

THE BRITISH VIRGIN ISLANDS

THE HOUSE OF ASSEMBLY STANDING ORDERS (AMENDMENT), 2016

ARRANGEMENT OF ORDERS

1. Citation.
2. General Amendments
3. Standing Order 1A inserted.
4. Standing Order 2 replaced.
5. Standing Order 4 amended.
6. Standing Order 5 amended.
7. Standing Order 6 amended.
8. Standing Order 7 amended.
9. Standing Order 8 replaced.
10. Standing Order 9 amended.
11. Standing Order 10 replaced.
12. Standing Order 11 amended.
13. Standing Order 12 replaced.
14. Standing Order 14 amended.
15. Standing Order 14A inserted.
16. Standing Order 16 amended.
17. Standing Order 17 amended.
18. Standing Order 18 amended.

19. Standing Order 22 amended.
20. Standing Order 23 amended.
21. Standing Order 24 amended.
22. Standing Order 25 replaced.
23. Standing Order 26 amended.
24. Standing Order 30 amended.
25. Standing Order 32 amended.
26. Standing Order 38 amended.
27. Standing Order 45A inserted.
28. Standing Order 47 amended.
29. Standing Order 50 replaced.
30. Standing Order 53 amended.
31. Standing Order 57 amended.
32. Standing Order 58 amended.
33. Standing Order 61 amended.
34. Standing Order 64 amended.
35. Standing Order 64A inserted.
36. Standing Order 65 replaced.
37. Standing Order 67 amended.
38. Standing Order 69 amended.
39. Standing Order 72 amended.
40. Standing Order 74 amended.
41. Standing Order 77 amended.
42. Standing Order 77A inserted.

43. Standing Order 78 replaced.
44. Standing Order 80 amended.
45. Standing Order 83 amended.
46. Standing Order 84 amended.
47. Standing Order 85 amended.
48. Standing Order 86A inserted.
49. Standing Order 90 amended.
50. Standing Order 91 replaced.

House of Assembly Standing Orders (Amendment), 2016

As amended pursuant to Standing Order 90;

1. These Standing Orders may be cited as the House of Assembly Standing Orders (Amendment), 2016.
2. The Legislative Council Standing Orders (hereinafter referred to as the “principal Standing Orders”) is amended by replacing the following references wherever they occur:
 - (a) the words “Legislative Council” with the words “House of Assembly”;
 - (b) the words “Council” with the word “House”;
 - (c) the words “Executive Council” with the word “Cabinet”;
 - (d) the word “Chamber” with the word “House”;
 - (e) the word “Stranger” or “Strangers” with the word “Visitor” or “Visitors” respectively.
3. The principal Standing Orders is amended by inserting after Standing Order 1 the following Standing Order:

“Purpose

“1A. These Standing Orders contain rules for the conduct of proceedings in the House of Assembly and for the exercise of powers possessed by the House. They are not intended to diminish or restrict the House’s rights, privileges, immunities and powers.”

4. Standing Order 2 of the principal Standing Orders is repealed and replaced with the following Standing Order:

“Interpretation

2. For the purposes of these Standing Orders, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them:

- (a) “Chairman” means the Chairman of a Committee of the whole House, or of a Select Committee, as the context indicates:

(b) “Clerk” means the Clerk of the House of Assembly:

(c) “day” or “clear day” means any day except Saturdays, Sundays and public holidays:

(d) “Despatch” means to be circulated by post, courier, hand delivery or electronic means:

(e) “House” means the House of Assembly and references to “the House of Assembly” and “the House” include references to a “Committee of the whole House”:

(f) “Member” means any Member elected to the House of Assembly:

(g) “Member Emeritus” means any former elected Member upon whom that title had been conferred:

(h) “Minister” means a person appointed by the Governor in accordance with the advice of the Premier under section 52 of the Constitution Order, 2007 and assigned responsibility for any business of the Government of the Virgin Islands including the administration of any department of Government:

(i) “Notice paper” means a summons to Members by the Speaker informing of the next scheduled Sitting of the House of Assembly.

(j) “Private Member’s motion” means a motion moved by an Elected Member other than a Minister of the Cabinet:

(k) “Sergeant-at-Arms” means the Chief Security Officer responsible for security of the House of Assembly.

(l) “Sitting” means a period during which the House is sitting

continuously without adjournment and includes any period during which the House is in Committee:

(m) “Speaker” means the Speaker of the House of Assembly and includes the Deputy Speaker or any other Member presiding in the House as Speaker, and any such person when acting as Chairman of a Committee of the whole House:

(n) “Visitor” means any person other than a Member of the House, the Clerk or any employee or servant of the House who is required to work on official duty in the House.

5. Standing Order 4 of the principal Standing Orders is amended in paragraph (2) by inserting the word “the” directly before the word “House” .

6. Standing Order 5 of the principal Standing Orders is amended in paragraph (1) by deleting the numbers “32(3)” and substituting with “69(5)”.

7. Standing Order 6 of the principal Standing Orders is amended

(a) by repealing paragraph (1) and substituting with the following:

“(1) The Speaker, or in his absence the Deputy Speaker, or in their absence a Member of the House not being a Member of Cabinet elected by the House for the sitting, shall preside at the sittings of the House and shall act as Chairman of Committees of the whole House.”

(b) by repealing paragraph (5) and substituting with the following:

“(5) The Speaker in the House or the Chairman in Committee shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders.”

8. Standing Order 7 of the principal Standing Orders is amended by repealing paragraph (2) and substituting with the following:

“(2) Every petition, paper and written communication referred to in these Standing Orders shall be in the English language.”

9. Standing Order 8 of the principal Standing Orders is repealed and replaced with the following Standing Order:

“Duties of Clerk and Sergeant at Arms

“8. (1) The duties of the Clerk shall include the following:

- (a) to keep the Minutes of Proceedings of the House and of Committees of the whole House, which shall record the names of Members attending, all decisions taken and details of every division held.
- (b) to circulate the Minutes of the Proceedings of each Sitting to the Member of the House no later than seven (7) days after each Sitting.
- (c) to prepare from day to day an Order Book showing all business appointed for any future day and any notices of questions or motions which have been set down for a future day whether for a day named or not given. The Order Book shall be open to the inspection of Members at all reasonable hours.
- (d) to post or otherwise despatch a Notice Paper of a Sitting to each Member, not less than ten (10) days before the date of such a Sitting.
- (e) to prepare for each Sitting an Order Paper containing the business for that Sitting, copies of which shall be posted or otherwise despatched to each Member not less than five (5) clear days before the House meets.
- (f) to have custody of the votes, records, bills and other documents laid before the House, which shall be open to inspection by Members of the House and other persons under such arrangements as may be sanctioned by the Speaker.”

8. (2) The Duties of the Sergeant-at-Arms shall include the following:

- (a) to attend upon the Speaker with the Mace, on entering and leaving the House:
- (b) to remove or cause or ensure the removal of persons directed to withdraw:
- (c) to maintain or cause to be maintained order in the lobby, passages and precincts of the House:
- (d) to exercise supervision over police officers and/or other security personnel assigned to duty in the House: and
- (e) to perform such other duties as may be directed by the Speaker.”

10. Standing Order 9 of the principal Standing Orders is amended

(a) by repealing paragraph (1) and substituting with the following:

“(1) The quorum of the House and of a Committee of the whole House shall consist of seven Members besides the person presiding at the Sitting.”;

(b) in paragraph (3), by repealing the word “reconvene” and substituting with the word “summon”; and

(c) in paragraph(4), by repealing the word “reconvene” and substituting with the word “summon”.

11. Standing Order 10 of the principal Standing Orders is repealed and replaced with the following Standing Order;

“Days and Hours of Sittings

10(1) Sittings of the House shall be held from time to time on such days as the Speaker shall determine provided that a period of not more than two months duration shall elapse between any Sitting and the Sitting immediately following such Sitting.

(2) A Sitting of the House shall begin at 10:00 a.m. or at such other time as the Speaker may from time to time determine.

(3) A Sitting of the House shall conclude not later than 9:00 p.m. unless the Speaker directs otherwise.

(4) When the House has adjourned to a specified date no further notice shall be necessary unless such date shall be more than seven days after the adjourned meeting.

(5) The Speaker may, at any time, suspend the Sitting for a stated period.”

12. Standing Order 11 of the principal Standing Orders is amended by

(a) deleting the words “ Unless the Council otherwise directs the business of each sitting shall be transacted in the following order:’ and substituting with the words “Unless the Speaker, after consultation with the Leader of Government Business, otherwise directs, the business of each Sitting shall be transacted in the following order:”;

(b) deleting sub-paragraph (b) and substituting with the following:

“(b) Administration of Oaths” ; and

(c) deleting sub-paragraph (c) and substituting with the following:

“(c) Confirmation of Minutes”

13. Standing Order 12 of the principal Standing Orders is repealed and replaced with the following Standing Order:

“Adjournment of the House

12(1) A Member who wishes to ask leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance shall, before the commencement of the Sitting, hand to the Speaker a written notification of the matter which he wishes to discuss. The Speaker shall refuse to allow the claim unless he is satisfied that the matter is definite, urgent and of public importance and may properly be raised on a motion for the adjournment of the House.

(2) If the Speaker is so satisfied and either

(a) leave of the House is given: or

(b) if leave is not given, at least six Members plus the mover may rise in their places to support the request

the motion shall stand over until an hour on the same day to be fixed by the Speaker, and at that hour any proceedings on which the House is engaged shall be postponed until the motion for the adjournment is disposed of.

(3) Not more than one motion for the adjournment of the House under this Order may be allowed at one Sitting.”

14. Standing Order 14 of the principal Standing Orders is amended by deleting paragraph (3) and renumbering the remaining paragraph accordingly.

15. The principal Standing Orders is amended by inserting after Standing Order 14 the following Standing Order:

“Debate Upon Papers

“14A.(1) At any subsequent Sitting after a Sitting where there has been the presentation of a paper, any Member who presented the paper may give notice that the House resolve itself into a Committee of the whole House to consider the paper. Debate upon that motion shall be confined to the general principles there set forth.

(2) If a motion under paragraph (1) is agreed upon, the House shall resolve itself into Committee.

(3) Debate in Committee may extend to all the details of the paper which shall be discussed paragraph by paragraph unless otherwise decided by the Chairman who shall have regard to the convenience of the House.

(4) No question shall be put on, nor any amendment proposed to, any part of the paper and at the conclusion of the debate no question shall be put save that the Member who moved the motion under paragraph (1) shall report to the House that the Committee has considered the paper.

(5) When such paper contains proposals, the Member who presented the paper may, following consideration in Committee, subsequently move that the House approve the proposals set out in the paper, without amendment or with such amendment as he may incorporate in the motion arising out of consideration in the Committee.”

16. Standing Order 16 of the principal Standing Orders is amended in paragraph (2) by deleting the word “four” and substituting with “seven (7)”.

17. Standing Order 17 of the principal Standing Orders is amended in paragraph (1) (g)(ii) by inserting the words “or confidential” directly after the word “secret”.

18. Standing Order 18 of the principal Standing Orders is amended

(a) in paragraph (2) by deleting “Council” and inserting “the House” directly after the word “of” ; and

(b) by inserting after paragraph 4 the following paragraph:

“4(a) Supplementary questions may be asked by the originator of the question or by another Member with the permission of the originator. No more than two (2) supplementary questions shall be asked.”

19. Standing Order 22 of the principal Standing Orders is amended by repealing paragraph (1) and substituting with the following:

“(1) Except on the recommendation of the Minister responsible for Finance, the House shall not proceed upon any motion or amendment to a motion the effect of which, in the opinion of the Speaker, is that provision should be made for imposing or increasing any tax, for imposing or increasing any charge on the revenues or other funds of the Territory or for altering any such charge otherwise than by reducing it, or for compounding or remitting any debt due to the Territory.”

20. Standing Order 23 of the principal Standing Orders is amended in paragraph (2) by inserting the word “the” directly before the word “opinion”.

21. Standing Order 24 of the principal Standing Orders is amended by deleting the word “four” and substituting with “seven (7)”.

22. Standing Order 25 of the principal Standing Orders is repealed and replaced with the following Standing Order;

“Notice of Bills

25. A typewritten or electronic copy (as requested by a Member), of every Bill, except Bills relating to tax measures or customs duties shall, in so far as possible, be sent to each Member five (5) clear days before it is proposed to be read a first time.”

23. Standing Order 26 of the principal Standing Orders is amended by deleting the word “four” and substituting with “seven (7)”.

24. Standing Order 30 of the principal Standing Orders is amended in paragraph (1), by deleting the numbers “1976” and substituting with “2007”.

25. Standing Order 32 of the principal Standing Orders is amended in paragraph (2) by inserting the word “and” directly before the word “if”.

26. Standing Order 38 of the principal Standing Orders is amended by repealing paragraphs (6),(7) and (8) and substituting with the following paragraphs:

“(6) A Member shall refer to another Member by his appropriate title.

(7) No Member shall use his privilege for defaming individuals that are not members of the House who have no legal redress.

(8) Her Majesty’s name shall not be used to influence the House.

(9) The conduct of Her Majesty, Members of the Royal family, the Governor, the Speaker or Members of the House and Judges and other persons engaged in the administration of justice shall not be raised except upon a substantive motion: and, in any amendment, question to a Minister or debate on a motion dealing with any other subject any reference to the conduct of any such person as aforesaid shall be out of order.”

27. The principal Standing Orders is amended by inserting after Standing Order 45 the following Standing Order:

“Members to Acknowledge Chair

45A.(1) Except when voting, Members must make an acknowledgement to the Chair on entering and leaving the House.

(2) Members must be seated when they are in the House except when speaking in debate or voting.

(3) When the Speaker is about to leave the House at the conclusion of a Sitting, Members shall rise in their places and remain standing until the Speaker has left the House.”

28. Standing Order 47 of the principal Standing Orders is amended in paragraph (1) by repealing the numbers “1976” and substituting with “2007”.

29. Standing Order 50 of the principal Standing Orders is repealed and replaced with the following Standing Order:

“Pecuniary Interest

50.(1) A Member shall not vote on any subject in which he has a direct pecuniary interest.

(2) A Motion to disallow a Member’s vote on the basis of paragraph (1) may be made by any Member only as soon as the numbers of the Members voting on the Question have

been declared.

(3) No Member for which a motion has been moved to disallow his vote shall be allowed to vote on the motion for disallowance.

(4) If the motion for the disallowance of a Member's vote is agreed to, the Speaker, or in Committee the Chairman, shall direct the Clerk to correct the numbers voting in the division accordingly.

(5) In deciding whether a motion for the disallowance of a Member's vote is to be proposed, the Speaker, or in any Committee of the whole House, the Chairman, 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 Her Majesty's subjects."

30. Standing Order 53 of the principal Standing Orders is amended in paragraph (1)(d) by

(a) deleting "41(2)" and substituting with "78(2)": and

(b) deleting "1976" and substituting with "2007".

31. Standing Order 57 of the principal Standing Orders is amended in paragraph (12) by deleting the word "amended" and substituting with "amendments".

32. Standing Order 58 of the principal Standing Orders is amended by deleting the number "52" and substituting with "57".

33. Standing Order 61 of the principal Standing Orders is amended in paragraph (1) by deleting the number "(6)" and substituting with "(8)".

34. Standing Order 64 of the principal Standing Orders is amended by inserting the word "practicable" directly before the word "present".

35. The principal Standing Orders is amended by inserting after Standing Order 64 the following Standing Order:

“Deletion of Bills:

64A. A Bill may be deleted from the Order of the Day by leave of the House either

- (a) before the commencement of Public Business: or
- (b) when any stage of the Bill is reached in the Order of Business if, before the Question is fully put, the mover so requests.”

36. Standing Order 65 of the principal Standing Orders is repealed and replaced with the following Standing Order:

“Withdrawal of Bills

65. A Bill may be withdrawn by leave of the House or the Committee, as the case may be, either:

- (a) before the commencement of Public Business: or
- (b) when any stage of the Bill is reached in the Order of Business if before the Question is fully put the mover so requests.”

37. Standing Order 67 of the principal Standing Orders is amended in paragraph (10) by deleting the word “Council” and substituting with “the House”.

38. Standing Order 69 of the principal Standing Orders is amended by deleting the number “(1)”.

39. Standing Order 72 of the principal Standing Orders is amended in paragraph (2) by inserting the word “practicable” directly after the word “be”.

40. Standing Order 74 of the principal Standing Orders is amended by inserting after paragraph (2) the following paragraph:

“(3) The Speaker of the House shall be the Adviser to the Committee.”

41. Standing Order 77 of the principal Standing Orders is amended by repealing paragraph (2) and substituting with the following:

“(2) The Regulations Committee shall not consider or report on the merits of any policy or any regulations.”

42. The principal Standing Orders is amended by inserting after Standing Order 77, the following Standing Order:

“The Register of Interests Committee

77A. (1) The Register of Interests Committee shall have the duty of considering all matters relating to the Register of Interests as established under Section 112 of the Virgin Islands Constitution Order, 2007.

(2) The Chairman of the Committee shall be a Minister.”

43. Standing Order 78 of the principal Standing Order is repealed and replaced with the following:

“Special Select Committees

78.(1) A Select Committee other than a Standing Select Committee under Standing Order 72 shall:

(a) be known as a Special Select Committee:

(b) be appointed by order of the House which shall specify the terms of reference of the Committee:

(c) consist of such and so many Members as the House may nominate.

(2) The quorum of a Special Select Committee shall be such as shall be specified in the order of the House.”

44. Standing Order 80 of the principal Standing Orders is amended by repealing paragraph (9) (a) and substituting with the following:

“(9) (a) “A Select Committee may sit at any time when the House is adjourned and it shall not be dissolved until the presentation of its report to the House or until the House is dissolved.”

45. Standing Order 83 of the principal Standing Orders is amended in paragraphs (4) and (7) by inserting the word “Select” directly before the word “Committee” wherever it appears.

46. Standing Order 84 of the principal Standing Orders is amended by repealing paragraph (2) and substituting with the following:

“(2) A Member of the House shall vacate his seat, if the Member in any one Session is absent from the House for more than three consecutive sittings without the written leave of the Speaker.”

47. Standing Order 85 of the principal Standing Orders is amended by deleting the words “or Solicitor”.

48. The principal Standing Orders is amended by inserting after Standing Order 86 the following Standing Order

“Use of Technology in the House

86A. Members may use electronic devices in the House (including in any Committee of the House) to aid in the performance of their parliamentary duties provided that the manner in which they are used does not disturb the proceedings of the House.”

49. Standing Order 90 of the principal Standing Orders is amended in paragraph (1) by repealing the word “twelve” and substituting with “twenty-one (21)”.

50. Standing Order 91 of the principal Standing Orders is repealed and replaced with the following Standing Order:

“Matters not provided for by Standing Orders

91.(1) The Speaker is responsible for ruling whenever any question arises as to the interpretation on application of a Standing Order and for deciding cases not otherwise provided for.

(2) In any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same may be applicable to this House, and not inconsistent with these Standing Orders nor with the practice of this House.

(3) In cases of doubt, the Standing Orders of this House shall be interpreted in the light of the relevant usage and practice of the House of Commons, but no restrictions which the House of Commons has introduced by Standing Order after the making of those Orders shall be deemed to extend to this House or its Members until the House has by Standing Order provided for such restriction.”