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LEGISLATIVE ASSEMBLY STANDING ORDERS

(S.R.O.s 6/1972, 35/1975, 20/1988, 43/2006 and Act 9 of 2011)

Commencement

[8 March 1972]

Short title

1. These Orders may be cited as the Legislative Assembly Standing Orders.
(Amended by Act 9 of 2011)

Meetings

Notice of meetings and business to be dealt with

2. (1) The Assembly shall meet on such days as the Speaker shall determine: Provided, however, that the meetings of Assembly shall be held at least once in every two months.

(2) Not less than seven days before the date of a meeting the Clerk of the Assembly shall post or otherwise despatch a notice of the meeting and of the business to be dealt with, addressed to each member at his usual place of abode or such address as a member may have registered with the Clerk of the Assembly as that to which he wishes such notice to be sent. The notice shall set out the subjects for discussion as enumerated in the Order Book at the time of sending such notice: Provided that, in the case of any emergency, of which the Governor shall be the sole judge, a meeting may be summoned on such shorter notice he may determine, and such notice may be given to members by such means as the urgency of the case permits.

(3) The hour of the meeting shall be 10 a.m. unless some other hour shall have been fixed by the Speaker.

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

(5) Notwithstanding subparagraph (1) the Assembly shall not meet in the month of August except in the case of an emergency of which the Governor shall be the sole Judge.

(Substituted by S.R.O. 20/1988 and amended by Act 9 of 2011)

Adjournment

3. (1) A meeting of the Assembly may be adjourned at any time by the Speaker, or by a vote of the majority of the members present.

(2) The Speaker may at any time suspend a meeting.

(3) All matters under discussion and business not disposed of at the time of any adjournment shall stand as an Order of the Day for the next meeting of the Assembly.

(Amended by Act 9 of 2011)

Absence of members

4. (1) Any member unable to attend a meeting of the Assembly to which he has been summoned shall acquaint the Clerk as early as possible of his inability to attend.

(2) No member shall leave the Assembly or a Committee of the Assembly except with the consent of the Speaker or the Chairman of the Committee.

(Amended by Act 9 of 2011)

Duties of the Clerk of the Assembly

Order book

5. (1) The Clerk shall keep an Order Book in which he shall enter and number in succession the subjects intended to be brought under discussion at each meeting.

(2) The Order Book shall be open to the inspection of members at all reasonable hours.

Minutes of proceedings

6. (1) The Clerk shall keep the minutes of the proceedings of the Assembly, and of Committees of the whole Assembly, and shall circulate to members a copy of such minutes as soon as practicable after the conclusion of each meeting.

(2) The minutes shall consist of particulars of the proceedings and shall record—

(a) the names of all members present at the assembling of the Assembly, and in case any other member shall take his seat subsequently at such meeting or shall leave the Assembly before the rising of the Assembly the Clerk shall note the fact at the proper place;

(b) all decisions of the Assembly, whether made formally or informally.

(Amended by Act 9 of 2011)

Business paper

7. The Clerk shall send to each member, two clear days at least before each meeting, a copy of the Business Paper for such meeting, unless the Assembly shall have adjourned for a period of less than three days. *(Amended by Act 9 of 2011)*

Attendance of clerk upon Select Committee

8. The Clerk shall attend upon any Select Committee of the Assembly if required to do so. *(Amended by Act 9 of 2011)*

Custody of papers

9. The Clerk shall be responsible for the custody of votes, records, Bills, and other documents laid before the Assembly, which shall be open to inspection by members of the Assembly at all reasonable times, and by other persons under such arrangements as may be sanctioned by the Speaker. *(Amended by Act 9 of 2011)*

Order of Business

Order of business

10. Unless the Assembly shall otherwise direct, the order of business shall be as follows—

- (i) Prayers;
- (ii) Oath of Allegiance to new members;
- (iii) Confirmation of minutes;
- (iv) Announcements by direction of the Speaker;
- (v) Papers;
- (vi) Reports from Committees;
- (vii) Petitions;
- (viii) Government Notices;
- (ix) Unofficial Notices;
- (x) Questions;
- (xi) Motions;
- (xii) Other Business.

(Amended by Act 9 of 2011)

Confirmation of minutes

11. Prayers shall be said, and oaths of Allegiance, if any, administered, whereupon the Clerk shall read the minutes of the previous meeting, unless such minutes have been previously circulated. The Speaker shall put the question that the minutes as read or as circulated be confirmed. No debate shall be allowed thereupon except as to any proposed amendment or as to the accuracy of the minutes.

Messages from the Governor

12. A message or minute from the Governor may be brought up at any time during a meeting, and shall be considered during the course of that meeting.

Personal explanations

13. By the leave of the Assembly, a member may, before the Assembly proceeds to Other Business, make a personal explanation, although there is no question before

the Assembly; but no debatable matter may be brought forward, or debate arise upon the explanation. (*Amended by Act 9 of 2011*)

Other business

14. (1) Unless the Assembly shall otherwise direct, the order of Other Business shall be as follows—

- (i) Government Business;
- (ii) Private Bills;
- (iii) Other Orders of the Day.
(*Amended by Act 9 of 2011*)

(2) Government Business shall be set down in such order as the Government thinks fit.

(3) Other matters shall be submitted to the Assembly in the order in which they stand in the Order Book. (*Amended by Act 9 of 2011*)

Adjournment on matter of urgent public importance

15. (1) A motion for the adjournment of the Assembly shall not be made until Other Business has been entered upon, except it be made on behalf of the Government, or unless a member rise in his place at the end of Questions, and ask leave to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance.

(2) Such motion shall not be made unless—

(a) the Speaker is satisfied—

- (i) that the motion does not anticipate a matter which has been previously appointed for consideration by the Assembly or with reference to which a notice of motion has previously been given;
(*Amended by Act 9 of 2011*)
- (ii) that no opportunity for the discussion of the question raised by the motion will arise in the ordinary course of the meeting; and
- (iii) that the motion is definite, and that the matter is urgent and of public importance; and

(b) the leave of the majority of the Assembly be obtained for the motion.
(*Amended by Act 9 of 2011*)

(3) If the Speaker is satisfied that the motion may properly be made, and the leave of the Assembly in that behalf is granted, the motion shall be considered forthwith. (*Amended by Act 9 of 2011*)

(4) Not more than one such motion shall be made at the same sitting; and not more than one matter shall be discussed on the same motion.

Papers

Presentation of papers

- 16. (1)** (a) All papers shall be presented by a member of the Cabinet and their presentation shall be entered upon the Minutes; (*Amended by Act 9 of 2011*)
- (b) A member presenting a paper may make a short explanatory statement of its contents;
- (c) All papers shall be ordered to lie upon the Table without question put and any Motion for the printing thereof shall be determined without amendment or debate.
- (2) All Rules, Regulations and Orders made by the Governor acting on the advice of Cabinet under the authority of an Act which does not require the approval of the Legislative Assembly shall be laid on the Table as soon as may be after being made. (*Amended by Act 9 of 2011*)

Petitions

Form of petitions

- 17.** Every petition intended to be presented to the Assembly must—
- (a) be addressed to the Assembly;
- (b) conclude with a prayer setting forth the general object of the petitioners;
- (c) bear the signatures of the petitioners, or their marks duly witnessed; and
- (d) be endorsed by the person presenting the same to the effect that in his opinion it is properly and respectfully worded.
(*Amended by Act 9 of 2011*)

Presentation of petition

- 18. (1)** A petition must be presented by a member who shall be responsible for compliance with the requirements of the preceding Rule.
- (2) A member may not present a petition for himself.
- (3) The member presenting a petition may state concisely the purport of the petition, and may move that it do lie on the Table or be read or printed or referred to a Select Committee, and any such motion shall specify the number of members which shall form a quorum of the committee.
- (4) No debate shall be permitted on such motion nor shall any other member speak upon or in relation to such petition except to second such motion formally.
- (5) When any petition is referred to a Select Committee, individuals whose rights are peculiarly affected by any proposed action or legislation to which the

petition relates may be heard by the Committee or, at its discretion by the Assembly.
(Amended by Act 9 of 2011)

Notices

Notice of questions and motions

19. Except as hereinafter provided, no member shall ask a question or make a motion unless he shall have given notice in writing of such question or motion either at some previous sitting of the Assembly, or to the Clerk not less than seven days previous to the hour of sitting of the Assembly at which such question is to be asked or such motion to be made: Provided nevertheless that, the Speaker may allow a question to be asked without notice if it is of an urgent character.

(Amended by S.R.O. 43/2006 and Act 9 of 2011)

Notice of Bills

20. A printed or cyclostyled copy of every Bill shall, in so far as possible, be sent to each member one week at least before it is proposed to read it a first time.

Notice of petition

21. A copy of any petition shall be sent to the Clerk at least two days before its presentation.

Motions without notice

22. The following motions may be made without notice—

- (i) A motion for the confirmation or amendment of the minutes of the Assembly, or for the adoption, modification or rejection of the report of any committee;
- (ii) A motion that a petition or other paper do lie on the table or be printed or be rejected;
- (iii) A motion for the reference of any matter to a committee;
- (iv) A motion made when Assembly is in committee;
- (v) A motion by way of amendment to any motion being debated in Assembly;
- (vi) A motion for the adjournment of the Assembly or of any debate;
- (vii) A motion for the withdrawal of a Bill;
- (viii) A motion for the withdrawal of strangers;
- (ix) A motion relating to a matter of privilege;
- (x) A motion for the suspension of a member;
- (xi) A motion for the suspension of the Standing Orders of the Assembly;

- (xii) A motion that the question be now put.
(Amended by Act 9 of 2011)

Questions

Questions to members

23. Questions may be put to members of the Cabinet relative to public affairs with which they are officially connected, proceedings pending in Assembly, or any matter of administration for which such members are responsible. (Amended by Act 9 of 2011)

Form of questions

24. (1) A question shall not contain arguments, inferences, opinions, imputations, epithets, ironical expressions or hypothetical cases; nor shall a question refer to debates or answers to questions in the current session.

(2) A question shall not include the names of persons, or statements, not strictly necessary to render the question intelligible, nor contain charges which the member, who asks the question, is not prepared to substantiate.

(3) A question must not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal case, or the answer to a hypothetical proposition.

(4) A question must not refer to any debate that has occurred or answer that has been given in the current session, nor should a question fully answered be asked again during the same session.

(5) A question must not be asked about proceedings in Committee which have not been placed before the Assembly by a report of the Committee. (Amended by Act 9 of 2011)

(6) A question may not be asked as to the character or conduct of any person except in his official or public capacity.

(7) A question reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion may not be asked.

(8) A question making or implying a charge of a personal character may be disallowed.

Replies

25. (1) A written reply to each question shall be read by the member to whom the question is put, and a copy of the reply shall be handed to the member putting the question: Provided that, with the consent of the Assembly such written reply may be taken as read. (Amended by Act 9 of 2011)

(2) A reply shall be confined to the points contained in the question, with such explanation only as will render the reply intelligible.
(Amended by Act 9 of 2011)

Supplementary questions

26. The reply to any question shall be conclusive and no speech or debate on the reply shall be allowed, but any member may, with the permission of the Speaker, put a supplementary question for the purpose of further elucidating any matter of fact not made clear to him by the reply; but a supplementary question must not be used to introduce matter not included in the original question.

Disallowance of question

27. The Speaker shall be the sole judge of the propriety or admissibility of a question and he may disallow any question which in his opinion is an abuse of the right to ask questions.

Motions

Power to move

28. Any member, upon due notice being given, may propose any resolution:

Provided, however, that except with the consent of the Governor signified by a member of the Cabinet, no member may move a resolution or motion which in the opinion of the Speaker or other person presiding would impose a tax or dispose of or charge any part of the public revenue, or would revoke or vary any disposition of or charge on the public revenue:

And provided further that, no motion the object or effect of which may be to suspend any of the Standing Orders of the Assembly shall be proposed except by or with the consent of the Speaker or other person presiding.

(Amended by Act 9 of 2011)

Withdrawal of motions

29. A motion may be withdrawn with the leave of the Assembly, but if so withdrawn may be made at some other meeting of the Assembly. *(Amended by Act 9 of 2011)*

Re-introduction of motions

30. No motion shall be proposed which is the same in substance as any motion which during the previous six months shall have been resolved in the affirmative or negative.

Amendments

Rules as to amendments

31. (a) The Speaker may require the mover of an amendment which has been seconded to put the amendment into writing and deliver it to the Clerk.

(b) An amendment must be relevant to the question to which it is proposed.

- (c) An amendment must not raise any question which can be raised only by a distinct motion after notice.
- (d) After a decision has been given on an amendment to any part of a question an earlier part cannot be amended.
- (e) Where an amendment of any part of a question has been proposed, an earlier part cannot be amended unless the amendment so proposed is withdrawn.
- (f) An amendment to a question must not be inconsistent with a previous decision on the same question given at the same stage of any Bill or matter.
- (g) An amendment must not be substantially identical with an amendment moved by another member.
- (h) An amendment must not be substantially a direct negative of the original proposition or of any amendment thereto.
- (i) An amendment may be moved to any amendment.

Order in which amendments taken on question being put

32. When any amendment to a question shall have been submitted, and when more amendments than one shall have been submitted, the Speaker at the close of the debate shall put the question for the decision of the Assembly in this wise; **“That the words of the question stand as in the original motion”** which if it be decided in the affirmative will throw out all amendments; and he shall then put the original motion to be affirmed or negated. If the first question which would preclude all amendments be negated, then, in case only one amendment shall have been proposed and seconded, he shall put the question as it was proposed to be amended; but in case more amendments than one shall have been proposed and seconded, he shall put the questions of amendment seriatim and in the inverse order of their having been proposed; and when any one amendment is affirmed all other amendments shall be thereby negated, and the Speaker shall then put the motion, as so amended, to be affirmed or negated. *(Amended by Act 9 of 2011)*

Admissibility

33. The Speaker shall be the sole judge of the admissibility of any amendment.

Rules of Debate

Mode of addressing Assembly

34. (1) A member desiring to speak shall rise in his place and address his observations to the Speaker or, if the Assembly is in Committee to the Chairman. *(Amended by Act 9 of 2011)*

(2) If two or more members rise at the same time, the Speaker or Chairman shall call on the member who first catches his eye.

(3) A member shall not read his speech, but he may read extracts from written or printed papers in support of his argument, and may refresh his memory by reference to notes.

(4) A member must confine his observations to the subject under discussion.

(5) A member while speaking on a question must not—

- (a) refer to any matter on which a judicial decision is pending, in such a way as may prejudice the interests of the parties thereto;
- (b) impute improper motives to any other member;
- (c) use the Queen's name for the purpose of influencing the debate;
- (d) utter treasonable or seditious words or use the Queen's name irreverently; or
- (e) use his right of speech for the purpose of obstructing the business of the Assembly. (*Amended by Act 9 of 2011*)

Reference to other members

35. Any member who in discussing any motion wishes to allude to the speech or the opinion of any other member shall, if possible, avoid referring to such other member by name. Official members shall be described by reference to their official designations; elected members by reference to the electoral districts which they represent, or where an electoral district is represented by more than one member, by reference to the order of precedence as between such members; and nominated members by reference to the order of precedence as between such members.

Reflections upon the Crown or upon certain persons in authority

36. The conduct of Her Majesty, Members of the Royal Family, the Governor, the Speaker or Members of the Assembly, and Judges or other persons engaged in the administration of justice shall not be raised except upon a substantive motion; and in any amendment, question to a member or remarks in a debate on a motion dealing with any other subject any reference to the conduct of the persons aforesaid shall be out of order. (*Amended by Act 9 of 2011*)

How often members may speak

37. (1) No member shall speak more than once to a motion except as hereinafter provided—

- (a) the mover of an original motion shall have the right of reply after all members who desire to speak shall have spoken but the mover of an amendment shall not have any right to reply.
- (b) any member who may second an original motion in the formal words **“I second this motion”** and no others, may reserve his speech until later in the debate.
- (c) when the Assembly is in Committee. (*Amended by Act 9 of 2011*)

(2) A member may speak on the question before the Assembly and upon any amendment proposed thereto. *(Amended by Act 9 of 2011)*

Motion or amendment to be seconded

38. After the mover of any motion or any amendment has spoken in support thereof, no debate shall be allowed until the motion or amendment has been duly seconded, unless the Assembly is in Committee when a motion or amendment may be put without being seconded. *(Amended by Act 9 of 2011)*

Interruptions

39. No member shall interrupt another member who is speaking except by rising to a point of order. A member rising to a point of order shall simply direct attention to the point which he desires to bring to notice and submit to the Speaker for his decision.

Relevancy

40. (1) Debate must be relevant to the matter or question before the Assembly of the Committee, and where more than one question has been proposed from the Chair the debate must be relevant to the last question so proposed, until it has been disposed of.

(2) The Speaker after having called the attention of the Assembly to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate may direct the member to discontinue his speech.

(Amended by Act 9 of 2011)

Closure

41. (1) After a question has been proposed and seconded, a member rising in his place may claim to move, **“That the question be now put,”** and unless it appears to the Speaker that the motion is an abuse of the rules of the Assembly, or an infringement of the rights of the minority, the question **“That the question be now put”** must be put forthwith. *(Amended by Act 9 of 2011)*

(2) When the motion **“That the question be now put,”** has been carried and the question consequent thereon has been decided, any further motion may be made (the assent of the Speaker as aforesaid not having being withheld) which may be requisite to bring to a decision any question already proposed from the Chair.

(3) When a clause is under consideration a motion may be made (the assent of the Speaker as aforesaid not having been withheld) that the question that certain words of the clause defined in the motion stand part of the clause, or that the clause stand part of or be added to the Bill, be now put.

(4) Every motion made under this rule must be put forthwith and decided without amendment or debate.

Allocation of time for debate

42. Before or when a member rises to move a question which stands in his name, the Speaker, with the consent of the majority of the Assembly may fix the total time to be occupied in the debate thereon, and may adjourn the debate from time to time as he may think fit. (*Amended by Act 9 of 2011*)

Procedure on question being put

43. After the question has been put by the Speaker no further discussion shall be allowed.

Responsibility for order

44. (1) The Speaker or other presiding member in the Assembly, and the Chairman in Committee shall be responsible for the observance of the rules of order in the Assembly and Committee respectively and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the Assembly or by the Committee as the case may be except upon a substantive motion made after notice.

(2) When the Speaker or other presiding member or the Chairman rises, any member then speaking or wishing to speak shall immediately resume his seat and the Assembly, or the Committee, shall be silent.

(Amended by Act 9 of 2011)

Divisions

Voting

45. (1) At the conclusion of the debate upon any question the Speaker or other presiding member, or the Chairman as the case may be, shall put the question for the decision of the Assembly or of the Committee as the case may be, and shall collect the voices of the “**ayes**” and of the “**noes**”, after which no further debate may take place upon that question. (*Amended by Act 9 of 2011*)

(2) The result shall be declared by the Speaker or other presiding member or by the Chairman, as the case may be, stating “**I think the ayes have it**” or “**I think the noes have it**” as the case may be, but any member may challenge the opinion of the Chair by claiming a division.

(3) A division may be taken by the Clerk calling each member’s name and asking each member separately how he desires to vote and recording the vote accordingly. The Clerk shall then announce the number of those who have voted for and of those who have voted against the proposal and the Speaker or other presiding member or the Chairman as the case may be, shall declare the result of the division, and if necessary, give his casting vote.

(4) Every member present shall, unless he expressly states that he declines to vote record his vote either for the “**ayes**” or the “**noes**”. The Clerk shall enter in the minutes of the proceedings the record of each member’s vote.

(5) If a member states that he voted in error or that his vote has been counted wrongly, he may claim to have his vote altered provided that, such claim is made as

soon as the Clerk has announced the numbers and before the Chair has declared the result of the division. Upon such claim being made the Speaker or other presiding member or the Chairman as the case may be, shall at his sole discretion either direct the Clerk to alter that member's vote or direct that a fresh division be held.

(6) Any member voting in the minority who desires to have his reasons recorded for so voting shall state such desire forthwith, and his reasons shall be recorded either at that or the following meeting of the Assembly. (*Amended by Act 9 of 2011*)

Disallowance of vote of member having direct personal pecuniary interest

46. A member shall not vote on any subject in which he has a direct personal pecuniary interest, but a motion to disallow a member's vote on this ground shall be made only as soon as the result of the voting on the question shall have been declared. If the motion for the disallowance of a member's vote shall be agreed to, the Speaker, or in Committee the Chairman, shall direct the Clerk to correct the numbers voting in the division accordingly. In deciding whether a motion for the disallowance of a member's vote shall be proposed from the Chair the Speaker, or in any Committee of the Assembly 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 and whether his vote was given on a matter of state policy. (*Amended by Act 9 of 2011*)

Breaches of Order

Withdrawal of disorderly member

47. (1) The Speaker or Chairman shall order members whose conduct is grossly disorderly to withdraw immediately from the Assembly Chamber during the remainder of the day's sitting.

(2) If such direction to withdraw be not complied with at once or if on any occasion the Speaker deem that his powers under this Order are inadequate he may name such member or members in pursuance of Order 48 hereof.

(*Amended by Act 9 of 2011*)

Suspension of member named

48. (1) If a member shows disregard for the authority of the Chair, or abuse the rules of the Assembly by persistently and wilfully obstructing the business of the Assembly, the Speaker shall direct the attention of the Assembly to the incident mentioning by name the member concerned. A motion may then be made upon which the Speaker shall forthwith put the question, no amendment, adjournment, or debate being allowed, "**That such member be suspended from the service of the Assembly**". If such an offence shall have been committed in a Committee of the whole Assembly, the Chairman shall forthwith suspend the proceedings of the Committee and report the circumstances to the Assembly; and the Speaker shall on a motion being made thereupon put the same question, without amendment,

adjournment or debate, as if the offence had been committed in the Assembly itself. (*Amended by Act 9 of 2011*)

(2) Not more than one member shall be named at the same time, unless several members present together have jointly disregarded the authority of the Chair.

(3) If a member be suspended from the service of the Assembly under the provisions of this Order his suspension shall continue and be effective during the remainder of the session unless sooner determined by the Assembly. (*Amended by Act 9 of 2011*)

Enforcement of Speaker's directions

49. (1) Members who are directed to withdraw under Order 47 or are suspended under Order 48 shall forthwith withdraw from the precincts of the Assembly Chamber.

(2) The Speaker or Chairman whether acting under Order 47 or 48 may direct such steps to be taken as are required to enforce his order.

(3) Nothing in Order 48 shall be deemed to prevent the Assembly from proceeding against any member for any breach of order not specified therein or from proceeding in any other way it thinks fit in dealing with the breaches of order therein mentioned. (*Amended by Act 9 of 2011*)

Progress of Bills

Constitutional requirements

50. The introduction of Bills shall be subject to the constitutional requirements laid down by section 70 of the Montserrat Constitution Order.

Introduction and first reading of Bills

51. (1) No Bill shall be introduced until leave for its introduction shall have been applied for and granted.

(2) If the motion for leave is opposed, the Speaker, after permitting (if he thinks fit) a brief explanatory statement from the member who moves and from a member who opposes the motion, may, without further debate, put the question thereon.

(3) If leave to introduce the Bill be granted, the Bill may be introduced, and shall be read a first time by the Clerk.

Publication of Bills

52. After having been read a first time a Bill shall, if it has not already been published in the *Gazette*, be so published when such publication is practicable, and shall in any event be made available for publication by both the local Press and the Radio.

Suspension of Standing Orders for further readings of Bill

53. Every Bill shall be read three times previously to its being passed and no Bill shall pass through more than two readings at any one sitting, unless this Order shall have been formally suspended for the purpose.

Second reading of Bills

54. The member moving the second reading of the Bill shall state the object of the Bill and the reasons for its introduction. When a motion for the second reading of a Bill has been made and seconded there may be a debate upon the general merits and principles of the Bill; and if such motion is carried the Bill shall stand referred to a Committee of the whole Assembly to consider the Bill clause by clause, and amend it as may be deemed necessary, unless at this stage of the proceedings the Assembly decides the Bill shall be referred to a Select Committee. (*Amended by Act 9 of 2011*)

Procedure in committee

55. (1) When a Bill is under consideration in Committee, unless the Committee decides to have the Bill read in any other manner, the Clerk shall call the several clauses in order by reading the number of each clause and shall then refer to the schedules, if any, in order, next the preamble, if any, and lastly the title. If it is proposed to move any amendment of a clause or schedule when called, the Clerk shall put them in their proper order. If the clause (or schedule or the preamble or the title, as the case may be) is not amended, the Chairman shall without motion put the question **“That this clause (or this schedule or the preamble or the title, as the case may be) do stand part of the Bill”**. If the clause (or this schedule or the preamble or the title, as the case may be) is amended, he shall put the question. **“That this clause (or this schedule or the preamble or the title, as the case may be) as amended, do stand part of the Bill”**.

(2) Notwithstanding the procedure laid down in paragraph (1) of this Order, the Chairman may call the Schedules before proceeding with the clauses of the Bill.

- (3) (a) In settling a Bill in Committee any member may move an amendment, or, without making a formal motion, may suggest an amendment, or may ask for information respecting any part of the Bill or any proposed amendment;
- (b) An amendment must be relevant to the subject matter of the Bill, and to the subject matter of the clause to which it relates;
- (c) An amendment must not be inconsistent with any previous decision of the Committee;
- (d) An amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical;
- (e) If an amendment refers to, or is not intelligible without a subsequent amendment or a schedule, notice of the subsequent amendment or schedule must be given before, or when the first amendment is moved so as to make the series of amendments intelligible as a whole;

- (f) An amendment which proposes to amend the whole substance of a clause for the purpose of inserting different provisions will as a general rule be irregular. The proper course will be to negative the clause and propose a new one in its place;
- (g) The Chairman may refuse to put an amendment which is in his opinion frivolous.

(4) A Bill may be referred to a Select Committee at any time after it shall have passed its second reading.

(5) When a Bill has been referred to, and reported on by a Select Committee and it is certified by the Chairman of such a Committee that such Bill has been considered clause by clause in the presence of a quorum of the members of such Committee at least and that in the opinion of the Committee such Bill may be dealt with by the Assembly in the same manner as a Bill reported on by a Committee of the whole Assembly, such Bill may be dealt with accordingly if no member objects, but if any member objects the Bill shall be dealt with in usual manner. *(Amended by Act 9 of 2011)*

(6) The consideration of a clause may, on motion made, be postponed, but the motion may not be made after the clause has been amended.

(7) New clauses shall be considered after the clauses in the Bill as printed have been disposed of and before the consideration of the schedules, if any. Notice of a proposed new clause shall be given previous to the sitting unless the Chairman considers that such notice may be dispensed with. The Chairman shall call on the member in whose name the new clause stands, and if that member moves the Clerk shall read the marginal note of the clause and it shall then be taken to have been read a first time. The question shall then be put **“that this clause be read a second time.”** If this be agreed to, amendments may be moved and after these (if any) have been disposed of the question shall be put **“that this clause be read a second time.”** If this be agreed to amendments may be moved and after these (if any) have been disposed of the question shall be **“that this clause (or that this clause as amended) be added to the Bill as clause No..... and that the subsequent clauses be renumbered accordingly.”**

(8) When a Bill shall have been settled in Committee the Assembly shall resume without question put; and the member having charge of the Bill shall thereupon report to the Assembly that the Bill has passed through the committee stage, with or without amendments, as the case may be, or that progress has been made therewith. *(Amended by Act 9 of 2011)*

Third reading of Bills

56. Subject to the provisions of Order 53, on the resumption of the Assembly on the conclusion of the committee stage a Bill may, on motion made, be read the third time, either forthwith if no member objects or at some subsequent sitting. When the motion for the third reading of the Bill is to be put the question shall be **“That the Bill be now read a third time and passed.”** *(Amended by Act 9 of 2011)*

Title only to be read

57. On the first and third readings of a Bill the Clerk shall read only the title.

Recommittal of Bills

58. (1) If on the third reading of a Bill any member desires to amend or delete any provision contained in the Bill or to introduce any new provision, he may move that the Bill be re-committed, and, if the motion be carried, the Assembly shall resolve itself into Committee and any alteration proposed may be discussed. The Assembly may then resume and the Bill be read a third time. *(Amended by Act 9 of 2011)*

(2) Verbal amendments may be made previous to the Bill being read a third time without the Bill being recommitted.

Governor's amendments

59. When the Governor requires that amendments be made to a Bill passed by the Assembly before the Bill becomes law, such Bill shall be recommitted for the consideration only of the amendments proposed. The Bill shall be re-submitted to the Governor with the amendments made therein, or with such of them as the Assembly shall approve. *(Amended by Act 9 of 2011)*

Withdrawal of Bills

60. The member in charge of a Bill standing on the Order Book may make a motion without notice for its withdrawal either before the commencement of Other Business or on the Order of the Day for any stage of the Bill being read.

Bills on the same subject matter

61. More than one Bill of the same subject matter may be introduced but, when the second reading of a Bill has been agreed to or negatived, the question shall not be proposed for the second reading of another Bill of the same subject matter during the same session. On the Order of the Day relating to such Bill being read the Speaker shall direct that the Bill be withdrawn.

*Select Committees***Select Committees**

62. (1) The Speaker may appoint any members to be a Select Committee for the purpose of examining and reporting on the clauses of any proposed Bill. The Speaker may also nominate the Chairman of such Select Committee.

(2) In the absence of any nomination by the Speaker a Select Committee shall elect its own Chairman. In the absence of the Chairman the senior member on the Committee shall act as Chairman.

(3) Unless the Speaker otherwise directs, three members, or, if the number of the Select Committee does not exceed four, two members shall form a quorum.

Replacing members

63. (1) The Speaker may from time to time in case of the death or unavoidable absence of a member appoint another member to take the place of such member on the Committee.

(2) If the Speaker be the Chairman of a Select Committee he shall have a casting vote if the votes be equally divided, but shall not have an original vote. In the absence of the Speaker from the Chair the member presiding shall have an original vote, and a casting vote if the votes are equally divided.

Report of Select Committee

64. (1) Every Select Committee shall make a report to the Assembly upon the matters referred to them before the end of the session in which the Committee were appointed, but if a Committee find themselves unable to conclude their investigation before the end of the session, they may so report to the Assembly.

(2) A Select Committee shall have leave to make a special report relating to the powers, functions and proceedings of the Committee on any matter which they may think fit to bring to the notice of the Assembly.

(3) The report or special report together with the minutes of proceedings of a Select Committee and the minutes of any evidence taken before that Committee shall be signed by the Chairman thereof, or in his absence by the senior member present, and shall be presented to the Assembly by the Chairman or senior member as the case may be, and shall be ordered to lie upon the table and may be printed without question put.

(4) The minutes of proceedings of a Select Committee shall record all proceedings upon the consideration of any report or Bill in the Committee and upon every amendment proposed to such report or Bill together with a note of any division taken in the Committee and the names of members voting therein.

(5) Any member dissenting from the opinion of the majority of a Select Committee may put in a written statement of his reasons for such dissent, and such statement shall be appended to the report of the Committee.

(6) The report of a Select Committee may be taken into consideration on a motion **“That the Report of the Select Committee on be adopted”**.

(Amended by Act 9 of 2011)

Standing Committee

Public Accounts Committee

65. (1) At the first meeting of any session of the Assembly, or as soon thereafter as practicable, the Speaker shall appoint a Standing Committee to be styled The Public Accounts Committee for the consideration of the Public Accounts of Montserrat.

(2) The Public Accounts Committee shall consist of—

- (a) three members chosen by the Speaker from among the official and unofficial members of the Assembly; and
 - (b) one member chosen by the Speaker from outside the Assembly from among persons with commercial or accounting experience: Provided that, such Member shall not have the right to vote in proceedings of the Committee.
- (3) The Speaker shall appoint as Chairman one of the members of the Committee appointed under the provisions of sub-paragraph (a) of paragraph (2) of this Order.
- (4) The duties and powers of the Public Accounts Committee shall be as follows—
- (a) to ascertain that the authorised expenditure during each financial year, including supplementary expenditure, has been applied to the purposes prescribed by the Legislative Assembly;
 - (b) to scrutinise the causes which may have led to any excess over authorised expenditure, and to verify applications of savings on other authorised items of expenditure;
 - (c) to make an effective examination of public accounts kept in any Department of Government; and
 - (d) to summon any public officer to give any information or any explanation, or to produce any records or documents which the committee may consider necessary in the performance of their duties.
- (5) The Public Accounts Committee shall submit its reports to the Assembly from time to time. (*Amended by Act 9 of 2011*)

Financial Procedure

Presentation of Appropriation Bill

66. (1) Any Bill containing the estimated financial requirements for expenditure on all the services of the Government for the current or succeeding year shall be known as an Appropriation Bill, and estimates containing the details of the said financial requirements shall be laid on the table when the Appropriation Bill is presented.

(2) After the Appropriation Bill has been introduced and read a first time, the motion for the second reading of the Bill shall be proposed forthwith, and the Minister of Finance shall make his annual financial statement, or budget speech.

(3) When the Minister of Finance has made his budget speech, the motion for the second reading of the Bill shall be seconded, and the debate thereon shall be adjourned to a time to be named by the Minister of Finance. The debate on the second reading of the Bill shall be confined to the financial and economic state of Montserrat and the general principles of Government policy and administration as indicated in the Bill and the estimates.

(4) On the conclusion of the debate the Appropriation Bill and the estimates shall stand referred to a Committee of the whole Assembly to be known as the Committee of Supply. The deliberations of the Committee of Supply shall be in public. *(Amended by Act 9 of 2011)*

Procedure in Committee of Supply

67. (1) On the consideration of the Appropriation Bill in Committee of Supply the clauses of the Bill stand postponed until after consideration of the schedule or schedules.

(2) On consideration of the schedules each head of expenditure shall be considered with the appropriate estimate, and any reference in these Standing Orders to a subhead or an item means a subhead or an item in the estimates for the head then under discussion.

(3) On the consideration of a schedule, the Chairman shall call the title of each head of expenditure in turn, and shall propose the question “**That the sum of \$..... for head stand part of the schedule**”, and unless an amendment is proposed under the provisions of the next succeeding Standing Order, a debate may take place on that question. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any item or subhead but may refer to the details of revenues or funds for which that service is responsible.

(4) When all the heads in a schedule have been disposed of, the Chairman shall put forthwith, without amendment or debate, the question “**That the schedule (as amended) stand part of the Bill**”.

(5) When every schedule has been disposed of the Chairman shall call successively each clause of the Bill and shall forthwith propose the question “**That the clause stand part of the Bill**” and, unless a consequential amendment is moved, that question shall be disposed of without amendment or debate.

(6) No amendment may be moved to any clause except an amendment consequential on an alteration in the total sum appropriated by any schedule. Any such consequential amendment shall be moved by a Member of the Cabinet only, and may be moved without notice and the question thereon shall be put forthwith without amendment or debate. When the question on the last of any such amendments to a clause has been decided the Chairman shall forthwith put the question “**That the clause as amended stand part of the Bill**” and that question shall then be decided without amendment or debate. *(Amended by Act 9 of 2011)*

(7) When the question upon every clause of the Bill has been decided, the Chairman shall put the question to the Assembly that the Bill (as amended) be reported to the Assembly, which question shall be decided without amendment or debate. Upon such question being agreed to, the Assembly shall resume, and the member in charge of the Bill shall report it to the Assembly. *(Amended by Act 9 of 2011)*

Amendments to heads of estimates in Committee of Supply

68. (1) An amendment to any head of expenditure to increase the sum allotted thereto whether in respect of any item or subhead or of the head itself may only be moved by a Member of the Cabinet who shall signify to the Committee the recommendation of the Governor to the increase in accordance with section 70(2)(a) of the Montserrat Constitution Order. Every such amendment shall take the form of a motion **“That head be increased by \$..... (in respect of subhead item) (subhead)”**.
(Amended by Act 9 of 2011)

(2) An amendment to increase a head whether in respect of any item or subhead or of the head itself shall take precedence over an amendment to reduce the head in the same respect, and if it is carried no amendment to reduce the head in that respect shall be called.

(3) An amendment to any head of expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any member, and shall take the form of a motion **“That head be reduced by \$..... in respect of (or by leaving out) subhead item item”**.

(4) An amendment to reduce a head in respect of any subhead or by leaving out a subhead shall only be in order if the subhead is not itemized.

(5) An amendment to reduce a head without reference to a subhead therein shall only be in order if the head is not divided into subheads.

(6) An amendment to leave out a head shall not be in order and shall not be placed on the Order Paper.

(7) In the case of each head, amendments in respect of items or subheads in that head shall be placed upon the Order Paper and considered in the order in which the items or subheads to which they refer stand in the head of the estimates.

(8) When notice has been given of two or more amendments to reduce the same item, subhead, or head they shall be placed upon the Order Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(9) Debate on every amendment shall be confined to the item, subhead or head to which the amendment refers, and after an amendment to an item or subhead has been disposed of, no amendment or debate on a previous item or subhead of that head shall be permitted.

(10) When all amendments standing on the Order Paper in respect of any particular head of expenditure have been disposed of the Chairman shall again propose the question **“That the sum of \$..... for head stand part of the Schedule”**, or shall propose the amended question **“That the (increased) (reduced) sum of \$..... for head stand part of the schedule”**, as the case may require. The debate on any such question shall be subject to the same limitations as apply to a debate arising under paragraph (3) of Standing Order 67 (Procedure in Committee of Supply).

Third reading of Appropriation Bill

69. As soon as the Appropriation Bill has been reported to the Assembly, a member of the Cabinet shall move a motion that the Bill be read a third time and passed. Such motion shall not be required to be seconded and shall be decided without amendment or debate. (*Amended by Act 9 of 2011*)

Supplementary Appropriation Bills

70. Where an Appropriation Bill is introduced in pursuance of the requirements of section 19(2) of the Public Finance (Management and Accountability) Act or otherwise, the procedure set out in Standing Orders 66, 67, 68 and 69 shall be followed as far as it applies.

Private Rights and Private Bills

Private rights affected by Bill

71. In any case where individual rights or interests, or the property of any private person may be peculiarly affected by any public or private Bill, all parties interested may, upon petition for that purpose and on motion made, seconded and carried, be heard before the Assembly or any Committee thereof, either in person or by Counsel. (*Amended by Act 9 of 2011*)

Examination of witnesses

72. When it is intended to examine any witnesses the person requiring such witnesses shall deliver to the Clerk a list containing the names, residences and occupations of such witnesses, at least two days before the day appointed for their examination. Any such witnesses may be examined, cross-examined and re-examined by Counsel in the same manner as witnesses in any action in the High Court, and may be questioned by any member of the Assembly or of any Committee thereof. The evidence of every such witness shall be taken down by the Clerk and signed by the witness. (*Amended by Act 9 of 2011*)

Private Bills

73. Every Bill intended to affect or benefit some particular person, association or corporate body, shall contain a section saving the rights of Her Majesty, Her heirs and successors, all bodies politic and corporate, and all others, except such as are mentioned in the Bill and those claiming by, from or under them. No such Bill not being a Government measure, shall be introduced into the Legislative Assembly until due notice has been given by not less than three successive publications of the Bill in the *Gazette* at the expense of the promoters and in some newspaper circulating in Montserrat, if any, and where any particular premises are affected until after a copy of the Bill has been affixed to the police station nearest to such property for not less than three weeks. Proof that the requirements aforesaid have been complied with shall be made by solemn declaration to the satisfaction of and deposited with the Clerk. (*Amended by Act 9 of 2011*)

Cost of private Bills

74. All Bills, other than public Bills, must be prepared and printed at the expense of the parties by whom or on whose behalf they may be introduced.

Supplemental

Strangers

75. (1) Strangers shall be admitted to debates in the Assembly Chamber under such rules as the Speaker may make from time to time for that purpose.

(2) If at any sitting of the Assembly any member shall move that strangers withdraw, the Speaker shall forthwith put the question “**That strangers do withdraw**” without permitting any debate or amendment.

(3) The Speaker may, whenever he thinks fit, order the withdrawal of strangers from any part of the Assembly Chamber and its precincts and may order the doors of the Chamber to be closed.

(4) Strangers shall withdraw from the Chamber and its precincts when called upon so to do by the Speaker.

(Amended by Act 9 of 2011)

Press

76. The Speaker may grant a general permission to the representatives of any Journal to attend the sittings of the Assembly under such rules as he may make from time to time for that purpose. If such rules are contravened, such permission may be revoked. *(Amended by Act 9 of 2011)*

Suspension of Standing Orders

77. Any one or more of these Standing Orders may, after notice, or with the leave of the Speaker, be suspended on a motion made by a member at any sitting.

Practice of Parliament

78. (1) In any matter not herein provided for, resort shall be had to the usage and practice of the Commons House of Parliament of the United Kingdom which shall be followed as far as the same may be applicable to the Assembly, and not inconsistent with these Standing Orders nor with the practice of the Assembly.

(2) In cases of doubt these Standing Orders 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 shall be deemed to extend to the Assembly or its members until the Assembly has provided by Standing Orders for such restrictions.

(Amended by Act 9 of 2011)
