

SUBSIDIARY LEGISLATION

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THE HOUSE OF ASSEMBLY OF DOMINICA**

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CHAPTER. 1:01

THE COMMONWEALTH OF DOMINICA
CONSTITUTION ORDER

SUBSIDIARY LEGISLATION

35/1986.
[12 of 1990].

STANDING ORDERS OF THE HOUSE OF ASSEMBLY

made under section 52 of the Constitution

Commencement.

[26th May 1986]

Short title.

1. These Orders of the House of Assembly of the Commonwealth of Dominica may be cited as the –

STANDING ORDERS OF THE HOUSE OF ASSEMBLY.

Interpretation.

[12 of 1990].

S.I. 1978 No.
1027 (U.K.).

2. (1) In these Standing Orders –

“Constitution” means the Constitution of the Commonwealth of Dominica set out in Schedule 1 of the Commonwealth of Dominica Constitution Order, 1978;

“Clerk” means the Clerk of the House;

“Dominica” means the Commonwealth of Dominica;

“Government” means the Government of Dominica;

“House” means the House of Assembly of Dominica;

“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 House;

“Minister” means a Minister of the Government of Dominica;

“Officer of the House” means the Clerk or other officer or person acting within the precincts of the House under the order of the Speaker and includes any constable on duty within the precincts of the House;

“Private Member’s motion” means a motion not moved by a member of the Cabinet with the authority of the Cabinet;

“session” means the sitting of the House commencing when it first meets after the prorogation or dissolution of the House at any time, and terminating when the House is prorogued, or is dissolved without having been prorogued;

“sitting” means a period during which the House is sitting continuously without adjournment, and includes any period during which the House is in Committee, or during which the House is suspended;

“stranger” means any person who is not a Member of the House, other than the Clerk, or any other servant of the House on official duty in the Chamber of the House;

“Supplementary Appropriation Bill” includes an Appropriation as mentioned in section 78 of the Constitution and section 5 of the Finance and Audit Act or any other law which replaces the same. Ch. 63:01.

(2) For the purposes of standing order 55(4), 57(4) or any other standing order, the expression “publication in the *Gazette*” has the meaning assigned to it in respect of a written law by section 10(3) of the Interpretation and General Clauses Act and that subsection shall apply to the publication required as if the Bill in question were a written law. Ch. 3:01.

(3) For the purposes of standing order 57 or any other standing order, the expression “printing” means the reproduction of written matter in printed or typographical form by whatever means including typewriting, cyclostyling or any other means.

SITTINGS AND ADJOURNMENTS

3. (1) Except for the purpose of electing a Speaker and Deputy Speaker after a general election, no Member shall take part in the proceedings of the House until he has made and subscribed the oath or affirmation of allegiance in the form set out in the Schedule to these Standing Orders. Oath of Allegiance. Schedule.

(2) Immediately following the election of a Speaker and Deputy Speaker after a general election, the Clerk shall administer the oath to the Speaker and Deputy Speaker and the other Members shall take the oath before the Speaker.

(3) At any other time, the oath shall be administered by the Speaker immediately after prayers.

Election of
Speaker.

4. (1) Whenever it is necessary in accordance with the provisions of section 36 of the Constitution for the House to elect a person to be Speaker, whether after a general election or when a vacancy in the office of Speaker has occurred in any other way, the procedure for the election shall be as provided in this standing order.

(2) Any Member, having first ascertained that the Member or other person to be proposed, is willing to serve if elected, may, addressing himself to the Clerk, propose any other Member not being a member of Cabinet, or Parliamentary Secretary, or any other suitable person, to the House as Speaker. The proposal shall be seconded, but no debate shall be allowed.

(3) If only one person is so proposed and seconded he shall be declared by the Clerk to have been elected as Speaker of the House.

(4) If more than one person is so proposed and seconded the House shall proceed to elect a Speaker by ballot.

(5) The procedure for the holding of a ballot shall be as follows:

- (a) every Member present shall, if he desires, write upon a ballot paper, to be supplied to him by the Clerk, the name of the person so proposed and seconded whom he desires to be Speaker;
- (b) the Clerk shall then call the names of all the Members and each Member who so desires shall, as his name is called, come to the Table and drop his ballot paper into a glass thereon in such a manner as not to disclose how he is voting;
- (c) when all Members who wish to do so have dropped their ballot paper in the glass, the Clerk shall examine the ballot papers and report the result of the ballot;
- (d) if no person receives a majority of votes, but two or more persons receive the same number of votes and that number of votes exceeds the number of votes received by any other person, a second ballot shall be taken in the manner prescribed in subparagraphs (e), (f) and (g) except that votes may then be cast only for one of the persons who received an equal number of votes;

- (e) if upon the holding of the second ballot, referred to in subparagraph (d), two or more persons receive an equal number of votes, subsequent ballots shall be held until one person has been duly elected;
- (f) a Member shall not drop any ballot paper into the glass save his own;
- (g) a Member who arrives after the names of the Members have been called and before the Clerk has begun his examination of the ballot papers, shall be entitled to record his vote in the manner prescribed in this standing order.

5. (1) Whenever the House first meets after a general election and before it proceeds to the despatch of any other business, except the election of Speaker, it shall elect a Member, who is not a member of the Cabinet, or a Parliamentary Secretary, to be Deputy Speaker and if the office of Deputy Speaker falls vacant for any other reason than a dissolution of the House, the House shall as soon as convenient elect another such Member to that office.

Election of
Deputy Speaker.

(2) The election of the Deputy Speaker shall be conducted in a similar manner to the election of the Speaker, save that the Speaker shall preside.

6. (1) The Speaker, or in his absence the Deputy Speaker, or in the absence of the Speaker or the Deputy Speaker, a Member (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.

Presiding in the
House and in
Committee.

(2) Save as otherwise provided in these Standing Orders, the Deputy Speaker, or other Member presiding, shall have all the authority and power of the Speaker when presiding or otherwise performing the functions of the Speaker.

(3) The Speaker may, without any formal communication to the House or to the Committee, request the Deputy Speaker to take the Chair.

(4) Whenever the unavoidable absence of the Speaker from any day's sitting is announced by the Clerk at the Table, the Deputy Speaker shall take the Chair and shall be invested with all the powers of the Speaker until the next sitting of the House, or for twenty-four hours, whichever period is the shorter.

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

Seating of
Members.

7. (1) Until a seat has been allotted to each Member, Members who have taken the oath may sit in any seat.

(2) As soon as he thinks fit, the Speaker shall allot a seat to every Member and may vary such allotment from time to time.

Language.

8. (1) The proceedings and debates of the House shall be in the English Language.

(2) Every petition shall be in the English Language.

Duties of the
Clerk.

9. (1) The Clerk shall be responsible for keeping 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.

(2) The Clerk shall submit the minutes of proceedings of each meeting to the Speaker for his signature, and shall then circulate copies thereof to Members before the commencement of the next meeting.

(3) The Clerk shall be responsible for the keeping from day to day of 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 opened to the inspection of Members at all reasonable hours.

(4) Subject to the provisions contained in paragraphs (3) and (4) of standing order 11, not less than twelve days before the date of a sitting, the Clerk shall post or otherwise despatch a notice of the sitting of each Member.

(5) The Clerk shall be responsible for preparing for each meeting an Order Paper containing the business for that meeting copies of which shall be posted or otherwise despatched to each Member so that whenever possible at least four clear days shall elapse before the House meets:

However, where the House has been adjourned to a specified date it shall not be necessary to post or otherwise despatch a further Order Paper, unless the date is more than twenty-one clear days after the time of the adjourned sitting.

(6) The Clerk shall be responsible for the custody of the votes, records, bills and other documents laid before the House, which shall be open to inspection by Members and other persons under such arrangements as may be sanctioned by the Speaker.

(7) The Clerk shall send to each Member a written notice directing attention to the Proclamation summoning the House.

(8) The Clerk shall be responsible for providing every Select Committee of the House with a clerk and shall, if required by the Committee and it is practicable for him to do so, himself attend upon it.

10. (1) The quorum of the House or of a Committee of the House shall consist of twelve members besides the person presiding at the sitting. Quorum.

(2) When at any sitting the attention of the Speaker or the Chairman in Committee of the House has been drawn to the absence of a quorum, the Speaker or Chairman, as the case may be, shall direct the Members to be summoned as if for a division.

(3) When the direction to summon Members has been given to the Clerk, the Speaker shall, after the expiration of five minutes from the giving of the direction, count the House. If a quorum is not then present the Speaker shall adjourn the House to be fixed by him without question put. The time and date shall not be more than seven days after the adjournment.

11. (1) The first sitting of every session of the House shall by Proclamation be held on such day as the President shall appoint in accordance with section 53 of the Constitution and thereafter the sittings of the House during any session shall be held on such days as the House may from time to time determine, or in the absence of such decision as the Speaker may direct. Sittings of the House.

(2) The sittings of the House shall begin at 10 o'clock of the forenoon unless some other hour has been fixed by the Speaker.

(3) Not less than twelve days before the date of a sitting the Clerk shall post or otherwise despatch a notice of the sitting addressed to each Member at his usual place of abode or such address as a Member may have registered with the Clerk as that to which he wishes such notice to be sent.

However, in case of urgency or emergency of which the Speaker shall be the sole judge, a sitting of the House may be summoned on such shorter notice as he may determine, and such notice may be given to Members by such means as the urgency of the case permits.

(4) When the House has adjourned to a specified date no further notice shall be necessary, unless the date is more than twelve days after the adjourned sitting.

Adjournment.

12. (1) Upon the conclusion of all business appointed at a meeting, the Speaker shall call upon a Minister to move "That this House do now adjourn" and upon that question being agreed to, the House shall adjourn.

(2) A Minister may move "That this House do now adjourn" at any time after the conclusion of questions at any sitting but any other Member may only move such a motion under standing order 13 (Adjournment - Definite Matter of Urgent Public Importance).

(3) Upon any motion "That this House do now adjourn" moved under paragraph (1) or paragraph (2), debate may take place in which any matter for which the Government is responsible may be raised by any Member who has obtained the right to raise a matter on the motion for the adjournment of the House that day. In any such debate any Minister or the Attorney General may speak more than once in reply to Members raising matters.

(4) Any Member who wishes to raise a matter under the provisions of paragraph (2) at a particular sitting shall give notice of the matter in writing to the Speaker not less than three days before the sitting concerned.

Adjournment -
definite matter of
urgent public
importance.

13. (1) A motion for the adjournment of the House shall not be made until public business has been concluded, except it is 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 House for the purpose of discussing a definite matter of urgent public importance.

(2) A Member who wishes so to ask leave to move the adjournment of the House shall, before the commencement of the sitting, hand to the Speaker a written notification of the matter which he wishes to discuss.

(3) The 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 House or with reference to which a notice of motion has previously been given;
 - (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 House is obtained for the motion.

(4) If the Speaker is satisfied that the motion may properly be made, and the leave of the House in that behalf is granted, the motion shall be considered forthwith.

(5) 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.

14. The Speaker may at any time suspend a sitting for a stated period not exceeding ten days.

Suspension of House by Speaker.

MEMBERS AND OFFICERS OF THE HOUSE

15. (1) Any Member who is unable to attend a meeting of the House to which he has been summoned shall acquaint the Clerk as early as possible of his inability to attend.

Absence of Members.

(2) If without leave or order of the Speaker previously obtained, any Member is absent from three consecutive meetings of the House to which he has been separately summoned during the same session, such Member shall vacate his seat.

ARRANGEMENT OF BUSINESS

16. Unless the House otherwise directs, the business of each sitting shall be transacted in the following order:

Order of business.

- (a) Formal entry of Speaker.
- (b) Prayers.
- (c) Administration of oath or affirmation of allegiance to new Members.
- (d) Obituary and congratulatory remarks.
- (e) Confirmation of minutes.
- (f) Messages from the President.
- (g) Announcements by the Speaker.
- (h) Presentation of Papers and of Reports from Committees.
- (i) Petitions.
- (j) Government notices.
- (k) Unofficial notices.
- (l) Questions.
- (m) Statement by Ministers.
- (n) Personal explanations.
- (o) Motions relating to the business of the House moved by a Minister.
- (p) Introduction of Bills.
- (q) Public business.
- (r) Requests for leave to move the adjournment of the House on matters of urgent public importance.

Contents of
public business.

17. (1) Public business means proceedings on motions of which notice has been given and on Bills which have been introduced into the House.

(2) Unless the House otherwise directs the order of public business shall be as follows:

- (i) Government business.
- (ii) Private Members business.

(3) Government business shall consist of motions proposed to be made and Bills sponsored by Ministers and shall be set down in such order as the Government think fit.

(4) Private Members business shall be set down on the Order Paper in the order in which it was entered in the Order Book.

18. (1) Except on the recommendation of the President signified by a Minister, the House shall not –

Business for which President's recommendation is required.

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding in the House, would dispose of or charge any public revenue or public funds of Dominica or alter any disposition thereof or charge thereon or impose, alter or repeal any rate, tax or duty;
 - (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding in the House, is that provision should be made for any of the purposes aforesaid;
 - (c) receive any petition which, in the opinion of the person presiding in the House, requests that provision be made for any of the purposes aforesaid.
- (2) The President's recommendation shall be signified –
- (a) in the case of a Bill or a petition, on the presentation thereof; and
 - (b) in the case of a motion or an amendment, whether to a Bill or to a motion, on the mover being called to move that motion or amendment.

PAPERS

19. (1) Every Paper shall be presented by a Minister or by the Attorney General and its presentation shall be recorded in the minutes of proceedings.

Presentation of Papers.

(2) The Member presenting a Paper may make a short explanatory statement of its contents.

(3) All Statutory Instruments which do not require the approval of the House shall be laid on the Table as soon as may be after being made.

(4) All Papers presented to the House 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.

PETITIONS

Presentation of petitions.

20. (1) Every petition intended to be presented to the House shall conclude with a prayer setting forth the general object of the petition.

(2) A petition shall not be presented to the House unless it has been endorsed by the Clerk as being in accordance with the rules in regard to petitions.

(3) The Member presenting a petition may state concisely the purport of the petition.

(4) All petitions shall be ordered to lie upon the Table without question put unless a Member when presenting a petition move for it to be read, printed or referred to a Select Committee.

(5) The House shall not receive any petition –

(a) which is not addressed to the House and which is not properly and respectfully worded;

(b) which has not at least one signature on the sheet on which the prayer of the petition appears and which has not at least the prayer at the head of each subsequent sheet of signatures; or

(c) except on the recommendation of the President signified by a Minister which in the opinion of the person presiding in the House would dispose of or charge any public revenue or public funds of Dominica or alter any disposition thereof or charge thereon or impose, alter or repeal any rate, tax or duty.

QUESTIONS

Nature of questions.

21. Subject to the provisions of these Standing Orders, questions may be put to Ministers relating to public affairs for which they are officially responsible.

Notice of question.

22. (1) A question shall not be asked without notice, unless it is of an urgent character or relates to the business of the day, and the Member has obtained the leave of the Speaker to ask it.

(2) Notice of a question may be handed by a Member to the Clerk when the House is sitting, or may be sent to or left at the office of the Clerk at any time during the hours prescribed for the purpose. Every such notice must be signed by the Member giving it.

(3) The reply to any question may be deferred to the next meeting of the House unless the Member asking the question has given not less than fourteen clear days' notice in writing of his intention to ask the same.

(4) A Member who desires an oral answer to a question shall so indicate clearly on his notice and such a question shall be put down for a day to be named by the member being a day not earlier than fourteen clear days after the question has been submitted to the Clerk. A question not indicated for an oral answer may be put down for the next meeting of the House and the answer when received shall be circulated with the minutes of proceedings.

(5) If a Member asks the permission of the Speaker to ask a question orally without notice on the ground that it is of an urgent character and relates to a matter of public importance or to the arrangement of business, the Speaker may permit the question to be asked without notice if he 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 responsible Minister to enable the question to be answered.

23. (1) The right to ask a question shall be subject to the following general rules, as to the interpretation of which the Speaker shall be the sole judge:

Contents of
questions.

- (a) The proper object of a question is to obtain information on a question of fact within the official responsibility of the Minister to whom it is addressed, or to ask for official action.
- (b) A question shall not include the names of persons, or any statements of fact, unless they are necessary to render the question intelligible.
- (c) If a question contains a statement of fact, the Member asking it shall make himself responsible for the accuracy of the statement, and no question shall be based upon a newspaper report or upon an unofficial publication.

- (d) No Member shall address the House upon any question, and a question shall not be made the pretext for a debate.
- (e) Not more than one subject shall be referred to in any one question, and a question shall not be of excessive length.
- (f) A question shall not contain arguments, inferences, opinions, imputations, epithets, ironical expressions or hypothetical cases.
- (g) A question shall not be asked –
 - (i) which raises an issue already decided in the House, or which has been answered fully during the current session, or to which an answer has been refused under standing order 24(6);
 - (ii) seeking information about matters which are in their nature secret;
 - (iii) regarding proceedings in a Committee which have not been placed before the House by a report from the Committee;
 - (iv) which deals with matters referred to a Commission of Enquiry or within the jurisdiction of the Chairman of a Select Committee;
 - (v) as to the character or conduct of any person except in his official or public capacity;
 - (vi) about any matter then pending before any Court of Justice, or which reflects on the decision of a Court of Justice;
 - (vii) reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion under standing order 44(6) or may not be raised as provided under standing order 44(8);
 - (viii) referring discourteously to, or seeking information about the internal affairs of any territory within the Commonwealth or of a friendly foreign country;
 - (ix) seeking information which can be found in accessible documents or ordinary works of reference.

(h) A question shall not solicit the expression of an opinion, or the solution of an abstract legal question, or of a hypothetical proposition.

(2) If the Speaker is of the opinion that any question of which a Member has given notice to the Clerk infringes the provisions of any standing order or is in any way an abuse of the right of questioning, he may direct –

- (a) that the Member concerned be informed that the question is out of order; or
- (b) that the question be entered in the Order Book with such alterations as he may direct; or
- (c) 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 he may direct.

24. (1) At the time appointed for the asking and answering of questions under standing order 16 (Order of business), the Speaker shall call in turn upon each Member in whose name a question stands upon the Order Paper, in the order in which the questions are printed. Each Member so called shall rise in his place and ask the question by reference to its number on the Order Paper, and the Minister questioned shall give his reply.

Manner of asking and answering questions.

(2) Subject to the provisions of paragraph (6) of this standing order the answer to a question shall state only the relevant facts necessary to a reply and shall not contain accusations, discourteous statements or epithets, imputations, sarcastic or insulting references, ironical expressions or hypothetical cases.

(3) Not more than three questions requiring an oral answer shall appear on the Order Paper in the name of the same Member for the same day and any question in excess of this number shall not be called by the Speaker but shall be answered as provided in paragraph (4) of this standing order, save that no postponement shall be allowed.

(4) Other questions shall be answered in writing by the Minister to whom the question was addressed and copies of the answer shall be sent to the Clerk, who shall send a copy to the Member in whose name the question stood upon the Order Paper and cause the answer to be circulated with the minutes of proceedings.

(5) After the answer to a question has been given supplementary questions may, at the discretion of the Speaker, be put for the purpose of elucidating the answer given, but the Speaker may refuse any such question which in his opinion introduces matters not relative to the original question, or which infringes any of the provisions of standing order 23 (Contents of questions), and may in that case direct that the question not be reported in the Official Report.

(6) A Minister may decline to answer a question, if the publication of the answer would in his opinion be contrary to the public interest.

Time allotted to questions.

25. Not more than a half hour shall be allotted to oral answers to questions on any day. Questions so requiring an oral answer which have not received an oral answer within this period shall be dealt with as in standing order 24(4) (Manner of asking and answering questions) unless the Member asking such a question has given instructions for the question to be referred to a future sitting.

PERSONAL EXPLANATIONS

Personal explanations.

26. With the leave of the Speaker, a Member may make a personal explanation at the time appointed under standing order 16 (Order of business) although there is no question before the House; but no controversial matter may be brought forward nor may debate arise upon the explanation.

His explanation must be succinct and so framed as not to provoke debate. Prior to making it and one hour or more before the commencement of the sitting of the House, he must hand in a notice to the Speaker setting out the substance of his remarks.

MOTIONS AND AMENDMENTS THERETO QUESTIONS FOR DEBATE

Scope for motions.

27. (1) Subject to section 50 of the Constitution and to these Standing Orders, any member may propose by way of motion any matter for debate in the House.

(2) Except on the recommendation of the President signified by a Minister the House shall not proceed upon any motion the effect of which, in the opinion of the Speaker, would dispose of or charge any public revenue or funds of the territory or alter any disposition thereof or charge thereon or impose, alter or repeal any rate, tax or duty.

(3) The signification of the recommendation of the President shall be recorded in the minutes of proceedings.

(4) A motion shall not contain personal opinions or controversial allegations unnecessary to the main issue upon which the House is being moved to declare its will or any explanation or argumentation.

28. Except as hereinafter provided no Member shall move a motion unless he has given notice in writing of the motion either at some previous sitting of the House or to the Clerk in writing not less than fourteen clear days previous to the sitting of the House at which the motion is to be made. Notice of motion.

29. (1) Where under these Standing Orders notice is required the notice shall be given in writing, signed by the Member and addressed to the Clerk. The notice shall be handed to the Clerk or sent to, or left at, the Clerk's office. Form of notice.

(2) If the Speaker is of opinion that any notice of motion which has been received by the Clerk infringes the provisions of any standing order or is in any other way out of order, he may direct –

- (a) that the Member concerned be informed that the notice of motion is out of order; or
- (b) that the notice of motion be entered in the Order Book with such alterations as he may direct.

(3) Not more than two notices of motion in the name of the same Member other than a Minister may be entered on the Order Paper of any sitting.

PERIOD OF NOTICE

30. (1) Except as provided in paragraph (2), a Government motion shall not be debated earlier than the day following the day upon which it was first published in the Order Paper. Period of notice.

(2) Except as provided in standing order 71 (Reports from Select Committees), a Private Member's motion shall not be debated earlier than four clear days from the day upon which it was first published in the Order Paper.

Motions without notice.

31. Notwithstanding the provisions of standing order 28 (Notice of motion), the following motions may be moved without notice:

- (a) a motion for the amendment of the minutes of the House, or for the adoption, modification or rejection of the Report of any Committee;
- (b) a motion for the reference of any matter to a Committee;
- (c) a motion made when the House is in Committee;
- (d) a motion by way of amendment to any motion being debated in the House;
- (e) a motion for the adjournment of the House or of any debate;
- (f) a motion for the withdrawal of a Bill;
- (g) a motion for the recommittal of a Bill;
- (h) a motion for the withdrawal of strangers;
- (i) a motion relating to a matter of privilege;
- (j) a motion for the suspension of a Member;
- (k) a motion for the suspension of any of the standing orders of the House;
- (l) a motion that the question be now put;
- (m) any motion made under the provisions of section 18 of the Customs Import and Export Tariffs Ordinance or any provision substituted for the same.

Cap.265.
(1961.Ed.).

Dispensing with notice.

32. Where a motion or any other proceeding of the House is one that requires notice, the notice may not be dispensed with except with the consent of the Speaker and the assent of the majority of Members present at the time.

Seconding of motions.

33. The question upon a motion or an amendment shall not be proposed by the Speaker unless the motion or amendment has been seconded:

Provided that –

- (a) Government business shall not require seconding unless otherwise provided for in these Standing Orders;
- (b) in Committee a seconder shall not be required.

34. (1) If a Member does not move a motion or amendment which stands in his name when he is called on, it shall be removed from the Order Paper unless some other Member, duly authorised by him in writing, move it in his stead: Provided that Government business may be moved by any Minister or by the Attorney General.

Motions not moved or seconded.

(2) No question shall be proposed upon a motion or amendment, which under these Standing Orders is required to be seconded, if it is not so seconded, and no record of proceedings upon the motion or amendment shall be entered in the minutes of proceedings.

35. (1) A motion directly concerning the privileges of the House shall take precedence of all other public business.

Privilege motions.

(2) If during a sitting of the House a matter suddenly arises which appears to involve the privileges of the House and which calls for the immediate intervention of the House, the proceedings may be interrupted, save during the progress of a division, by a motion based on the matter.

36. (1) On a motion being made and when necessary seconded, the Speaker shall propose the question to the House, and after debate, if any, shall put the question for the decision of the House.

Proposal of motion by Speaker.

(2) If a motion embodies two or more separate propositions, the propositions may be proposed by the Speaker as separate questions.

(3) If a Member desires to vary the terms of a motion standing in his name, he may do so by giving an amended notice of motion, provided that the amendment does not in the opinion of the Speaker materially alter any principle embodied in the original motion or scope thereof. The amended notice of motion shall run from the time at which the original notice of motion was given.

37. (1) When any motion is under consideration in the House or in a Committee thereof an amendment may be proposed to the motion if it is relevant thereto.

Amendment to motions.

(2) An amendment may be proposed to any such amendment if it is relevant thereto.

(3) An amendment to a motion may be moved and seconded at any time after the question upon the motion has been proposed by the Speaker or Chairman, and before it has been put by the Speaker or Chairman at the conclusion of the debate upon the motion. When every such amendment has been disposed of, the Speaker or Chairman shall either again propose the question upon the motion as amended, as the case may require, and after any further debate which may arise thereon, shall put the question to the House or Committee for its decision.

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

- (i) to leave out one or more words of the motion;
- (ii) to insert or add one or more words in or at the end of the motion; or
- (iii) to leave out one or more words in or at the end of the motion and to insert or add one or more words instead.

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

(5) (a) Any amendment to an amendment which a Member wishes to propose may be moved and seconded at any time after the question upon the original amendment has been proposed, and before it has been put at the conclusion of the debate on the original amendment.

(b) The provisions of paragraph (4) shall apply to the discussion of amendments to amendments except that the question to be proposed shall be "That this amendment to the amendment be made".

(c) When every such amendment to an amendment has been disposed of, the Speaker shall either again propose the question upon the original amendment, or shall propose the question upon the original amendment as amended, as the case may require.

(6) Any amendment, whether in the House or in Committee of the whole House, shall be put into writing by the mover and delivered to the Clerk before the question is proposed thereon.

(7) When the question upon an amendment to a motion has been proposed by the Speaker or Chairman an earlier part of the motion may not be amended unless the amendment under discussion is withdrawn.

(8) An amendment shall not raise any question which, by these Standing Orders, can only be raised by a substantive motion after notice.

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

39. (1) A motion may be withdrawn at the request of the mover, after it has been moved, by leave of the House or Committee before the question is fully put thereon. Withdrawal of motions.

(2) A motion so withdrawn may be made again provided that notice as required by these Standing Orders is given.

(3) If an amendment has been proposed to the question the original motion cannot be withdrawn until the amendment has been disposed of.

40. No motion shall be proposed which is the same in substance as any motion which has been resolved by the House in the affirmative or negative during the previous six calendar months. Re-introduction of motions.

RULES OF DEBATE

41. (1) A Member desiring to speak shall rise in his place and if called upon shall address the Chair. No Member shall speak unless called upon by the Speaker or Chairman. Time and manner of speaking.

(2) If two or more Members rise at the same time, the Speaker or Chairman shall call upon the Member who first catches his eye.

(3) Subject to paragraph (4), no Member shall speak more than once on any question except –

(a) in explanation, as prescribed in paragraph (5); or

(b) in reply, in the case of the mover of a substantive motion or the Member in charge of a Bill;

but any Member may, without prejudice to his right to speak at a later period of the debate, rise in his place and second a motion or amendment in the formal words - “Mr. Speaker, I second the motion”.

(4) In Committee, a Member may speak more than once on any question, but the Chairman shall have a discretion to regulate debate, in the exercise of which he shall be guided by the rules relating to debate in the House; and his rulings on the termination of speeches shall be final.

(5) A Member who has spoken on a question may, with the Speaker's permission, again be heard to offer explanation of some material part of his speech which he claims has been misrepresented, but he shall not introduce new matter. He must offer the explanation immediately at the conclusion of the speech which calls for it.

(6) (a) Subject to subparagraphs (b) and (c), no Member shall address the House for more than thirty minutes on any question.

(b) The mover of an original motion shall be entitled to forty-five minutes for his opening speech and twenty minutes for his reply.

(c) The time limited by this paragraph may be extended at any time by motion made and carried without amendment or debate; and the ruling of the Speaker as to the time taken by any Member shall be final.

(7) A Member who has spoken may speak again when a new question has been proposed by the Speaker or Chairman, such as a proposed amendment or a motion for the adjournment of the debate.

(8) A Member shall not read his speech except with the leave of the Speaker or Chairman, but he may read extracts from written or printed papers in support of his argument, and may refresh his memory by reference to notes.

(9) No Member may speak on any question after it has been fully put to the vote by the Speaker or Chairman, that is, after the voices of the Ayes and Noes have been collected.

Right of reply.

42. (1) 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, and after the reply no other Member may speak except as provided in paragraph (2).

(2) A Minister may conclude a debate on any motion which is critical of Government, or reflects adversely on or is calculated to bring discredit upon the Government or a Government Officer.

Interruptions.

43. No Member shall interrupt another Member except –

(a) by rising to a point of order, when the Member speaking shall resume his seat and the Member interrupting shall simply direct attention to the point which he desires to bring to notice and submit it to the Speaker or Chairman for decision; or

- (b) to elucidate some matter raised by that Member in the course of his speech, if the Member speaking is willing to give way and resume his seat and the Member wishing to interrupt is called by the Speaker or Chairman; or
- (c) by rising to claim closure under standing order 47 (Closure of debate).

44. (1) Subject to the provisions of standing orders 12 and 13, debate upon any motion, Bill or amendment shall be relevant to the motion, Bill or amendment and a Member shall confine his observations to the subject under discussion. Contents of speeches.

(2) Reference shall not be made to any matter which is *sub judice*, in such a way as might in the opinion of the Chair prejudice the interests of parties thereto.

(3) It shall be out of order to attempt to reconsider any specific question upon which the House has come to a conclusion during the current session except upon a substantive motion for rescission.

(4) It shall be out of order to use offensive, and insulting or disrespectful language about Members or against the House of Assembly.

(5) The *ex-officio* Member and Ministers shall be referred to by the designation of the offices held by them, elected Members other than Ministers shall be referred to by the names of the districts for which they have been elected, and Senators other than Ministers shall be referred to by name.

(6) No Member shall impute improper motives to any Member of the House or indulge in personalities except on a substantive motion moved for the purpose.

(7) The name of the President shall not be used to influence the House.

(8) The conduct of the President, Members or Judges of the Eastern Caribbean Supreme Court shall not be raised except upon a substantive motion moved for that purpose.

45. (1) When an amendment proposes to leave out words and to add or insert other words instead of them, debate upon the question "That this amendment be made" may include both the words proposed to be left out and those proposed to be added or inserted. Scope of debate.

(2) On an amendment proposing only to leave out words or to add or insert words, debate shall be confined to the omission, addition or insertion of such words respectfully.

(3) Debate upon any motion “That the debate be now adjourned,” or that “This House do now adjourn” if moved during any debate, or in Committee upon any motion “That the Chairman do report progress and ask leave to sit again”, shall be confined to the matter of such motion; and a Member who has made or seconded such motion shall not be entitled to move or second any similar motion during the same debate.

Anticipation.

46. (1) It shall be out of order to anticipate a Bill by discussion upon a motion dealing with the subject matter of that Bill.

(2) It shall be out of order to anticipate a Bill or a notice of motion by discussion upon an amendment or a motion for the adjournment of the House.

(3) In determining whether discussion is out of order on the grounds of anticipation, regard shall be had by the Chair to the probability of the matter anticipated being brought before the House within a reasonable time.

Closure of
debate.

47. (1) After a question has been proposed any Member may at any time during the course of debate rise in his place and claim to move “That the question be now put” and unless it appears to the Chair that that motion is an abuse of the rules of the House or an infringement of the rights of the minority, the question “That the question be now put” shall be put forthwith. 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.

(2) When the motion “That the question be now put” has been carried, and the question consequent thereon has been decided, any Member may claim that any other question already proposed from the Chair be now put and if the assent of the Chair is given the question shall be put forthwith and decided without amendment or debate.

Rules for
Members not
speaking.

48. During a meeting of the House a Member –

- (a) shall enter or leave the House with decorum;
- (b) shall not read books, newspapers, letters or other documents save such as relate to the business before the House;

- (c) shall not bring into the House, brandish, display or expose in any manner whatsoever any firearm or any other dangerous or offensive weapon or instrument;
- (d) shall maintain silence while another Member is speaking, and shall not interrupt, except in accordance with these Standing Orders; and
- (e) shall otherwise conduct himself in a fit and proper manner.

RULES OF ORDER

49. (1) The Speaker in the House and the Chairman in Committee shall be responsible for the observance of the rules of order in the House and Committee respectively and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the House except upon a substantive motion made after notice.

Responsibility for order in the House and in Committee.

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

50. (1) The Speaker or the Chairman, after having called the attention of the House or of the Committee to the conduct of a Member who persists in irrelevance or tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech and to resume his seat.

Order in the House and in the Committee.

(2) (a) Any Member who has used objectionable or unparliamentary expressions and on being called to order has refused to withdraw the words or expressions or to explain them, and has not offered an apology for the use thereof to the satisfaction of the House may be proceeded against and dealt with as though he had committed an offence under paragraph (2)(b) .

(b) The Speaker or the Chairman shall order any Member whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of that sitting. If a direction to withdraw under this paragraph is not complied with at once or if, on any occasion, the Speaker or the Chairman considers that his powers under the previous provisions of this paragraph are inadequate, the Speaker or Chairman may name such Member in pursuance of the procedure prescribed in paragraph (3).

(3) If a Member shows disregard for the authority of the Chair, or abuses the rules of the House by persistently and wilfully obstructing the business of the House, or otherwise, the Speaker or the Chairman shall direct the attention of Members to the incident mentioning by name the Member concerned. Whenever a Member has been so named by the Speaker or by the Chairman, then –

- (a) if the offence has been committed in the House, the Speaker shall call upon a Minister to move “That Mr..... be suspended from service of the House”. The Speaker shall put the question on the motion forthwith, no seconder being required and no amendment, adjournment or debate being allowed;
- (b) if the offence has been committed in the Committee, the Chairman shall forthwith suspend the proceedings of the Committee and, as soon as the House has resumed, shall report the circumstances, whereupon the procedure provided for in subparagraph (a) shall be followed;
- (c) if any such motion is carried, and a Member is suspended, his suspension on the first occasion shall last until the next meeting of the House, and on the second occasion for a period of six months, and on the third and any subsequent occasion for a period of one year or unless sooner determined by the House. Any remuneration to which a Member is entitled as a Member of the House shall cease for the period of his suspension.

(4) Not more than one Member shall be named at the same time, unless several Members present together have jointly committed the offence.

(5) A Member who is directed to withdraw or who is suspended under this standing order shall forthwith leave the House and its precincts.

(6) If any Member who has been directed to withdraw or who has been suspended under this standing order, refuses at any time to obey the direction of the Speaker to withdraw from the House and its precincts, the Speaker shall call the attention of the House to the fact that recourse to force is necessary in order to compel obedience to his direction, and the Member named by him as having so refused to obey his direction shall thereupon without further question put be suspended from the service of the House during the remainder of the session.

(7) The Speaker may request any Officer of the House to remove forcibly any Member who has been directed to withdraw or who has been suspended and who still refuses or fails to leave the House and may if he thinks it necessary suspend the sitting during the removal of the Member.

(8) A Member who is directed to withdraw or is removed or suspended under this standing order shall not be entitled to attend the sitting from which he was thus debarred or in a case of suspension to attend any sitting or enter the precincts of the House until the termination of his suspension.

(9) In case of grave disorder arising in the House, the Speaker may, if he thinks it necessary to do so, adjourn the House without question put, or suspend the sitting for a time to be named by him.

(10) In the case of a breach of privilege the following procedure shall be observed:

- (a) the Member must first make a complaint that there has been a breach of privilege and then declare that he intends to propose a motion to that effect;
- (b) the motion must set out the accusation in explicit but moderate terms, together with the facts of the case. It must propose that the House come to a decision on the alleged fault after consideration by the House or after considering a report from a Select Committee following an inquiry by the Committee as of right. The motion is not susceptible to amendment or division;
- (c) the mover and the Member whose conduct is impugned may speak for twenty minutes each. When they have concluded, the matter shall either be considered by the House or a Select Committee appointed to investigate the matter. In addition to its finding, the Committee may include recommendations in its report;
- (d) the House shall concur in or reject the report of the Committee within fifteen days after it is tabled. The findings of the report are not amendable by the House;
- (e) if the accusation is founded, the House shall decide on the penalty, taking into account the recommendations from the Committee, if any.

(11) Nothing in this standing order shall be taken to deprive the House of the power of proceeding against any Member according to any resolution of the House.

VOTING

Decision of questions.

51. (1) Save as otherwise provided in the Constitution, or in these Standing Orders, all questions proposed for decision in the House or in Committee shall be determined by a majority of the votes of Members present and voting.

(2) Neither the Speaker nor any other Member presiding shall vote unless the votes of the other Members are equally divided in which case he shall give a casting vote.

Personal pecuniary interest.

52. (1) A Member shall not move any motion or amendment relating to a matter in which he has a direct personal pecuniary interest or speak on any such matter, whether in the House or in any Committee, without disclosing the nature of that interest, and shall in no circumstances vote on any such matter.

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

(3) The Speaker or Chairman shall have discretion whether or not to propose the question upon such a motion, and in exercising the 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 the State or whether his vote was given on a matter of State policy.

(4) On the question for the disallowance of a Member's vote being proposed, the Member concerned shall be heard in his 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 the disallowance of a Member's vote is agreed to, the Speaker or Chairman shall direct the Clerk to correct the numbers voting in the division accordingly.

Collection of voices.

53. (1) At the conclusion of a debate upon any question, the Speaker or Chairman shall put that question for the decision of the House, and shall collect the voices of the Ayes and of the Noes, after which no further debate may take place upon that question.

(2) The result shall be declared by the Speaker or Chairman 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.

54. (1) A division shall 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 voted against the proposal and the Speaker or Chairman shall declare the result of the division. Divisions.

(2) Every Member present, unless he expressly says that he declines to vote, shall record his vote either for the Ayes or the Noes. The Clerk shall enter in the minutes of proceedings the record of each Member's vote, and shall add a statement of the names of Members who declined to vote.

(3) 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 the claim is made as soon as the Clerk has announced the numbers and before the Chair has declared the result of the division. Upon the claim being made the Speaker or Chairman, at his sole discretion shall either direct the Clerk to alter that Member's vote or direct that a fresh division be held.

BILLS

55. (1) Except as provided in paragraph (3) any Member may move for leave to introduce a Bill of which he has given notice but a Bill may be presented to the House on behalf of the Government after notice without an order of the House for its introduction. Introduction and first reading.

(2) A notice of the presentation of a Bill on behalf of the Government may be entered on the Order Paper for the day following the day on which it was received by the Clerk.

(3) The House shall not proceed upon any Bill or amendment to a Bill, or upon any motion for leave to introduce a Bill, which in the opinion of the Speaker would contravene section 50 of the Constitution.

(4) A Bill, whether presented in pursuance of an order of the House after leave given or without such order, shall be delivered to the Clerk at his office or handed to the Clerk at the Table by the Member who gave notice of the Bill. The Clerk shall then read aloud the short title of the Bill, which without question put shall then be recorded in the minutes as having been read a first time and ordered to be published in the *Gazette* if not already so published.

(5) A Bill to which a Minister has appended a certificate of urgency, in such form as may be prescribed by the Speaker, may, with the Speaker's consent, be presented without notice. A Bill so presented without notice under this paragraph shall be ordered to be published in the *Gazette*.

Assent to certain Bills.

56. (1) A Bill the purpose of which is to enact legislation within the provisions of section 42(2) of the Constitution shall not be submitted for the assent of the President unless on its final reading in the House it has been supported by the votes of not less than two-thirds of all the elected members of the House.

(2) A Bill which aims at enacting legislation falling within the provisions of section 42(3) of the Constitution shall not be submitted for the assent of the President unless –

- (a) the procedure set out in section 42(3) of the Constitution has been complied with; and
- (b) the Speaker or Deputy Speaker, as the case may be, forwards with the Bill a certificate under his hand that all the provisions of section 42(3) of the Constitution have been complied with.

Printing and circulation of Bills.

57. (1) The Clerk shall be responsible for the printing of Bills from the draft forwarded to him by the Member in charge of the proposed Bill and, before any Bill is printed, he shall satisfy himself that –

- (a) the Bill is divided into successive clauses numbered consecutively;
- (b) the Bill has in the margin a short summary of each clause; and
- (c) the provisions of the Bill do not go beyond its title.

(2) As soon as possible after the printing of a Bill the Clerk shall circulate a copy to every Member. The Bill shall be accompanied by a short explanatory statement of its objects. No bill shall be read a second time until it has been printed and circulated to Members.

(3) In the case of any Bill which in the opinion of the Speaker would make provision for imposing or increasing any charge on the revenue or other funds of the State, an estimate of the probable cost to the State shall be supplied by the Member and circulated with the Bill.

(4) The Clerk shall as soon as possible cause every Bill to be published in the *Gazette*.

(5) Paragraphs (2) and (4) shall be subject to the provisions of the Customs and Excise Laws (Commencement) Act and the Provisional Collection of Taxes Act.

Ch. 69:04.
Ch. 63:02.

58. (1) The Member moving the second reading of a Bill may state the object of the Bill and the reasons for its introduction and 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. Second reading.

(2) To the question "That the Bill be now read a second time" an amendment may be proposed to leave out the word "now" and add at the end of the question "upon this day, six months or some other date" or an amendment may be moved to leave out all the words after the word "that" in order to add words stating the object and motive on which the opposition to the Bill is based, but such words must be strictly relevant to the Bill and not deal with its details.

(3) If the motion "That the Bill be now read a second time" is carried the Bill shall stand referred to a Committee of the whole House to consider the Bill clause by clause, and amend it in such manner as may be deemed necessary, unless at this stage of the proceedings the House on motion made, decides that the Bill shall be referred to a Select Committee. The motion shall not require notice if made immediately after the Bill has been read a second time, in which event the question thereon shall be put without amendment or debate.

(4) When a Bill has been committed to a Select Committee, no further proceedings shall be taken thereon until the Select Committee has presented its report to the House.

(5) On the order for a Committee of the whole House on a Bill being read, the Speaker may leave the Chair without question put.

59. A motion for the second reading of a Bill, the purpose of which is to alter section 42 of the Constitution or Schedule I to the Constitution, or any of the provisions of the Courts Order specified in Part II of

Second reading
of certain Bills

S.I. 1967 No.
224.

that Schedule or section 3 of the West Indies Associated States (Appeals to Privy Council) Order, 1967 shall not be made unless there has been an interval of not less than ninety days between the introduction of the Bill in the House and the date on which the motion for the second reading of the Bill in the House is made by the Member responsible for the Bill.

Functions of
Committees on
Bills.

60. (1) Any Committee to which a Bill is committed shall not discuss the general merits and principles of the Bill but only its details.

(2) Any such Committee may make such amendments in and additions to the Bill as it thinks fit, being amendments and additions relevant to the subject matter of the Bill; but where a Committee desires to make any amendment or addition which is not within the title of the Bill, it shall amend the title accordingly and shall report the same specially to the House.

Procedure in
Committee of the
whole House on
a Bill.

61. (1) The Chairman in Committee of the whole House shall call the number of each clause in succession. If no amendment is proposed thereto, or when all proposed amendments have been disposed of, he 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, he shall put that question to the Committee for its decision.

(2) Any proposed amendments of which notice has not been given shall be handed to the Chairman in writing.

(3) The following provisions shall apply to amendments relating to Bills:

- (a) an amendment must be relevant to the subject matter of the Bill and to the subject matter of the clause to which it relates;
- (b) an amendment must not be inconsistent with any clause already agreed to or with any previous decision of the Committee;
- (c) an amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical;
- (d) if an amendment refers to, or is not intelligible without, a subsequent amendment or 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;

- (e) in order to save time and repetition of arguments, the Chairman may allow a single discussion to cover a series of interdependent amendments, clauses or schedules;
- (f) the Chairman may refuse to allow an amendment to be moved which is, in his opinion, frivolous or meaningless;
- (g) except upon the recommendation of the President to be signified by a Minister, the Committee shall not proceed upon any amendment which, in the opinion of the Chairman, would have effect in any of the ways described in standing order 18(1) and (2);
- (h) the Chairman may at any time during the discussion of a proposed amendment withdraw it from the consideration of the Committee if, in his opinion, the discussion has shown that the amendment violates the provisions of this standing order.

(4) The provisions of standing order 37 (4) and (5) (Amendment to motions) shall apply to the discussion of amendments to Bills, with the substitution where appropriate throughout of the word "clause" for the word "motion" or the word "question" and of the word "Chairman" for the word "Speaker" and the word "Committee" for the word "House".

(5) A clause may be postponed, unless a decision has already been taken upon an amendment thereto. Postponed clauses shall be considered after the remaining clauses of the Bill have been considered and before new clauses brought up.

(6) Any proposed new clause shall be considered after the clauses of the Bill have been disposed of and before consideration of any schedule to the Bill.

However, a new clause proposed in substitution for a clause which has been disagreed to may be considered immediately after the disagreement.

(7) On the title of any new clause being read by the Clerk the clause shall be deemed to have been read a first time. The question shall then be proposed "That the clause be read a second time"; if this is agreed to, amendments may then be proposed to the new clause. The final question to be proposed shall be "That the clause (or the clause as amended) be added to the Bill".

(8) Schedules shall be disposed of in the same way as clauses and any proposed new schedule shall be considered after the schedules to the Bill have been disposed of, and shall be treated in the same manner as a new clause.

(9) When every clause and schedule and proposed new clause or schedule has been dealt with, the preamble, if there is one, shall be considered and the question put "That this be the preamble to the Bill". No amendment to the preamble shall be considered which is not made necessary by a previous amendment to the Bill.

(10) If any amendment to the title of the Bill is made necessary by an amendment to the Bill, it shall be made at the conclusion of the proceedings detailed above, but no question shall be put that the title (as amended) stand part of the Bill; nor shall any question be put upon the enacting formula.

(11) When all proceedings on the Bill have been concluded the House shall resume its sitting and the Chairman shall report the Bill to the House with or without amendment.

(12) If any Member, before the conclusion of proceedings on a Bill, moves to report progress and the motion is carried, or if the proceedings in a Committee of the whole House have not been finished at the moment of interruption, the Chairman shall cause the sitting of the House to be resumed and shall report the progress to the House, and shall call on the Member in charge of the Bill to name a day for the resumption of proceedings on the Bill. A day for the resumption of the proceedings shall be named by the Member in charge of the Bill.

(13) A Committee having met to consider a Bill shall proceed with its consideration, except that during the proceedings on a Bill the Member in charge of the Bill may, subject to the discretion of the Chairman, move a motion "That the Committee do not proceed further with the Bill". If the motion is carried the Committee shall then report the Bill to the House as so far amended or without amendment, as the case may be, and make a special report explaining its proceedings on the Bill, and the special report and the Bill shall be ordered to lie upon the Table without question put.

Procedure on
Select Committee
on a bill.

62. A Select Committee on a Bill shall be subject to standing orders 69 (Select Committees) and 70 (Chairman's vote in Select Committee) but before reporting the Bill to the House it shall go through the Bill as provided in standing order 61 (Procedure in Committee of the whole House on a Bill).

63. As soon as a Bill has been reported from a Committee of the whole House the Member in charge may – Procedure on reporting of Bills.

- (a) give notice of his intention to move the third reading on a future day; or
- (b) move without notice that the House proceed to the third reading forthwith. No amendment may be moved to such a motion and if the motion is not agreed to, the provisions of subparagraph (a) shall apply.

64. (1) If any Member desires to delete or amend any provision contained in a Bill as reported from a Committee of the whole House or to introduce any new provision therein he may at any time before a Member rises to move the third reading of the Bill, move that the Bill be recommitted either wholly or in respect only of some particular part or parts of the Bill or some proposed new clause or new schedule, no notice of the motion being required, and if the motion is agreed to, the Bill shall stand so recommitted. The House may then, upon motion made, resolve itself into Committee to consider the business so recommitted either forthwith or upon a later day. Recommittal of Bills reported from Committee of the whole House.

(2) When the whole Bill has been recommitted, the Committee shall go through the Bill as provided in standing order 61 (Procedure in Committee of the whole House on a Bill).

(3) When a Bill has been recommitted in respect only of some particular part or parts or of some proposed new clause or new schedule, the Committee shall consider only the matter so recommitted and any amendment which may be moved thereto.

(4) When all the proceedings upon the recommittal of a Bill have been concluded, the provisions of standing order 61(11) (Procedure in Committee of the whole House on a Bill) shall apply.

(5) When a Bill has been reported after recommittal, no further motion to commit the Bill shall be allowed.

65. (1) When a Bill has been reported from a Select Committee the House may proceed to consider the Bill as so reported upon a motion "That the report of the Select Committee on the Bill be adopted", to which motion amendments may be proposed to leave out all the words after "that" in order to add words to the effect that the Bill be committed either in whole or in part to a Committee of the whole House. Procedure on Bills reported from Select Committee.

(2) If –

- (a) that motion is agreed to without amendment, the Bill shall be ordered to be read a third time; or
- (b) that amendment is agreed to, the Bill shall be recommitted to a Committee of the whole House, and ordered to be considered,

either forthwith or on a day to be appointed by the Member in charge of the Bill.

(3) A Committee of the whole House upon a Bill recommitted under the provisions of this standing order shall proceed in accordance with standing order 64(2) (Recommittal of Bills reported from Committee of the whole House), and the conclusion of its proceedings and the remaining proceedings on the Bill shall be subject to paragraph (4) of that standing order.

Third Reading of Bills.

66. (1) On the resumption of the House after the conclusion of the committee stage a Bill may, on motion made, be read the third time, or at some subsequent sitting. The question upon the motion for the third reading of the Bill shall be “That the Bill be now read a third time”.

(2) On the third reading of a Bill, amendments may be proposed to the question “That the Bill be now read a third time” similar to those which may be proposed on second reading.

(3) Amendments for the correction of errors or oversights may, with the Speaker’s permission, be made before the question for the third reading of the Bill is put from the Chair, but no amendments of a material character shall be proposed.

(4) When a Bill has been read a third time, a printed copy of it signed by the Clerk shall be forwarded by the Clerk to the President for his assent.

Withdrawal of Bills.

67. The Member in charge of a Bill may, at the beginning of any stage of the proceedings on a Bill at a sitting, announce that he withdraws the Bill and the Speaker shall thereupon direct that the Bill be withdrawn.

If, however, on such announcement being made another Member signifies his willingness to take charge of the Bill, the Bill shall be proceeded with according to order and the Member who has so signified shall be deemed for all purposes to be the Member in charge of the Bill.

68. More than one Bill dealing with the same subject matter may be introduced but, once the second reading of a Bill has been agreed to or negatived, no question shall be proposed during the same session for the second reading of another Bill containing substantially the same provisions.

Bills on the same
subject matter.

SELECT COMMITTEES

69. (1) The House may by Order appoint any of its Members to be a Select Committee for the purpose of examining and reporting on the clauses of any proposed Bill or for any other purpose. The House may also appoint the Chairman of such Select Committee and specify the terms of reference of the Committee.

Select Commit-
tees.

(2) In the absence of any appointment by the House a Select Committee shall elect its own Chairman. In the absence of the Chairman the Committee shall appoint another of its members to act in his place whose tenure of office shall be for the day of his appointment only.

(3) Every Select Committee shall be so constituted as to ensure as far as is possible, that the balance of parties in the House is reflected in the Committee.

(4) In the event of the death of a Member appointed to a Committee, or if his seat becomes vacant for any other reason, the House shall appoint another Member in his place, and in so doing shall observe the provisions of paragraph (3).

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

(6) A Select Committee may continue its sittings although the House is adjourned and shall not stand dissolved until the presentation to the House of its report, or until discharged by the House, or until the prorogation or dissolution of the House, whichever first happens.

(7) When it is intended to examine any witnesses before a Select Committee, the Member of the House or party requiring the witnesses shall deliver to the Clerk of the Committee two days at least before the day appointed for their examination, a list containing the names, residences and occupations of the witnesses. The evidence of every witness shall be taken down and when printed sent in proof to the witness. The witness shall be at liberty to suggest corrections as may be approved by the Chairman.

(8) Except by leave of the House no Select Committee of the House shall sit while the House is sitting.

Chairman's vote
in Select
Committee.

70. If the Speaker is the Chairman of a Select Committee he shall have a casting vote if the votes are 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.

Reports from
Select Commit-
tee.

71. (1) (a) A member of a sessional Committee may bring a report up for their consideration and the report shall be entered in full in the minutes of proceedings of the Committee. When all the reports have been brought up the Chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the Chairman on a report shall be that the Chairman's or Member's report be read a second time. When this question has been agreed to it shall not be proposed on further reports but portions thereof may be offered as amendments to the reports under consideration if they are relevant to it.

(b) The Committee shall then go through the report and the provisions of standing order 61(1) to (7) (Procedure in Committee of the whole House on a Bill) shall apply as if the report were a Bill and the paragraphs were the clauses of the Bill.

(c) When consideration of the report is concluded and when all proposed new paragraphs have been considered the Chairman shall put the question that this report be the report of the Committee of the House.

(2) Every Select Committee shall make a report to the House upon the matters referred to them before the end of the session in which the Committee were appointed, but if a Committee finds itself unable to conclude its investigation before the end of the session, it may so report to the House.

(3) A Select Committee may make a special report relating to the powers, functions and proceedings of the Committee on any matter which it may think fit to bring to the notice of the House.

(4) A 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 presented to the House by the Chairman or other Member deputed by the Committee and shall be

ordered to lie upon the Table and be printed or otherwise dealt with as the House may direct without question put.

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

(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".

(7) The evidence taken before any Select Committee and any documents presented to the Committee shall not be published by any member of the Committee or by any other person before the Committee has presented its report to the House.

72. There shall be a Select Committee to be known as the Public Accounts Committee to consist of four members to be appointed by the House, as soon as may be after the beginning of each session. It shall be the duty of the Committee to examine the accounts showing the appropriation of the sums granted by the House to meet the public expenditure of the State, and such other accounts as may be referred by the House or under any law to the Committee, together with the report of the Director of Audit on any such accounts.

Public Accounts
Committee.

FINANCIAL PROCEDURE

73. (1) The Minister responsible for Finance shall lay before the House the estimates of expenditure for the financial year or any supplementary estimates and shall immediately thereafter move a resolution "That this House approves the Estimates of Expenditure for the year", or "That this House approves the Supplementary Estimates" as the case may be.

Approval of
estimates.

(2) After the motion for the approval of the estimates of expenditure for the financial year or for the approval of the supplementary estimates has been seconded, the Minister responsible for Finance shall in the case of the estimates of expenditure make his annual financial statement or budget speech, or in the case of the supplementary estimates a financial statement.

- (3) In the case only of the estimates of expenditure for the financial year the debate on the resolution shall be adjourned to a date to be named by the Minister responsible for Finance.
- (4) On conclusion of the debate the estimates shall be referred to a Committee of the whole House which shall be called the Committee of Supply of the whole House. The deliberations of the Committee shall be in public.
- (5) There shall be allotted a maximum of two days for the consideration of the estimates of expenditure in the Committee of Supply.
- (6) Upon any day allotted under paragraph 5 no motion shall be moved except by a Minister upon any proceedings upon the estimates, and the proceedings shall not be interrupted or postponed under any standing order.
- (7) The Chairman may name the hour upon any day allotted under paragraph 5 at which proceedings upon any head of expenditure in the estimates shall be concluded.
- (8) If in case of any head of expenditure in the estimates the hour so named is reached before the business concerned is disposed of, the Chairman shall forthwith put any question necessary to dispose of that business.
- (9) If in the case of any head of expenditure in the estimates the proceedings thereon are concluded before the hour named, the next head may be entered upon forthwith.
- (10) 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 Estimates" and unless an amendment is proposed under the provisions of standing order 74 the debate on that question may include any detail under that head. 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 revenues or funds for which that service is responsible.
- (11) When the question upon every head of expenditure has been decided, the Chairman shall put the question that the estimates (as amended) be reported to the House, which question shall be decided upon without amendment or debate. Upon such question being agreed to, the House shall resume, and the Chairman shall report the estimates to the House.

(12) As soon as the estimates have been reported to the House, the Speaker shall put the question to the House, which question shall be decided without amendment or debate.

74. (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 shall be moved by the Minister responsible for Finance who shall signify to the Committee the recommendation of the Cabinet to the increase. Every such amendment shall take the form of a motion "That Head be increased by \$..... (in respect of Subhead Item) or (Subhead)". Amendments to heads of estimates.

(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"

(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 itemised.

(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.

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

(8) When notice has been given of two or more amendments to reduce the same item, subhead or head they shall be 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 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 Estimates", or shall propose the amended question "That the (increased) (reduced) sum of \$..... for the Head stand part of the Estimates", as the case may require. The debate on any such question shall be subject to the same limitations that apply to a debate arising under standing order 73(10) (Approval of estimates).

The Appropriation Bill.

75. (1) When the estimates of expenditure have been approved by the House, the Minister responsible for Finance shall introduce in the House a Bill known as the Appropriation Bill which shall provide for the issue from the Consolidated Fund of the sums required in the estimates of expenditure, and for the appropriation of those sums to the services specified in the estimates of expenditure.

(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 question thereon shall be decided without debate.

(3) The Appropriation Bill shall stand referred to a Committee of the whole House.

Procedure in Committee of the whole House.

76. (1) On consideration of the Appropriation Bill in the Committee of the whole House the clauses of the Bill shall 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 approved estimate.

(3) 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 no debate may take place on that question.

(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) A consequential amendment may be moved only by a Minister or the Attorney General, 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.

(7) When the question upon every clause of the Bill has been decided, the House shall resume its sitting and the Chairman shall report the Bill to the House with or without amendment.

77. As soon as the Appropriation Bill has been reported to the House, a Minister shall move a motion that the Bill be read a third time. The motion shall not require to be seconded and shall be decided without amendment or debate.

Third reading of
Appropriation
Bill.

78. If from time to time whether in the course of a particular financial year or after its close a Supplementary Appropriation Bill is presented in accordance with section 80 of the Constitution and with standing order 73 then the debate on the second reading thereof shall be strictly confined to the matters for which additional expenditure is required and when the question thereon has been agreed to, the Bill shall not be committed and the question "That the Bill be now read a third time" shall be put forthwith without amendment or debate.

Supplementary
Appropriation
Bills.

MISCELLANEOUS

79. (1) Every Bill not being a Government measure intended to affect or benefit some particular person, association, or corporate body, in this standing order called a "Private Bill", shall contain a clause saving the rights of the State, all bodies political and corporate and all others, except such as are mentioned in the Bill and those claiming by, from, or under them, and shall be introduced into the House under the provisions of this standing order.

Private Bills.

(2) Any Bill not being a Government measure which, in the opinion of the Speaker, appears to affect directly private rights or property, shall be introduced into the House as a Private Bill under the provisions of this standing order.

- (3) A Private Bill shall be introduced by a Member only –
- (a) on petition from the promoters, stating the objects of and reasons for the Bill; and
 - (b) after notice of the Bill has been given by not less than three successive publications of the Bill in the *Gazette* and, in addition to the notice in the *Gazette*, after three publications in a newspaper circulating in Dominica of a notice containing a statement of the objects of and the reasons for the Bill.
- (4) The petition shall be presented by being lodged with the Clerk, and shall be read at the first sitting of the House after it is so lodged and, thereupon the Speaker shall put the question that the promoters be allowed to proceed.
- (5) (a) When leave to proceed has been granted, two copies of the Bill shall be lodged with the Clerk within three months next after the leave has been granted.
- (b) On lodging the Bill, the promoters shall pay to the Clerk a sum of money sufficient to meet the expenses of printing and shall deposit with the Clerk a bond or other security executed by two sufficient persons obliging them to pay on demand to the Clerk any excess over the deposited sum required for such expenses.
- (c) The Clerk shall cause the Bill lodged with him to be printed as early as possible, and at the first sitting of the House after the printing is completed the Speaker if he is satisfied that the notices required by paragraph (3) have been published shall put the question that the Bill be read a first time upon which no discussion shall be allowed. After the Bill is read a first time, it shall stand upon the notice paper for second reading at the next sitting of the House and the promoters may propose any amendments, which they think fit, but the Speaker, if he considers the amendments beyond the scope of the Bill, shall report his opinion to the House.
- (6) Upon the day ordered for second reading the Speaker shall, unless the House otherwise orders, propose the question that the Bill be read a second time.
- (7) After the Bill has been read a second time, it shall stand referred to a Select Committee to be chosen by the House.

(8) (a) Every Select Committee on such a Bill shall require proof of the facts and other allegations set forth in the Bill as showing that it is expedient that the Bill should be passed, and may take such oral or other evidence as it may think requisite; and thereafter if the Select Committee finds that the said facts and allegations are not proved, it shall report to the House accordingly, and thereupon no further proceedings shall be taken with reference to the Bill, unless the House makes a special order to the contrary.

(b) If the Select Committee finds that the said facts and allegations have been proved, the Committee shall consider the several clauses of the Bill, and may strike out clauses, add new clauses, and make any other amendments which it thinks necessary, and in respect of such new clauses, and other amendments shall describe their purpose in a special report to the House. No new clauses or amendments shall be allowed in such a Bill which are foreign to the objects of and reasons for the Bill or which are beyond its scope.

(9) No person, other than a Member of the House, shall be heard in opposition to any Private Bill, unless he has previously lodged a petition with the Clerk showing the nature of his objections to the Bill, and stating whether his objections extend to the whole or some part of the preamble, if any, or to the clauses of the said Bill, and praying that he may be heard by himself or his Counsel against the Bill.

(10) Subject to the provisions of this standing order, all petitions against a Bill containing a prayer that the petitioners be heard by themselves or Counsel shall stand referred to the Select Committee and the Select Committee shall hear all such opposers who appear to have a *locus standi*.

(11) The Select Committee shall examine the Bill and make such amendments thereto as it thinks proper, and shall report to the House that it has examined the Bill, and (if the fact be so), made amendments thereto, and shall make to the House such recommendations, if any, as it thinks fit.

(12) After the report of the Select Committee has been presented to and adopted by the House, the Speaker shall put the question, without amendment or debate, that the Bill be read a third time.

(13) As soon as practicable after any Private Bill is passed, rejected, dropped or abandoned, the Clerk shall make out an account showing the expenses of printing, and shall transmit the same, signed by him, to the Minister responsible for Finance who thereupon shall, if

the amount of the account is less than the sum lodged by the promoters transfer the amount to the general revenue of the State and pay the balance to the depositors, their executors or administrators.

(14) If the account for the expenses of printing exceeds the sum lodged, the Minister responsible for Finance shall transfer that sum to the general revenue, and the Attorney General shall, in the event of the promoters failing to pay the Minister responsible for Finance the balance, take proceedings to enforce payment of the balance.

Employment of
Members in
professional
capacity.

80. No Member of the House shall appear before the House or any Committee thereof as Counsel or Solicitor for any party or in any capacity for which he is to receive a fee or reward.

Report of
debates.

81. (1) An official report of all speeches made in the House shall be prepared under the supervision of the Clerk acting under such instructions as the Speaker may give.

(2) The report shall be published in such form as the Speaker may direct, and a copy thereof shall be sent to each Member as soon as practicable.

Strangers.

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

(2) If, at any sitting of the House, 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 House and its precincts, and may order the doors of the House to be closed.

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

Press.

83. The Speaker may grant a general permission to the representative of any journal to attend the sittings of the House under such rules as he may make from time to time for that purpose. If such rules are contravened, the permission may be revoked.

Suspension of
Standing Orders.

84. 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.

85. (1) Unless the Speaker otherwise directs, not less than seven days' notice of a motion to amend the Standing Orders shall be given, and the notice shall be accompanied by a draft of the proposed amendment.

Amendment of
Standing Orders.

(2) A motion to amend the Standing Orders shall be set down for the earliest sitting after the expiration of the notice.

(3) When the motion is reached, the mover shall move the motion, and after it has, if necessary, been seconded, the motion shall be referred forthwith, without any question being put thereon, to a Select Committee, and no further proceedings shall be taken on any such motion until the Committee has reported thereon.

86. (1) Subject to the provisions of standing order 87(1) (Rules in cases not provided for by Standing Orders) the Speaker shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders.

General authority
of the Speaker.

(2) The Speaker shall be responsible for the management and general administration of the House.

(3) A decision by the Speaker, whether relating to these Standing Orders or to a matter for which these Standing Orders do not provide, shall not be challenged save upon a substantive motion moved for that exclusive purpose.

87. (1) In any matter not herein provided for, resort shall be had to the usage and practice of the House of Commons of the 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.

Rules in case not
provided for by
Standing Orders.

(2) 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 shall be deemed to extend to this House or its Members until the House has provided by standing order for the restriction.

APPENDIX

(STANDING ORDER NO. 3)

OATH OF ALLEGIANCE

I,, do swear that I will faithfully bear true allegiance to the Commonwealth of Dominica, according to law.

So help me God.

AFFIRMATION OF ALLEGIANCE

I,, do solemnly affirm that I will faithfully bear true allegiance to the Commonwealth of Dominica according to law.

PRAYER

Almighty God Who, in Thy infinite wisdom and providential goodness, hast appointed the offices of Rulers and Councils for the welfare of society and the just government of man; we beseech Thee to behold with Thy abundant favour, us Thy servants, who Thou hast been pleased to call to the performance of such important trusts in Dominica. Let Thy blessing descend upon us here in this House assembled, and grant that we may, as in Thy presence treat and consider all matters that shall come under our deliberation, in so just and faithful a manner as to promote Thy honour and glory, and to advance the good of those whose interests Thou has committed to our charge; all which we ask in the name, and for the sake of Our Lord and Saviour, Jesus Christ. Amen.
