chairperson, the committees shall elect one of its members to act as Chairperson at that meeting.

## **84. Quorum**

(1) One-third of the members appointed to a committee constitutes a quorum.

(2) Unless a question is being decided the committee may proceed with business at its meeting irrespective of the number of members present.

(3) A committee may decide a question only if a quorum is present.

(4) If a quorum is not present when a committee has to decide a question, the Chairperson may either suspend business until a quorum is present or adjourn the committee.

**85. Decision of Questions in Committees**

- (1) All questions put to the committee shall be decided by the majority of the votes of the members present.
- (2) If a majority of the members of a committee agree, decisions of a committee may be taken during a video or telephone conference, but
  - (a) the decision shall be of such a nature that it can be taken other than in a formal meeting; and
  - (b) members shall receive two days notice of the video or telephone conference.

**86. Venue of Meetings of Committees**

Subject to the Speaker's approval, a committee may meet at a venue outside the precincts of Parliament.

**87. Referrals to Committees**

- (1) All matters, including matters originating from the senate, referred to a committee shall be published in the ATC;
- (2) A short description of the matter referred as well as the date of the referral shall be published.

**88. Procedure of Committees**

- (1) The deliberations of a committee shall be confined to the matter or matters referred to it by the House, and in the case of a select committee on a bill, shall be confined to the bill committed to it and relevant amendments.
- (2) If the Chairperson is unable to be present at a sitting, the committee shall elect another chairperson whose tenure of office shall be for the day of his or her election.
- (3) The Clerk to the committee appointed under paragraph (7) of Standing Order No. 10 (Duties of the Clerk and the Clerk's Department)

shall attend every meeting of the committee and shall keep the minutes of proceedings of the committee.

(4) Divisions in a committee shall be taken by the Clerk to the committee who shall ask each member of the committee separately how he or she wishes to vote and record the votes accordingly. In the event of an equality of votes, the Chairperson shall have a casting vote.

(5) The Chairperson of a committee shall have an original vote and a casting vote: Provided that he or she shall not have an original vote if he or she is not a member of the House.

(6)

(a) The Clerk to the committee shall bring a report up for consideration, and the report shall be entered in full on the minutes of proceedings of the committee. The question to be proposed by the Chairperson shall be that the report be read a second time.

(b) The committee shall then go through the report paragraph by paragraph and amendments may be proposed and the provisions of paragraphs (2) to (12), (14) and (15) of Standing Order No 59 (Procedure in Committee of the Whole House on a Bill) shall apply as if the report were a bill.

(c) When the consideration of the report paragraph by paragraph is concluded and when all proposed new paragraphs have been considered, the Chairperson shall put the question that this report be the report of the committee to the House.

(7) A committee may make a special report on any matter relating to the powers, functions and proceedings of the committee which they think fit to bring to the notice of the House.

(8) The minutes of proceedings of the committee shall record all proceedings on considerations of a report or bill in the committee and on every amendment proposed to the report or bill, with a note of divisions, if divisions were taken in the committee, showing the names of members voting in the division or declining to vote.

(9) Minutes of proceedings and minutes of evidence, if evidence was taken, shall be kept by the Clerk to the committee and shall be made

available to the members for purposes of verification; the need of which shall have been so stated.

### **89. Examination of Witnesses by Committees**

(1) No committee shall call a person to give evidence on oath unless it has power to send for persons, papers and records, and no committee shall have that power unless it has been specifically conferred on the committee by an order of the House.

(2) When a committee which has power to send for persons, papers and records, resolves that a person be summoned to give evidence before them on oath, the Clerk to the committee shall send to such a person a summons to attend the committee on a day named in the summons which shall not be earlier than six clear days after the day on which the summons is dispatched.

(3) The evidence of a witness shall be taken down and shall be submitted to him or her for signature: Provided that if the evidence be not returned signed by the witness within fourteen days after it has been submitted to him or her, it may be regarded as valid evidence.

### **90. Premature Publication of Evidence**

The evidence taken before a committee and documents presented to the committee shall not be published by a member of the committee or by any other persons before the committee has presented its report to the House.

### **91. Report of a Committee**

(1) A committee shall adopt its report on all matters considered, irrespective of whether such matters were referred to it or whether the committee considered them on its own initiative in terms of these Standing Orders and cause it to be published in the ATC.

(2) The Chairperson of a committee shall ensure that the report is published in the ATC in a format determined by the committee of Chairpersons within 30 days of the date of referral of a matter or a bill to the committee provided that Saturdays and Sundays are excluded.

(3) The Business Committee shall determine whether or not a report of a committee shall be debated in the House.

- (4) If the Business Committee determines that a report of a committee shall not be debated, or fails to make such a determination within thirty days of the publication of the report in the ATC, the Chairperson of the committee may move in the House that the House adopt the report and the recommendations contained therein.
- (5) A committee report may not be debated in the House unless it has been circulated to all members of the National Assembly at least two days prior to the intended debate in the House.
- (6) The Chairperson or in the absence of the Chairperson, any other member of the committee shall table a report of the committee in the House after publication in the ATC.
- (7) Debate on the motion for adoption of the report shall be confined to the contents of the report.
- (8) If the House adopts recommendations contained in the report of the committee, those recommendations shall become resolutions of the House.
- (9) A member shall not anticipate the report of the committee before it is presented.
- (10) A member anticipates the report of the Committee if a member
  - (a) criticizes, debates, or discusses it during a debate or other proceedings of the House before presentation; or
  - (b) moves a motion, requests a matter of public importance or asks a question or supplementary question which is substantially the same as the report anticipated.

## **92. Minority Report**

A committee shall not present a separate, minority report, but minority views shall be recorded in the committee's report.

### **93. Implication Against a Member**

- (1) If any information implicating a member of the National Assembly comes before a committee, the committee shall not proceed upon such information, but shall report it to the Speaker without delay.
- (2) The Speaker shall refer reported information implicating a member to the Ethics and Code of Conduct Committee without delay.
- (3) The Ethics and Code of Conduct Committee shall regard the information as a complaint as contemplated in Standing Order No. 97 (4) (Ethics, Code of Conduct, Immunities and Privileges Committee) and consider such information in accordance with that Standing Order.

## **PORTFOLIO COMMITTEES**

### **94. Establishment of Portfolio Committees**

- (1) There shall be established under this Standing Order the following portfolio committees which shall continue for the term of the National Assembly:
  - (a) Portfolio Committee on the Social Cluster, responsible for the ministerial portfolios of Health and Social Welfare, Education and Training, Gender, Youth, Sport and Recreation;
  - (b) Portfolio Committee on the Economic and Development cluster, responsible for the ministerial portfolios of Finance and Development Planning, Trade and Industry, Co-operatives and Marketing, Employment and Labour, Agriculture and Food Security;
  - (c) Portfolio Committee on Law and Public Safety Cluster, responsible for the ministerial portfolios of Home Affairs and Public Safety, Justice, Human rights and Rehabilitation and of Law and Constitutional Affairs;
  - (d) Portfolio Committee on Natural Resources, Tourism and Land Cluster, responsible for the ministerial portfolios of Natural Resources (Water, Lesotho Highland Water Project, Meteorology, Energy and Mining), Tourism, Environment

and Culture, Forestry and Land Reclamation, and Public Works and Transport;

- (e) Portfolio Committee on the Prime Minister's Ministries and Departments, Governance, Foreign Relations and Information, responsible for the ministerial portfolios of Local Government, Foreign Affairs, Communication, Information, Broadcasting, Science and Technology, Public Service, Defence and National Security, and Parliamentary Affairs.

(2) The Business Committee or the House, may establish further Portfolio Committees, move ministerial portfolio from one portfolio committee to another or add further ministerial portfolios to any portfolio committee.

## **95. Powers and Functions of Portfolio Committees**

(1) Portfolio committees shall, in accordance with these Standing Orders or their other terms of reference -

- (a) exercise an oversight function over the executive authority and any organ of state in relation to the ministerial portfolios allocated to it, including the implementation of legislation and thereby maintain their accountability to Parliament;
- (b) consider bills, subordinate laws tabled in accordance with Section 27A of the Interpretation Act No. 19 of 1977 as amended, or other matters which are referred to it by the Speaker or by resolution of the House;
- (c) consider an appropriation bill, or any aspect of an appropriation bill, referred to it by the Speaker or by resolution of the House;
- (d) monitor, investigate, enquire into, and make recommendations relating to the legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure, personnel, policy formulation or any other relevant matter of Government Ministries and Departments; and

- (e) perform other functions, tasks and duties as may be prescribed by an Act of the Parliament of Lesotho.
- (2) Portfolio Committees may -
- (a) call for papers, hear oral evidence, which may, by resolution of the committee, be recorded and transcribed;
  - (b) consult and liaise with Government ministries and departments;
  - (c) call for, consider and report on an annual report of a Ministry, a Department, a public funded institution or a Commission established in terms of the Constitution or any other legislation;
  - (d) ensure the attendance of any person at a meeting of the committee in terms of the Parliamentary Powers and Privileges Act of 1994; and
  - (e) establish sub-committees.
- (3) Upon conclusion of business laid down for their consideration, Portfolio committees may make recommendations to the House which shall then take final decisions.

## **96. Meetings of Portfolio Committees**

- (1) A meeting of the Portfolio committee shall not be held while the House is on recess unless members thereof have received at least seven days notice, but a two days notice shall be required when the House is sitting.
- (2) A special meeting of a portfolio committee may be held on shorter notice if an urgent matter is to be considered before a specified time; and if the programme of the National Assembly so dictates.
- (3) If a portfolio committee requires the attendance of a Minister, officials, or other persons, notice shall be given to them in accordance with the Powers and Privileges Act.

## SESSIONAL SELECT COMMITTEES

### 97. Establishment of Sessional Select Committees

There shall be established under these Standing Orders the following sessional select committees:

#### (1) **Business Committee**

The committee shall consist of the Leader of the House as Chairperson, Chair of Chairs as an ex-officio member and at least six other members appointed by the Speaker having due regard to the proportionality and diversity of political parties represented in Parliament as well as gender balance. The committee shall determine the size of other committees and shall unless these Standing Orders otherwise provide nominate the Chairpersons and members of such committees. The committee shall draw the programme of the National Assembly and if it so decides, determine the length of time to be allotted to any stage of a bill or to any Government motion. The committee shall also perform such other duties assigned to it in these Standing Orders or by the House and consider such other matters connected with the business of the House as the House or the Speaker may refer to the committee.

#### (2) **Committee of Chairpersons**

The committee shall consist of all Chairpersons of Committees. The Committee shall co-ordinate committee's activities; determine and agree on the annual budget allocations for the committees and; recommend and submit an annual budget for committees to the Clerk for incorporation into the National Assembly budget estimates.

#### (3) **HIV and AIDS Committee**

The committee's membership shall be determined by the Business Committee. The committee shall ensure the facilitation of a broad-based Parliamentary advocacy, debate and discussion; formulate, oversee and monitor policy and legislation on HIV and AIDS through a process of facilitation, training and information exchange; prepare and table occasional reports before the House. The committee may call for papers, seek expert advice and hear

testimonies and oral evidence which may, by resolution of the committee, be recorded and transcribed.

**(4) Ethics, Code of Conduct, Immunities and Privileges Committee**

The Committee's membership shall be determined by the Business Committee. The Committee shall develop and, regularly review a Code of Ethics and Conduct for members; ensure that members disclose and register their assets, gifts and sources of income with the Clerk; investigate and consider complaints of alleged failure to fully disclose assets, gifts and sources of income, alleged corrupt practices, conduct or abuse of power that brings the House into disrepute or alleged breaches of the Code of Ethics and Conduct for members; investigate and consider all complaints of alleged breaches of privilege and of contempt against the House, its members, its officers or its Speaker which may be referred to it by the House or the Speaker or which otherwise comes to its notice; investigate and consider all complaints of alleged contravention of these Standing Orders. The Committee may call for papers and hear oral evidence which may, by resolution of the Committee, be recorded and transcribed; ensure the attendance of any person at a meeting of the Committee in terms of the Parliamentary Powers and Privileges Act No. 8 of 1994. The Committee shall table a report to the House with findings and recommendations on the merits and proposed sanctions. The Clerk shall deposit a copy of the Register of assets, gifts and sources of income with the Director of Prevention of Corruption and Economic Offences established by Act No. 5 of 1999 as amended.

**(5) Public Accounts Committee**

The committee's membership shall be determined by the Business Committee. The committee shall consider the financial statements and accounts of all government ministries and departments, executive organs of state, courts, authorities and commissions established by the Constitution and of each one of the two Houses of Parliament; consider any audit reports issued on the financial statements and accounts; any other financial statement, accounts or reports referred to the committee by the House, the Speaker or these Standing Orders. The Public Committee may report on any of the financial statements, accounts or reports considered by it to this House; or initiate any investigation in its area of competence. The Committee shall perform any other duty assigned to it in terms

of the Constitution, these Standing Orders, any other legislation, or by the House including those concerning Parliamentary financial oversight or supervision of Government ministries and departments, courts, authorities and commissions established by the Constitution and of each one of the two Houses of Parliament. The powers of Portfolio Committees as set out in Standing Order No. 95 (Powers and Functions of Portfolio Committees) shall be applicable to the Public Accounts Committee.

**(6) Standing Orders Committee**

The committees membership shall be determined by the Business Committee. The committee shall review and propose amendments to the Standing Orders for consideration by the House. The committee may consider standing orders on its own initiative; or when referred to it for consideration and report by the House.

## **AD HOC COMMITTEES**

**98. Ad Hoc Committees**

- (1) The House may appoint, by an order specially made an ad hoc committee to carry out a particular assignment.
- (2) Ad hoc committees shall as soon as they have completed the matter or bill referred to them, report to the House thereon and the committees shall thereupon be dissolved.
- (3) The powers of Portfolio Committees as set out in Standing Order No. 95 (Powers and Functions of Portfolio Committees) shall be applicable to the ad hoc committees.

**99. Parliamentary Reforms Committee**

- (1) There shall be established under this Standing Order a Parliamentary Reforms Committee (PRC) which shall from time to time
  - (a) be guided by the Terms of References as laid down in the official launch document of the Parliamentary Reforms Programme on 15<sup>th</sup> November 2004;
  - (b) review the practices and procedures; and

- (c) recommend any other relevant reforms as may be deemed necessary.
- (2) The Speaker shall determine the size, nominate the Chairperson and members having due regard to the proportionality and diversity of political parties represented in Parliament as well as gender balance.
- (3) The committee shall continue for the term of Parliament.
- (4) The committee shall have the powers in terms of Standing Order No. 95 (Powers and Functions of Portfolio Committees).

## **CHAPTER XIV**

### **SUBORDINATE LAW**

#### **100. Tabling of Subordinate Law**

- (1) A minister who tables any subordinate law before the House shall give at least one clear day's notice thereof.
- (2) When called by the Speaker the Minister shall rise in his or her place and present the subordinate law by laying a copy of it on the Table.
- (3) The subordinate law shall then stand referred to the Portfolio Committee under which the subject of the law falls for consideration thereof.

#### **101. Procedure on Subordinate Law in Portfolio Committee**

- (1) A Portfolio Committee considering a subordinate law shall have the powers in terms of Standing Order No. 95 (Powers and Functions of Portfolio Committees).
- (2) The Minister who laid the subordinate law before the House or the officials and legal advisers of his or her Ministry shall brief the Committee on the policy context, financial implications, contents and effects of the subordinate law.

(3) The committee shall consider whether it is desirable to conduct public hearings as contemplated in Standing Order No. 76 (Facilitation of Public Participation), and if it is resolved that it is desirable, the committee shall conduct public hearings.

(4) The committee shall consider the law with due regard to the briefings and inputs received.

(5) Within ten sitting days after the subordinate law has been laid before the House, the committee shall adopt a report for submission to the House and cause it to be published in the ATC detailing all inputs received and recommend to the House

- (a) that the subordinate law be approved;
- (b) that the subordinate law be disallowed; or
- (c) that certain provisions of the law be disallowed.

#### **102. Notice of Motion to Disallow Subordinate Law**

(1) If a Portfolio Committee recommends in its report that a subordinate law or a provision of a subordinate law be disallowed, such a recommendation shall be deemed to be a motion to disallow a subordinate law or a provision of that law in terms of section 27A of the Interpretation Act No. 19 of 1977 as amended.

(2) Nothing contained in this Standing Order shall affect a member's right to act in terms of section 27A of the Interpretation Act No. 19 of 1977 as amended.

#### **103. Debate on Portfolio Committee's Report**

(1) The House shall, within ten sitting days of the publication of the Portfolio Committee's report in the ATC, debate the Portfolio Committee's report and recommendations on the subordinate law.

- (2) The House may
  - (a) adopt the recommendations; or
  - (b) reject the recommendations.

(3) If the House adopts a recommendation or a resolution to the effect that a subordinate law or a provision of such law be disallowed, the subordinate law or a provision of such law shall be deemed to be disallowed as contemplated in section 27A of the Interpretation Act No. 19 of 1977 as amended.

#### **104. Notification of Recommendation from Senate**

(1) When a recommendation to disallow the law or a provision of the law is received by the House, it shall stand referred to the Portfolio Committee under which the subject of the law falls for consideration.

(2) The Portfolio Committee shall, within five sitting days after the recommendation has been referred to it, recommend adoption of the recommendation or rejection of such.

(3) The House shall within five sitting days after the report has been submitted adopt or reject it.

(4) Where the House accepts the recommendation of the Senate, or is deemed to have accepted the recommendation, the subordinate law, or the provision of that law shall be deemed to have been disallowed under section 27B(4) of the Interpretation (Amendment) Act of 1993.

## **CHAPTER XV**

### **MISCELLANEOUS MATTERS**

#### **105. Resolutions Affecting Ministers**

(1) The Clerk shall communicate to the Leader of the House and the relevant Minister

(a) a resolution of the House affecting the Minister or a Ministry; and

(b) a recommendation of a Portfolio Committee affecting the Minister or Ministry.

(2) A Minister who receives communication in terms of paragraph (1) of this Standing Order shall, within thirty days of receipt, report in writing to the Speaker

- (a) the steps undertaken to implement the resolution or recommendation; or
- (b) the plan to implement the resolution or recommendation.

(3) If the resolution or recommendation has not been implemented within thirty days, the relevant Minister shall report in writing to the Speaker

- (a) the reasons for not implementing the resolution or recommendation;
- (b) the steps undertaken to implement the resolution or recommendation; and
- (c) the plan to implement the resolution or recommendation.

(4) The reports mentioned in paragraphs (2) and (3) of this standing Order shall be presented to the House, published and debated by the House.

## **106. Declaration of Emergency**

(1) Whenever the Prime Minister has declared, by proclamation published under Section 23 of the Constitution, that a state of emergency exists, a motion to approve such declaration shall not require notice and may be moved by a Minister at any time during the transaction of any other business.

(2) Any proceedings which may be interrupted by the moving of such motion shall stand adjourned until the conclusion of the debate on such motion.

(3) It is not in order for any member, other than a Minister, to move that the debate on a motion to approve a declaration of emergency be adjourned.

### **107. Personal Pecuniary Interest**

- (1) A member having a direct pecuniary interest in a matter shall not
  - (a) move any motion or amendment relating to that matter;
  - (b) speak on that matter, in the House or in any committee; or
  - (c) vote on that matter,

without disclosing the nature of the interest in the matter.

(2) A motion to disallow a member's vote on the grounds of personal pecuniary interest shall be moved as soon as the numbers of the members voting on the question have been declared.

(3) The Speaker or Chairperson has the discretion as to whether or not to propose the question upon such a motion, and in exercising such discretion shall have regard to the character of the question upon which the division was taken and to the consideration whether the interest therein of the member whose vote is challenged is direct and pecuniary and not an interest in common with the rest of the citizens of Lesotho or whether his or her vote was given on a matter of Government policy.

(4) On the question for the disallowance of a member's vote being proposed, the member shall be heard in his or her place and shall then withdraw from the House or committee for the duration of the debate and any vote on the question.

(5) If the motion for disallowance of the member's vote is agreed to, the Speaker or Chairperson, shall direct the Clerk to correct the numbers voting in the division accordingly.

### **108. Employment of Members in Professional Capacity**

A member shall not appear before the House or a committee thereof as a legal practitioner for or on behalf of a party or in a capacity for which that Member is to receive a fee or reward.

### **109. Suspension of Standing Orders**

If the object or effect of a question may be to suspend a Standing Order, the question may not be proposed except after one clear day's notice or

with the consent of the Speaker and the assent of the majority of members present at the time.

#### **110. Procedure in Case of Doubt**

- (1) In a matter not provided for in these Standing Orders and in any other case of doubt the Speaker shall
  - (a) investigate the usage and practices of the member parliaments of the SADC Region, the Commonwealth Parliamentary Association (CPA) and other jurisdictions such as the Inter-Parliamentary Union (IPU);
  - (b) frame and determine a temporary Standing Order until a Standing Order for that matter has been adopted in accordance with Standing Order No. 97 (6) (Standing Orders Committee).
- (2) A Standing Order framed and determined in terms of this Standing Order lapses if it is not adopted within twenty days of framing and determination.

#### **111. Motion of no Confidence in the Government**

A member may move a motion, for which one clear day's notice is required in the following form: "That this House has no confidence in the Government of Lesotho", to which may be added reasons for so stating and to which shall be added the name of a member of the House for His Majesty to appoint in the place of the Prime Minister.