

REPUBLIC OF SOUTH A

STANDING RULES

FOR THE

NATIONAL ASSEMBLY

AND FOR

JOINT BUSINESS AND PROCEEDINGS

OF THE

NATIONAL ASSEMBLY AND THE SENATE

FEBRUARY 1995

[as amended in 1994 (ATC: 25/05; 28/06; 11/08; 31/08 and 15/11)]

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LIBRARY OF PARLIAMENT



195752

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PRELIMINARY

APPLICATION, SUPPLEMENTING AND SUSPENSION OF RULES

(These Rules apply in terms of section 234(6) of the Constitution and in terms of Speaker's decisions under Rule 1 as so applied.)

Unforeseen eventualities

1. (1) The Speaker may give a ruling or frame a rule in respect of any eventuality for which these Rules do not provide.
- (2) A rule framed by the Speaker shall remain in force until a meeting of the Rules Committee has decided thereon.
- (3) If a rule so framed relates to joint business or proceedings, it shall be of force only if concurred in by the President of the Senate.

Suspension

2. (1) Any provision of these Rules relating to the business or proceedings at a meeting of this House or of a committee of this House, may be suspended by resolution of this House.
- (2) Any provision of these Rules relating to joint business or proceedings may be suspended by resolution adopted by both Houses.
- (3) The suspension of any provision shall be limited in its operation to the particular purpose for which such suspension has been approved.

Non-diminution or non-limitation of Rules

- 2A. No convention or rule of practice shall limit or inhibit any provision of these Rules.

Application to President of the Republic

3. When the President of the Republic takes his or her seat in a Chamber, these Rules shall apply to him or her as they apply to a Minister.

President of the Republic and other non-members

4. A reference in these Rules to a member or a Minister shall be construed as a reference also to the President of the Republic while taking his or her seat in a Chamber, and to any Executive Deputy President, Minister or Deputy Minister who is not a member of this House.

PROCEEDINGS IN CONNECTION WITH COMMENCEMENT OF SESSION

Convening notice read, and oath or affirmation by members

5. (1) At the commencement of the proceedings of this House on the first day of its first session the Secretary, or an officer of Parliament nominated by him or her, shall read the notice convening this House under section 46(2) of the Constitution.
- (2) Whenever necessary members shall be sworn or make affirmation [see section 45 of the Constitution].

Election of President of the Republic

6. At its first sitting this House shall elect one of its members as the President of the Republic [see section 77(1)(a) and (2) of the Constitution].

Election of Speaker and Deputy Speaker

7. At its first sitting, after the election of the President of the Republic, this House shall proceed to the election of one of its members to be the Speaker of this House and another to be the Deputy Speaker of this House [see section 41(1) and (2) of the Constitution].

Opening of Parliament or annual session

8. The Speaker shall inform this House of the time at which the President will open Parliament or an annual session of Parliament, and the proceedings shall then be suspended until the President has delivered his or her Opening Address.

Opening Address reported

9. The Speaker shall report to this House the President's Opening Address.

DISCUSSION OF PRESIDENT'S OPENING ADDRESS

Opening Address placed on Order Paper

10. When the President has delivered his or her Opening Address, the Secretary to Parliament shall place it on the Order Paper of this House for discussion.

TIMES OF SITTING, SUSPENSION AND ADJOURNMENT

Sitting days and hours of sitting

11. (1) Mondays, Tuesdays, Wednesdays, Thursdays and Fridays shall be Parliamentary working days.
- (2) The business of this House may be considered by it on these days, and the hours of sitting on these days shall be as follows:

Mondays to Thursdays:

From 14:15, or such later time as the Speaker determines, to adjournment

Fridays:

On the second Friday of a session the hours of sitting shall be as follows:

14:15 to adjournment

On the third Friday of a session and thereafter the hours of sitting shall be as follows:

From 10:00, or such later time as the Speaker determines, to adjournment

- (3) On Wednesdays before the Easter recess the business of committees shall be considered by them between 09:00 and 12:45 and between 14:15 and 16:30, unless special circumstances require otherwise.

- (4) Good Friday, Family Day, Workers' Day, Ascension Day and Republic Day shall not be sitting days of this House or any committee: Provided that, if Republic Day falls on a Sunday, this House or any committee shall not sit on the following Monday.

- (5) Joint business of the Houses may be considered by them on any Parliamentary working day during the hours of sitting specified above.

Interruption, suspension or adjournment of proceedings

12. (1) The proceedings of this House or a committee of this House shall be interrupted, suspended or adjourned by the presiding officer.

- (2) The presiding officer may in consultation with the Leader of this House adjourn this House until a later Parliamentary working day than the following sitting day: Provided that during such adjournment the Speaker may accelerate or postpone the date for the resumption of business.

- (3) The proceedings of a joint sitting of the Houses or a joint committee shall be interrupted, suspended or adjourned by the presiding officer.

COMMENCEMENT OF BUSINESS ON SITTING DAYS

Opportunity for prayer or meditation

13. At the commencement of Parliamentary business on every sitting day the presiding officer shall afford members an opportunity for silent prayer or meditation.

SEQUENCE OF PROCEEDINGS ON SITTING DAYS

Sequence of proceedings

- 13A. Subject to the provisions of the Constitution and these Rules, and unless altered by resolution of this House, the business on each sitting day of this House, shall, where applicable, follow the following sequence of events:

- (1) Opportunity for silent prayer or meditation;
- (2) announcements from the Chair;
- (3) notices of motion;
- (4) formal motions;
- *** (5) opportunity for statements by members;
- (6) opportunity for statements and personal explanations by Ministers;
- (7) petitions;
- (8) Orders of the Day and notices of motion on the Order Paper, which shall be dealt with in sequence: Provided that precedence shall be given to questions and interpellations on Question Days.

*** Rule 13A(5) shall come into operation on a date to be announced by the Speaker.

FORUMS FOR BUSINESS OF PARLIAMENT

PUBLIC PROCEEDINGS

Forums for public proceedings

14. Subject to the Constitution and to these Rules and practice, proceedings are conducted in public—

- (a) at joint sittings of this House and the Senate (hereinafter referred to as joint sittings);
- (b) at separate meetings of this House;
- (c) in extended public committees of this House; and
- (d) in appropriation committees of this House.

Strangers

Admittance of strangers

15. (1) The power to admit strangers to the precincts of this House or an extended public committee or an appropriation committee of this House, and the places set apart for them in a Chamber, shall vest in the Speaker, subject to the provisions of the Constitution.

(2) The power to admit strangers to the precincts of a joint sitting, and the places set apart for them in a Chamber, shall vest in the Speaker and the President of the Senate, subject to the provisions of the Constitution [see sections 58(1)(b) and 67 of the Constitution].

Withdrawal of strangers

16. The presiding officer may, whenever he or she thinks fit, order strangers to withdraw.

Serjeant-at-Arms to remove strangers

17. Subject to the provisions of Rule 17A, the Serjeant-at-Arms shall remove, or cause to be removed, any stranger from any part of a Chamber which has been set apart for members only, and also any stranger who, having been admitted into any other part of the Chamber, misconducts himself or herself or does not withdraw when strangers are ordered to withdraw.

Visiting Heads of State

17A.(1) The Speaker, acting after consultation with the Leader of the House, may invite any Head of State who is on a state visit to the Republic, to address this House.

(2) The Speaker and the President of the Senate, acting after consultation with the Leader of the House and the Leader of the Senate, respectively, may invite any Head of State who is on a state visit to the Republic, to address a joint sitting.

JOINT SITTINGS OF HOUSES

Venue

18. Joint sittings shall be held in the Chamber of the National Assembly.

Convening of joint sittings

18A. Subject to the provisions of the Constitution, a joint sitting may be convened by the Speaker and the President of the Senate, acting after consultation with the Leader of the House and the Leader of the Senate, respectively.

Day and time

19. A joint sitting shall convene on the day and at the time specified for such a sitting on the Order Papers of this House and the Senate, or announced by the presiding officer at a sitting of this House and at a sitting of the Senate, or at a joint sitting.

Presiding Officer

20. (1) The Speaker or a presiding officer of this House designated by the Speaker shall preside at a joint sitting held in any year in the month of January or in any alternate month after January.

(2) The President of the Senate or a presiding officer of that House designated by the said President shall preside at a joint sitting held in any year in the month of February or in any alternate month after February.

(3) The Speaker and the said President may by agreement depart from the preceding provisions of this Rule in respect of a particular month or a particular joint sitting.

Relief of presiding officer

21. A presiding officer of this House shall take the Chair whenever such an officer who presides under Rule 20 requests him or her to do so during a joint sitting.

SITTINGS OF THIS HOUSE**Change of venue**

22. Before directing under section 46(1) of the Constitution that this House shall sit at a place other than the Houses of Parliament in Cape Town, the Speaker shall consult the Leader of the House and the Chief Whip of each party represented in this House.

Presiding Officers**Election of Speaker and Deputy Speaker**

23. (1) Whenever it is necessary to elect a Speaker or a Deputy Speaker, the Secretary or an officer of Parliament nominated by him or her, shall inform this House accordingly, whereupon this House shall forthwith or at a time announced by the Secretary or such officer proceed to the election in terms of section 41(1) and (2) or (10) of the Constitution.

(2) The member elected shall, from his or her place, express his or her sense of the honour conferred upon him or her.

Election of other presiding officers

24. This House shall elect a member as Chairperson of Committees and another member as Deputy Chairperson of Committees, for the duration of the House.

Relief of Speaker

25. The Deputy Speaker or the Chairperson of Committees or the Deputy Chairperson of Committees shall take the Chair whenever requested to do so by the Speaker during a sitting of this House.

Absence of Speaker

26. (1) Whenever the Speaker is absent or unable to perform the functions of the office of Speaker, or whenever that office is vacant, the Deputy Speaker shall act as Speaker.

(2) Whenever both the Speaker and the Deputy Speaker are absent or unable to perform the functions of the office of Speaker, or whenever both offices are vacant, the Chairperson of Committees (or, in his or her absence, the Deputy Chairperson of Committees) shall act as Speaker.

Continued absence of Speaker and Deputy Speaker

27. Whenever this House has been informed of the likelihood of the continued absence of both the Speaker and the Deputy Speaker for longer than seven consecutive Parliamentary working days, this House may appoint a member to act as Deputy Chairperson of Committees while the Chairperson of Committees acts as Speaker and the Deputy Chairperson of Committees as Chairperson of Committees, until the Speaker or the Deputy Speaker resumes the Chair or this House decides otherwise.

Absence of presiding officers

28. Whenever this House has been informed that all the elected presiding officers are unavoidably absent, this House shall forthwith elect one of its members to act as Speaker for that day only, the question being put by the Secretary.

Members

Oath or affirmation

29. (1) When the convening notice has been read at the commencement of the proceedings of this House on the first day on which it meets after a general election at which members of this House were elected, members shall be sworn or shall make affirmation.

(2) At all other times members may be introduced and conducted to the Table by not more than two members in order to be sworn or to make affirmation [see section 45 of the Constitution].

Leave of absence

30. (1) A member who wishes to absent himself or herself from sittings of this House, or of any other Parliamentary forum of which he or she is a member, for 15 or more consecutive days on which this House or such forum sits, shall, before so absenting himself or herself, obtain the leave of this House or of a committee of this House authorised to grant such leave [see section 43(d) of the Constitution].

(2) The grant of such leave by this House shall be moved by the chief whip of the party to which the member desiring the leave belongs or by the Leader of the House.

(3) If such leave is granted by a committee, a report by the committee to that effect shall be presented to this House and be published in the Minutes of Proceedings.

Quorum

Quorum

31. The presence of at least one third or, when a vote is taken on a bill, of at least one half of all the members of this House, other than the Speaker or other presiding member, shall be necessary to constitute a meeting of this House [see section 47 of the Constitution].

Absence of quorum

32. (1) If there is no quorum present at the time appointed for the meeting of this House, the Speaker shall take the Chair as soon as a quorum is present.

(2) If a quorum is still not present at the expiration of half an hour after the time appointed for the meeting, the Speaker shall take the Chair and adjourn this House.

(3) If the attention of the presiding officer is called to the absence of a quorum and if after an interval of three minutes, during which time the bells shall be rung, there is still no quorum, the presiding officer may suspend the proceedings or adjourn this House or postpone the decision of the question.

Adjournment owing to absence of quorum

33. (1) Whenever this House is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of the members present, shall be recorded in the Minutes of Proceedings.

(2) Any member calling the attention of the presiding officer to the absence of a quorum shall be held to be present, whether present or not, when the members are counted.

EXTENDED PUBLIC COMMITTEES

Business of extended public committee

34. Any bill or any provision of a bill may be discussed in an extended public committee.

Members

35. An extended public committee in respect of a bill or any provision of a bill shall consist of the members of the portfolio committee under which the bill or provision falls, and all other members of this House who attend the proceedings of the extended public committee [see Rule 52(1)].

Chairperson of extended public committee

36. The Speaker shall appoint the chairperson of an extended public committee from the ranks of the elected presiding officers of this House.

Relief of chairperson

37. A member of an extended public committee shall take the Chair whenever requested to do so by the chairperson of the committee.

APPROPRIATION COMMITTEES

Referral of business to appropriation committee

38. This House may by resolution refer—

- (a) a vote in the schedule to an appropriation bill which appears on the Order Paper for consideration; or
- (b) a provision of a taxation bill which appears on the Order Paper for consideration,

to an appropriation committee of this House for discussion.

Members

39. An appropriation committee of this House shall consist of the members of the portfolio committee under which the subject of the vote or taxation provision referred to the appropriation committee falls, or the members of a select committee specified in the resolution of referral, and all other members of this House who attend the proceedings of the appropriation committee.

Chairperson

40. The Chair of an appropriation committee may be taken by the Chairperson of Committees, the Deputy Chairperson of Committees or a member appointed by the Speaker for that purpose.

Relief of chairperson

41. Any member of an appropriation committee may take the Chair whenever requested to do so by the chairperson of the committee during a sitting of the committee.

Sitting days and times of meeting

42. The days on which and times at which an appropriation committee shall meet, shall be determined by the Leader of this House.

RESTRICTED ACCESS COMMITTEES

GENERAL

Types of committees

43. In addition to extended public committees and appropriation committees (see Rules 34 - 42), there are—

(a) committees of this House, which include—

- (i) a rules committee;
- (ii) a disciplinary committee;
- (iii) *ad hoc* committees; and
- (iv) portfolio committees; and

(b) joint committees, consisting of members of this House and the Senate,

to which public access may be restricted but only to the extent provided for in these Rules.

Presence of non-members of committees

***44. (1) (a) Members of this House may be present during the proceedings of a committee of this House, and members of Parliament may be present during the proceedings of a joint committee.

*** (b) A member who attends any proceedings by virtue of paragraph (a), has the right to participate fully in such proceedings: Provided that only members of the committee concerned or, in the absence of any such member, the alternate member concerned or a member co-opted under Rule 56(5), as the case may be, shall have the right to vote at such proceedings.

(2) Members of the public and the media may be present during the proceedings of a committee of this House or a joint committee, subject to such restrictions and requirements as the committee in question may consider necessary in the interest of the due performance of its functions, and further subject to the committee's right to conduct its proceedings in private by excluding all persons other than persons referred to in Subrule (1), whenever it considers it necessary to do so.

(3) Subject to Subrules (1) and (2), all persons other than members of the committee of this House or a joint committee shall withdraw on being requested by the chairperson to do so.

Publication of proceedings, evidence, or reports of committees

45. (1) The proceedings of or the evidence taken by a committee of this House while its proceedings or any portion of its proceedings were conducted in private, or the report or that part of the report of the committee relating to such proceedings or evidence, or a summary of such proceedings, evidence or report, shall not be published or divulged before the report has been printed on the authority of the Speaker or by order of this House: Provided that evidence which such a committee has resolved shall not be made public, shall not be published or divulged except by order of this House.

*** (2) The proceedings of or the evidence taken by a joint committee while its proceedings or any portion of its proceedings were conducted in private, or the report or that part of the report of the joint committee relating to such proceedings or evidence, or a summary of such proceedings, evidence or report, shall not be published or divulged before the report has been printed on the authority of the Speaker and the President of the Senate or by order of both Houses: Provided that evidence which such a committee has resolved shall not be made public, shall not be published or divulged except by order of both Houses.

Counsel and attorneys

***46. Counsel and attorneys appearing before a committee of this House or a joint committee shall observe such directions and conform to such rules as may be laid down by the chairperson of the committee.

RULES COMMITTEE

Constitution of Rules Committee

47. (1) The Speaker shall for the duration of this House appoint a Rules Committee consisting of not more than 50 members, inclusive of the Speaker and the Deputy Speaker.

(2) The Speaker shall be Chairperson of the Rules Committee, and if the Speaker is unable to be present at a meeting of the Committee the Deputy Speaker shall act as chairperson at that meeting.

*** Implementation of provisions relating to joint committees is subject to the concurrence of the Senate

Joint meeting of Rules Committees

48. (1) The Rules Committees of this House and the Senate may meet jointly during a session or while Parliament is in recess.

(2) When the Rules Committees meet jointly and—

- (a) both the President of the Senate and the Speaker are present, they shall act as co-chairpersons, unless one of them takes the Chair in accordance with an arrangement between them;
- (b) only one of them is present, he or she shall be the chairperson;
- (c) neither of them is present, the Committees shall elect the Deputy Speaker or the Deputy President of the Senate to act as chairperson, unless one of them takes the Chair in accordance with an arrangement between them.

DISCIPLINARY COMMITTEE

Constitution of disciplinary committee

49. (1) There shall be a disciplinary committee consisting of the Deputy Speaker, who shall *ex officio* be chairperson of the committee, and the chief whips and senior whips in this House.

(2) Whenever and for as long as the Deputy Speaker acts as Speaker or is absent, the Chairperson of Committees (or, in his or her absence, the Deputy Chairperson of Committees) shall perform the duties of the Deputy Speaker when acting as a member of the committee.

(3) The Disciplinary Committee, at the request of the Speaker, shall investigate and advise him or her upon alleged infringements by members of this House which do not involve the privileges or proceedings of Parliament or of this House or a committee of this House.

AD HOC COMMITTEES

Ad hoc committees

50. (1) A committee of this House may be established by resolution to carry out a particular assignment specified in the resolution. Such a committee shall be known as an *ad hoc* committee.

(2) When this House has been adjourned for a period of 14 days or longer, an *ad hoc* committee may be established by the Speaker, after consultation with a whip of each party, to carry out such assignment as may be determined by the Speaker after such consultation.

(3) An *ad hoc* committee shall continue until it has completed, or has been discharged from, its assignment.

(4) Unless the members of an *ad hoc* committee have been appointed by resolution of this House, they shall be appointed by the Speaker, after consultation with a whip of each party—

- (a) in the case of an *ad hoc* committee referred to in Subrule (1), within five Parliamentary working days; and
- (b) in the case of an *ad hoc* committee referred to in Subrule (2), within ten Parliamentary working days,

after the establishment of the committee.

(5) Rules 53, 53A, 55, 56(2), (3) and (5), 57, 58, 59, 60, 61, 62 and 63 shall be applicable to *ad hoc* committees, with the necessary changes, unless specifically excluded by the resolution establishing such committee.

PORTFOLIO COMMITTEES

Establishment of portfolio committees

51. (1) (a) There shall be committees on governmental affairs (in these Rules referred to as portfolio committees), each in respect of bills and other matters relating to a category or categories of such affairs assigned to it by the Speaker acting with the concurrence of the Rules Committee.

(b) Each portfolio committee shall be known by the name determined for it by the Speaker acting with the concurrence of the Rules Committee.

(2) There shall be a portfolio committee to consider legislative proposals submitted by private members.

Functions of portfolio committees

52. (1) Subject to the provisions of the Constitution, a portfolio committee shall, in accordance with these Rules or its other terms of reference—

- (a) consider or deal with bills or other matters which are referred to it by the Speaker under these Rules, or by or under a resolution of this House;
- (b) consider or deal with an appropriation or money bill or any aspect of an appropriation or money bill referred to it by the Speaker under these Rules, or by or under resolution of this House;
- (c) monitor, investigate, enquire into and make recommendations relating to any aspect of the legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure, personnel, policy formulation or any other matter it may consider relevant, of the government department or departments falling within the category of affairs assigned to the committee under Rule 51(1)(a), and may for that purpose consult and liaise with such department or departments; and
- (d) perform such other functions, tasks, and duties relating to parliamentary supervision of such government department or departments as may be prescribed by or under an Act of Parliament.

(2) Any question as to which portfolio committee is to deal with a referral, referred to in Subrule (1)(a), shall be decided by the Speaker, subject to any directions of the Rules Committee.

Powers of portfolio committees

53. For the purposes of exercising its powers and performing its functions, a portfolio committee shall have the power—

- (a) to summon any person to appear before it to give evidence on oath or affirmation [see section 58(2) of the Constitution];
- (b) to summon any person to appear before it to produce any documents required by it [see section 58(2) of the Constitution];
- (c) to receive representations from interested persons or parties [see section 58(2) of the Constitution];
- (d) to decide whether to permit oral evidence or representations to be given or presented before it by or on behalf of an interested person or party;
- (e) to determine the extent, nature and form of its proceedings, as well as the evidence and representations to be given or presented before it, subject to the Constitution, these Rules and a resolution of this House;
- (f) to conduct its proceedings or any aspect of its work, at any venue it deems to be the most suitable, and which, when this House is not in session, may be a venue beyond the seat of Parliament, subject to any restrictions imposed by these Rules or by the Rules Committee or by resolution of this House;
- (g) to conduct its business while this House is not in session;
- (h) to conduct its business on days over which this House is adjourned;
- (i) to appoint subcommittees in accordance with Rule 63;
- (j) with the concurrence of the corresponding committee of the Senate, to confer or meet jointly with that committee in order to hear oral evidence or representations, or for any other purpose the committees may consider necessary, in connection with a bill or other matter that has been referred to the committees concerned; and
- (k) to exercise such other powers as may be prescribed, or assigned to it, by or under any law, these Rules or a resolution of this House.

Sittings during sittings of House

53A. A portfolio committee may sit during the sittings of this House.

Duration of portfolio committees

54. A portfolio committee shall continue for the duration of this House.

Composition of portfolio committees

55. A portfolio committee shall consist of the number of members determined by the Speaker acting with the concurrence of the Rules Committee in each case, but which shall not be fewer than 10 or more than 40, unless otherwise provided in these Rules or this House directs otherwise in any particular case: Provided that each party in this House shall be entitled to be represented by at least one member on each portfolio committee.

Appointment of members of portfolio committees

56. (1) The members of a portfolio committee shall be appointed by the Speaker, after consultation with a whip of each party affected, for the duration of this House, subject to the provisions of this Rule.

(2) The names of members appointed to a portfolio committee shall be published in the Minutes of Proceedings as soon as possible.

(3) A vacancy in a portfolio committee shall be filled by the Speaker after consultation with a whip of the party affected.

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

(5) If a member of a portfolio committee and a whip of such member's party satisfy the chairperson of the committee that the member will be unable to attend a meeting or meetings of the committee owing to circumstances beyond his or her control or for a reason referred to in section 3(3)(a) of the Payment of Members of Parliament Act, 1994 (Act No 6 of 1994), the chairperson, in consultation with a whip of such member's party, may co-opt a member to serve on the committee during the absence of the first-mentioned member.

First meeting of portfolio committee

57. (1) The first meeting of a portfolio committee shall, unless it is convened otherwise, be convened by the Secretary within five Parliamentary working days after the names of the members appointed to serve on the committee have been published.

(2) When this House is not in session, a venue beyond the seat of Parliament may be so determined for the first meeting of a portfolio committee.

(3) When this House is not in session, notification of the first meeting of a portfolio committee shall be forwarded to the members of the committee and the senior whip of each party in this House at least 14 days before the date of the meeting.

Chairperson of portfolio committee

58. (1) Every portfolio committee shall, before it commences with any other business, elect one of its members to be chairperson.

(2) Subject to decisions and directions of the committee concerned, the chairperson shall have the authority—

- (a) to convene meetings of the committee;
- (b) to preside at meetings of the committee;
- (c) after consultation with a designated member of each party other than that of the chairperson, to take decisions on requests to give evidence or make oral representations before the committee in cases where it is not practicable to arrange a committee meeting in order to discuss such requests;
- (d) after consultation with a designated member of each party other than that of the chairperson, to take decisions in respect of any other requests directed to the committee in cases where it is not practicable to arrange a committee meeting in order to discuss such requests;
- (e) after consultation with a designated member of each party other than that of the chairperson, to take or initiate any steps, or take any decisions, he or she may deem necessary for the purposes of exercising the powers and performing the functions of the committee in cases where it is not practicable to arrange a committee meeting in order to discuss such steps or decisions; and
- (f) to exercise such other powers or perform such other functions, tasks and duties as may be conferred upon or assigned to him or her by or under a resolution of the committee; and
- (g) to exercise such other powers or perform such other functions, tasks and duties as may be conferred upon or assigned to him or her by or under the Constitution, any other law, these Rules, or a resolution of this House.

(3) (a) If the chairperson is absent from a duly constituted meeting of a portfolio committee, it may elect an acting chairperson from among its number to preside at that meeting while the chairperson remains absent.

(b) While so presiding, the acting chairperson may exercise the powers and shall perform the duties and functions of the chairperson.

Quorum and procedure at meetings

59. (1) Except when a question is being decided, business at a meeting of a portfolio committee may be proceeded with irrespective of the number of members present.

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

(3) A majority of the members of a portfolio committee shall constitute a quorum.

(4) When a portfolio committee has to decide a question and a quorum is not present, the chairperson may either suspend business until a quorum is present, or adjourn the committee.

(5) A resolution of a portfolio committee shall enjoy the support of the majority of the members present and voting.

(6) In the event of an equality of votes, the chairperson shall, in addition to his or her vote as a member, have and exercise a casting vote.

Charge against member

60. If any information charging any member of this House comes before a portfolio committee, the committee shall not proceed upon such information, but shall report it to this House without delay.

Presentation of report

61. The report of a portfolio committee shall be presented to this House by the chairperson or another member of the committee.

Minority report

62. Subject to Rule 150(2), it shall not be competent for a portfolio committee to present a minority report.

Subcommittees

63. (1) A portfolio committee appointing a subcommittee in terms of Rule 53(i)—

(a) shall by way of resolution—

- (i) appoint the members of the subcommittee from the number of the portfolio committee;
- (ii) appoint a chairperson;
- (iii) indicate the period within which the subcommittee shall complete its assignment;
- (iv) indicate the extent, nature and form of the subcommittee's report to the portfolio committee concerned, as well as the date and time for the submission of such report;
- (v) indicate the extent to which Rules 44, 45 and 46 shall apply to the activities or proceedings of the subcommittee: Provided that in the application of this paragraph the principles of transparency and maximum public participation and accountability shall be paramount; and
- (vi) indicate which of the other provisions of these Rules shall apply to the activities or proceedings of the subcommittee;

(b) may by way of resolution—

- (i) delegate or assign any power or function of the committee to the subcommittee;
- (ii) assign or refer any other matter which falls within its jurisdiction to the subcommittee.

(2) A subcommittee so appointed shall continue until it has completed, or has been discharged from, its assignment.

(3) A subcommittee may determine its own procedures, subject to the Constitution, these Rules, the resolution by which it was appointed and any other resolution of this House.

JOINT COMMITTEES

Ad hoc joint committees

64. (1) Whenever any matter is in terms of a provision of the Constitution required to be referred to or dealt with by a joint committee, and subject to the provision in question and any resolution of this House in a particular case, the Speaker shall appoint the members of this House who are to serve on the committee.

(2) The Speaker shall cause the names of the members so appointed to be published in the Minutes of Proceedings.

(3) The Speaker shall so appoint members whose names have been submitted by the chief or other whip of a party in this House, not exceeding the number of members which such party is entitled to have on the committee.

(4) If the names of members of a party have not been so submitted within two Parliamentary working days after the Speaker has called upon the chief or other whip of a party to submit the names of members to be appointed to the joint committee, such party shall be regarded as not willing to participate in the committee.

(5) Subject to these Rules and any resolution of this House in a particular case, the joint committee in question shall be regarded as established as soon as all the members and the chairperson thereof have been appointed.

(6) A joint committee established in terms of this Rule shall continue until it has completed, or until it has been discharged from, its assignment, and may perform its functions while Parliament is not in session and in such event report in an ensuing session, and may, when Parliament is not in session, upon its own resolution sit at a venue beyond the seat of Parliament.

Joint standing committees

65. (1) A joint standing committee shall be established as such by resolution of each House, and shall continue for the duration of Parliament.

(2) Each such committee shall, in addition to the powers conferred by section 58(2) of the Constitution, have the power—

- (a) to perform its functions while Parliament is not in session;
- (b) upon its own resolution to sit at the venue it deems to be the most suitable, and which, when Parliament is not in session, may be a venue beyond the seat of Parliament; and
- (c) to appoint subcommittees for the consideration of matters referred to it.

(3) The Rules applicable to select committees of this House apply *mutatis mutandis* to subcommittees appointed under Subrule (2)(c).

Joint standing committee on public accounts

65A. There shall be a joint standing committee on public accounts, which shall consider matters referred to it by the Speaker and the President of the Senate under these Rules or by or under a resolution of each House.

Joint standing committee on finance

66. (1) The joint committee contemplated in subsection (4) of section 60 of the Constitution, shall be a joint standing committee established in terms of these Rules and shall be known as the Joint Standing Committee on Finance.

(2) In addition to performing the functions contemplated in the said subsection, the Joint Standing Committee on Finance shall consider and report on any matter referred to it by the Speaker or the President of the Senate under these Rules or by or under a resolution of each House.

Membership of joint standing committee on defence

67. The total membership of the joint standing committee of Parliament on defence which is contemplated in section 228(3) of the Constitution, shall equal the number obtained by dividing by 10 the total number of seats held in the National Assembly by all parties holding more than 10 such seats, any fraction obtained being disregarded.

Members of joint standing committee

68. The names of the members of this House who are to serve on a joint standing committee shall be made known in the resolution establishing the committee, unless such resolution provides otherwise.

Representation of political parties in joint committees

69. (1) Save as otherwise provided in these Rules or the Constitution or by resolution of this House in a particular case, each party in this House is entitled to representation in a joint committee by a number of members equal to the number obtained by dividing the number of seats held by the party in question in this House by 10, any fraction obtained being taken as one.

(2) The membership of a joint committee established for the purposes of section 110(2)(a) and (8), 115(3)(a) or 191(2)(a) and (9) of the Constitution shall be determined in accordance with the requirements of the relevant section.

Chairperson of joint committee

70. (1) The Speaker and the President of the Senate shall appoint the chairperson and, if they deem it necessary in the case of a particular committee, a deputy chairperson of a joint committee.

(2) If such a chairperson or deputy chairperson is not a member of the joint committee, he or she shall have no vote.

First meeting of joint committee

71. (1) The day and venue of the first meeting of a joint committee shall be determined by the Secretary in consultation with the chairperson of the committee.

(2) When Parliament is not in session, a venue beyond the seat of Parliament may be so determined for such a meeting of a joint committee.

(3) When Parliament is not in session, notification of the first meeting of a joint committee shall be forwarded to the members of the committee and the senior whip of each party at least 14 days before the date of the meeting.

Meetings of joint committees

72. A joint committee may upon its own resolution sit—

- (a) during the sittings of this House; and
- (b) on days on which Parliament or this House is not sitting.

Quorum

73. (1) Save when a question is being decided, the business at a meeting of a joint committee may be proceeded with irrespective of the number of members of the committee present.

(2) A joint committee may decide a question only when a quorum of members is present.

(3) One third of the total number of members of the joint committee (excluding the presiding member but including one or more members of each House) shall constitute the quorum of the joint committee.

(4) If a member of a joint committee, and a whip of such member's party, satisfy the chairperson of the joint committee that the member will be unable to attend a meeting or meetings of the joint committee owing to circumstances beyond his or her control or for a reason referred to in section 2(3)(a) of the Payment of Members of Parliament Act, 1974, the chairperson, in consultation with a whip of such member's party, may co-opt a member to serve on the joint committee during the absence of the first-mentioned member.

(5) Whenever a joint committee has to decide a question and a quorum is not present, the chairperson may either suspend business until a quorum is present, or adjourn the committee.

Resolutions of joint committee

74. (1) A resolution of a joint committee shall enjoy the support of the majority of the members present and voting.

(2) In the event of an equality of votes, the presiding member shall exercise a casting vote.

Attendance of joint committee

75. If a member of a joint committee being a member of this House is absent from three consecutive meetings of the joint committee without the leave of the chairperson or without good cause shown, on which the Speaker's decision shall be final and conclusive, the Rules Committee shall be deemed to have discharged such member from membership of the joint committee.

Charge against member

76. If information charging a member of this House comes before a joint committee, the committee shall not proceed upon such information, but the chairperson shall report it to this House on its next ensuing sitting day.

Report of joint committee

77. The report of a joint committee shall be presented to this House by or by order of the Speaker.

ORDER IN PUBLIC MEETINGS AND RULES OF DEBATE

ORDER IN MEETINGS

Freedom of speech and debate

77A.(1) In accordance with section 55(2) of the Constitution there shall be freedom of speech and debate in or before this House and any committee thereof, or any joint committee of Parliament, subject only to the restrictions placed on such freedom in terms of or under the Constitution, any other law or these Rules.

(2) In accordance with section 55(3) of the Constitution, and subject to these Rules, a member of this House shall not be liable to any civil or criminal proceedings, arrest, imprisonment or damages by reason of anything which he or she has said, produced or submitted in or before or to this House or any committee thereof, or any joint committee, or by reason of anything which may have been revealed as a result of what he or she has said, produced or submitted in or before or to this House or any such committee.

Conduct of members

78. (1) Every member is to be uncovered when he or she enters or leaves the Chamber, or moves to any other part of the Chamber during a debate, unless the President of the Senate, in the case of a senator, or the Speaker, in the case of a member of this House, directs otherwise, and shall bow to the Chair in passing to or from his or her seat.

(2) No member shall pass between the Chair and the member who is speaking, nor between the Chair and the Table, nor stand in any of the passages or gangways.

Members not to converse aloud

79. During debate no member shall converse aloud.

Member not to be interrupted

80. No member shall interrupt another member whilst speaking, except to call attention to a point of order or a question of privilege.

Order at adjournment

81. When a meeting adjourns, members shall rise and remain in their places until the presiding officer has left the Chamber.

Precedence of presiding officer

82. Whenever the presiding officer rises during a debate, any member then speaking or offering to speak shall resume his or her seat, and the presiding officer shall be heard without interruption.

Irrelevance or repetition

83. The presiding officer, after having called attention to the conduct of a member who persists in irrelevance or repetition of arguments, may direct the member to discontinue his or her speech.

Member ordered to withdraw

84. If the presiding officer is of the opinion that a member is deliberately contravening a provision of these Rules, or that a member is in contempt of or is disregarding the authority of the Chair, or that a member's conduct is grossly disorderly, he or she may order the member to withdraw immediately from the Chamber for the remainder of the day's sitting.

Naming or suspension of member

85. If a presiding officer is of the opinion that a contravention committed by a member of this House is of so serious a nature that an order to withdraw from the Chamber for the remainder of the day's sitting is inadequate, the presiding officer may—

- (a) if he or she is the Speaker, suspend the member; or
- (b) if he or she is not the Speaker, name the member, whereupon the Speaker, after consultation with the presiding officer, may take such action as he or she deems necessary.

Member to withdraw from precincts of Parliament

86. (1) A member ordered to withdraw from the Chamber or suspended or named shall, subject to Subrule (2), forthwith withdraw from the precincts of Parliament, but such a member shall not be exempted from serving on any committee on a private or hybrid bill to which he or she may have been appointed.

(2) If a presiding officer other than the Speaker orders a member of this House to withdraw from the Chamber and the member is a Minister or a Deputy Minister, the Speaker shall, after consultation with the presiding officer, order the member to withdraw from the precincts of Parliament or take such other action as the Speaker deems necessary.

(3) The action taken against a member by the Speaker under Rule 85(b) or Subrule (1) of this Rule shall be announced in this House.

(4) A member of this House who has been named shall not return to the precincts of Parliament before the action taken against him or her by the Speaker has been announced.

Period of suspension

87. The suspension of a member shall on the first occasion during a session continue for 5 Parliamentary working days, on the second occasion for 10 Parliamentary working days, and on any subsequent occasion for 20 Parliamentary working days.

Expression of regret

88. (1) A member of this House who has been suspended or named may submit to the Speaker a written expression of regret, and if the Speaker approves such expression of regret, he or she may discharge the suspension or permit the member to take his or her seat, and the Speaker shall inform this House accordingly.

(2) An expression of regret approved by the Speaker shall be recorded in the Minutes of Proceedings.

Grave disorder

89. In the event of grave disorder at a meeting, the presiding officer may adjourn the meeting, or may suspend the proceedings for a period to be stated by him or her.

Member to withdraw while his or her conduct is debated

90. Whenever a charge is made against a member, he or she shall, after having been heard from his or her place, withdraw from the Chamber while such charge is being debated.

RULES OF DEBATE

Member to address Chair

91. (1) Every member desiring to speak shall stand while addressing the Chair.

(2) At a sitting in the Chamber of the National Assembly a member may only speak from the podium, except—

- (a) to raise a point of order or a question of privilege; and
- (b) to furnish an explanation in terms of Rule 102(1),

when he or she may address the Chair from a microphone on the floor of the Chamber.

Calling of members

92. A member shall be called in a debate by the presiding officer in accordance with a list of members who are to speak in the debate and the times allocated for speeches by members of different parties.

Time limits for speeches

93. Unless otherwise provided in these Rules, members shall be restricted, in regard to the length of time they may speak, to the times allocated to them in the list contemplated in Rule 92, and if or in so far as times have not been so allocated—

- (a) the President, an Executive Deputy President, the leader of the largest minority party and the member in charge of the business before a meeting, shall not be restricted in regard to the length of time they may speak; and
- (b) members other than those mentioned in paragraph (a) may not speak for longer than 10 minutes at a time on a vote in the schedule to an appropriation bill or 30 minutes at a time on any other business before a meeting.

Reference to member by name

94. No member shall refer to any other member by his or her first name or names only.

Member not to read speech

95. A member shall as far as possible refrain from reading his or her speech, but may refresh his or her memory by referring to notes.

Offensive language

96. No member shall use offensive or unbecoming language.

Reflections upon decisions of same session

97. No member shall reflect upon any decision of this House or a joint sitting of the same session, except for the purpose of moving that such decision be amended or rescinded.

Reflections upon statutes

98. No member shall reflect upon any statute of the same session, except for the purpose of moving for its amendment or repeal.

Reflections upon judges, etc

99. No member shall reflect upon the competence or honour of a judge of a superior court, or of the holder of an office (other than a member of the Government) whose removal from such office is dependent upon a decision of this House, except upon a substantive motion in this House alleging facts which, if true, would in the opinion of the Speaker *prima facie* warrant such a decision.

Matters *sub judice*

100. No member shall refer to any matter on which a judicial decision is pending.

Rule of anticipation

101. (1) No member shall anticipate the discussion of a matter appearing on the Order Paper.

(2) In determining whether a discussion is out of order on the ground of anticipation, the presiding officer shall have regard to the probability that the matter anticipated will be discussed in this House or at a joint sitting within a reasonable time.

Explanations

102. (1) An explanation during debate is allowed only when a material part of a member's speech has been misquoted or misunderstood, but such member shall not be permitted to introduce any new matter, and no debate shall be allowed upon such explanation.

(2) A member may, with the prior consent of the presiding officer, also explain matters of a personal nature, but such matters may not be debated, and the member shall confine himself or herself strictly to the vindication of his or her own conduct and may not speak for longer than three minutes.

Points of order

103. When a point of order is raised, the member called to order shall resume his or her seat, and after the point of order has been stated to the presiding officer by the member raising it, the presiding officer shall give his or her ruling or decision thereon either forthwith or subsequently.

Acting for absent member

104. A member may take charge of a motion or an order of the day in the absence of the member in charge, provided he or she has been authorised to do so by the absent member.

Right of members to speak

105. A member may speak—

- (a) when called upon to do so by the presiding officer; or
- (b) to a point of order.

When reply allowed

106. A reply shall be allowed to the member introducing a subject for discussion (except in the case of the President's Opening Address) or to the member in charge of an order of the day.

Debate closed

107. A reply to a debate closes the debate.

BUSINESS OF PARLIAMENT

ARRANGEMENT OF BUSINESS

Arrangement

108. (1) The Leader of the House shall arrange all business on the Order Paper in accordance with the provisions of these Rules or, in the absence of any such provision, in whatever order he or she may think fit.

(2) Business to be dealt with at a joint sitting shall be placed on the Order Papers of both Houses and shall be arranged in accordance with the provisions of these Rules or, in the absence of any such provision, in the order determined by the Leader of the House and the Leader of the Senate.

(3) The Speaker and the President of the Senate may appoint a committee consisting of members of this House and members of the Senate for the purpose of co-ordinating the business of the various Parliamentary forums and advising the Speaker, the President of the Senate and the Leaders of the Houses in connection with the performance of their separate or collective functions relating to such business.

(4) If such a committee is appointed, the Leader of the House shall perform his or her functions under this Rule after consultation with the committee.

DECISION OF QUESTIONS

Decision of postponed questions

109. Whenever it is expedient to do so, a day may be determined for the decision of questions by this House or by a joint sitting.

Decision procedure at joint sitting

110. At a joint sitting questions shall be decided in accordance with a procedure determined by the Speaker and the President of the Senate.

Decision of questions in this House

Decision of question postponed

111. When the debate on a question has been concluded in this House, the presiding officer may postpone the decision of the question.

Electronic voting system

112. (1) At a sitting of this House held in a Chamber where an electronic voting system is in operation, questions may at the discretion of the presiding officer be decided by the utilisation of such system in accordance with a procedure determined by the Speaker.

(2) Where no electronic voting system is in operation or where such a system is in operation but not utilised, questions shall be decided in accordance with the provisions of Rules 113 to 128.

Postponed question put without further debate

113. A question to be decided after the debate thereon has been concluded in this House or in an extended public committee or in an appropriation committee of the House, shall be put without further debate.

Question put again

114. If the presiding officer has put a question and it is not heard or understood, he or she shall put it again.

Question fully put

115. (1) No member, except a member who is permitted to make a declaration of vote, shall speak to any question after it has been fully put by the presiding officer.

(2) A question shall be deemed to have been fully put when the voices of both the "Ayes" and the "Noes" have been given thereon.

Declaration of vote

116. (1) The presiding officer may at any time after a question has been fully put permit one member of each political party to state on behalf of his or her party, in a speech not exceeding three minutes, the reasons why the party is in favour of or against the question.

(2) A member addressing the Chair in terms of Subrule (1), may read out aloud a written formulation of his or her party's viewpoint, and deliver a signed copy thereof at the Table for inclusion in the Minutes of Proceedings.

Divisions

Recording of opposition

117. (1) Whenever a question is put by the presiding officer, any member may, instead of demanding a division, inform the presiding officer that he or she wishes his or her opposition or that of the party to which he or she belongs to be formally recorded in the Minutes of Proceedings.

(2) The presiding officer may order that a division take place in the event of four or more members wishing to record their individual opposition.

Demand for division

118. After a question has been put and the presiding officer has indicated whether in his or her opinion the "Ayes" or the "Noes" have it, any member may demand a division, whereupon a division shall, subject to Rule 119, take place without debate.

Fewer than four members supporting demand for division

119. (1) Whenever a division is demanded, the presiding officer shall, before ordering the division bells to be rung, satisfy himself or herself that at least four members support the demand for the division.

(2) If fewer than four members rise in support thereof, the presiding officer shall forthwith declare the decision on the question.

Division bells rung and doors locked

120. (1) If the required number of members support the demand for a division, the division bells shall be rung and the doors shall be locked as soon after the lapse of three minutes as the presiding officer may direct, but if further divisions are required to dispose of the question and such divisions follow immediately upon the first division, the division bells shall again be rung and the doors shall be locked as soon after the lapse of 15 seconds as the presiding officer may direct.

(2) When the doors have been locked, no member shall enter or leave the Chamber until the result of the division has been declared.

Procedure after doors locked

121. (1) Subject to Subrule (3), the presiding officer shall again put the question when the doors have been locked.

(2) Thereupon the presiding officer shall indicate on which side of the Chair the "Ayes" and the "Noes" shall take their seats and he or she shall appoint tellers for each side.

(3) After the lapse of the periods prescribed by Rule 120 the presiding officer may again put the question and may declare afresh whether in his or her opinion the "Ayes" or the "Noes" have it, in which case a division shall take place only if such fresh declaration is challenged.

Minority consisting of fewer than 15 members

122. When, on a division taking place, fewer than 15 members appear on one side, the presiding officer shall forthwith declare the decision on the question.

Member calling for division to vote with minority

123. A member demanding a division shall not leave the Chamber until the result of the division has been declared and shall vote with those who, in the opinion of the presiding officer, are in the minority.

Members present shall vote

124. (1) Every member present in the Chamber when the question is put with the doors locked shall vote.

(2) The provisions of Subrule (1) do not apply to the President of the Republic or to an Executive Deputy President who is not a member of this House [see section 66 of the Constitution].

Points of order during division

125. While a division is in progress, members may speak to a point of order arising out of or during the division.

Result to be declared

126. The tellers shall sign the division lists and hand them to the presiding officer, who shall declare the result of the division.

Confusion or error concerning division

127. In the event of confusion or error concerning a division, another division shall take place, unless the numbers can be corrected otherwise.

Correction of Minutes

128. If the numbers have been inaccurately reported or error occurs in the names on the division lists, the presiding officer shall order the Minutes of Proceedings to be corrected.

DISCUSSION OF SUBJECTS AND DRAFT RESOLUTIONS

DISCUSSION OF MATTERS OF PUBLIC IMPORTANCE

Matter of public importance

129. (1) A private member may request the Speaker to place a matter of public importance on the Order Paper for discussion.
- (2) The member shall make the request to the Speaker before the adjournment of this House on the previous sitting day.
- (3) Such a discussion shall not exceed the time allocated for it by the Speaker after consultation with the Leader of the House.
- (4) If 15 minutes before the expiration of the allocated time a member other than the responsible Minister is speaking, the presiding officer shall interrupt such member and shall ascertain from the Minister whether or not he or she wishes to reply.
- (5) (a) Questions of privilege may not be discussed under this Rule.
- (b) Matters already discussed by this House during the same session may not be discussed under this Rule.

Matter of urgent public importance

130. (1) A private member may on any sitting day request the Speaker in writing to allow a matter of urgent public importance to be discussed by this House.
- (2) The request shall be made to the Speaker before 12:00 on days on which this House sits at 14:15 or at least one hour prior to an earlier or later time appointed for a sitting.
- (3) If the Speaker grants the request, the presiding officer shall announce it in this House, and debate on the matter shall stand over until the time appointed by the presiding officer.
- (4) Such a discussion shall not exceed the time allocated for it by the Speaker after consultation with the Leader of the House.
- (5) If 15 minutes before the expiration of the allocated time a member other than the responsible Minister is speaking, the presiding officer shall interrupt such member and shall ascertain from the Minister whether or not he or she wishes to reply.
- (6) (a) Questions of privilege may not be discussed under this Rule.
- (b) Matters already discussed by this House during the same session may not be discussed under this Rule.
- (7) The rule of anticipation shall not apply during such a debate.
- (8) Not more than one matter shall be discussed on the same day under this Rule.

MOTIONS

Nature of motions

131. (1) A member may propose a subject for discussion, or a draft resolution for approval as a resolution of this House.
- (2) At a joint sitting a member may propose a draft resolution for approval as the resolution of the joint sitting on a matter before it in terms of a provision of the Constitution.

Same question rule

132. (1) No matter shall be proposed for discussion in this House which is the same in substance as a matter that has been discussed in it during the same session.
- (2) (a) No draft resolution shall be moved in this House which is the same in substance as a draft resolution which has been approved or rejected by it during the same session.
- (b) The order, resolution or vote on such previous draft resolution may be amended or rescinded.

No amendment to draft resolution

133. No amendment to a draft resolution may be moved, except an amendment—

- (a) to a draft resolution on a question of privilege;
- (b) to substitute the name of another member for the name of a member in a draft resolution;
- (c) which is allowed by the presiding officer; or
- (d) to a draft resolution before a joint sitting.

Motions without notice

134. Every motion requires notice, except a motion—

- (a) by way of amendment to a draft resolution permitted in terms of these Rules;
- (b) raising a point of order or a question of privilege;
- (c) for the postponement or discharge of, or giving precedence to, an order of the day;
- (d) referring a bill to a committee;
- (e) by the member in charge, proposing a draft resolution on the report of a committee immediately after the debate on the report has been concluded;
- (f) specially excepted by these Rules;
- (g) in regard to which notice is dispensed with by the unanimous concurrence of all the members present; or
- (h) moved at a joint sitting.

Notice of motion

135. (1) When giving notice of a motion a member shall—

- (a) read it aloud and deliver at the Table a signed copy of the notice; or
- (b) deliver to the Secretary a signed copy of the notice on any Parliamentary working day,

for placing on the Order Paper.

(2) Written notices of motion delivered to the Secretary after 12:00 on any Parliamentary working day may be placed on the Order Paper of the second sitting day thereafter and not earlier, unless in a particular case the Speaker determines otherwise.

(3) Except with the unanimous concurrence of all the members present, no motion shall be moved on the day on which notice thereof is given.

(4) Subrules (1)(a) and (3) do not apply with reference to a motion at a joint sitting.

Acting for absent member

136. A member may give notice of a motion on behalf of an absent member, provided he or she has been authorised to do so by the absent member.

Speaker may amend notices

137. Any notice of a motion which offends against the practice or these Rules may be amended or otherwise dealt with as the Speaker may decide.

Questions of privilege

138. An urgent motion directly concerning the privileges of this House shall take precedence of other motions and of orders of the day.

Withdrawal and lapsing of motion

139. (1) A member who has moved a motion may move without notice that it be withdrawn.

(2) A motion on the Order Paper which has not been disposed of when this House rises on the last sitting day in any year, shall lapse.

PUBLIC BILLS

GENERAL

Same bill may not be introduced more than once

140. When a bill has been passed or has been rejected during a session in any year, no bill of the same substance shall be introduced in that year except by leave of this House.

Lapsing and resumption of proceedings on bills

141. (1) An order of the day in respect of any public bill which is in the possession of this House when it rises on the last sitting day in any year, shall lapse, but may be reinstated on the Order Paper during the next ensuing session by resolution of this House.

(2) The approval or rejection of a draft resolution for the resumption of proceedings on a bill does not prohibit the introduction of a bill of the same substance during the same or an ensuing session or during an ensuing recess.

Withdrawal of bill

142. The member in charge of a bill may withdraw the bill at any time before the Second Reading thereof has been disposed of in both Houses or before a joint sitting has taken a final decision on it.

Passing of bill

143. This House passes a bill by agreeing to the Second Reading thereof.

Rejection of bill

144. If this House rejects the First Reading of a money bill or the Second Reading of any bill, it rejects the bill.

Discrepancies in versions of bill

145. (1) If any discrepancy in meaning is found between the versions of any bill in the different official languages after such bill has been passed by this House, but before it is presented to the President of the Republic for his or her assent, the Speaker shall report such discrepancy to the House.

(2) If the House agrees to an amendment, it shall be deemed to have agreed to the Second Reading of the bill as amended.

PUBLIC BILLS OTHER THAN MONEY BILLS, CONSOLIDATION BILLS AND PRIVATE MEMBERS' BILLS

Government Measures

Publication of draft bills

***145A. (1) A bill which is not a money bill or a consolidation bill and of which a member other than a private member is in charge, may not be introduced in this House unless the bill has been published in the *Gazette*: Provided that if the member in charge of the bill in consultation with the Speaker certifies in writing that it is an urgent measure, the bill may be introduced without having been so published.

(2) For the purposes of Subrule (1), a bill shall be published as it is to be introduced in this House, and shall be accompanied by—

- (a) a memorandum setting out its objects and the names of all persons and institutions that were consulted or made representations in connection with the proposed bill (in these Rules referred to as a memorandum on the objects of the bill); and
- (b) a notice inviting interested persons and institutions to submit representations on the bill to the portfolio committee concerned before a date mentioned in the notice, which date shall not be less than three weeks after the date of publication of the *Gazette* concerned.

*** Implementation of Rules 145A to 151 from a date to be announced by the Speaker - transitional arrangements may, if necessary, be introduced in the meantime (see also Appendix I for old Rules 146 - 151, which will remain in force until further notice)

Introduction and distribution of bills

*****146.** (1) A bill which is not a money bill or a consolidation bill and of which a member other than a private member is in charge may be introduced in this House by submitting to the Speaker—

- (a) if the bill has been published in the *Gazette* as contemplated in Rule 145A, a copy of the *Gazette* concerned;
- (b) if the bill has not so been published, the bill together with a memorandum on its objects and the certificate contemplated in the proviso to Rule 145A(1).

(2) The Secretary shall supply a copy of a bill introduced under Subrule (1) or received from the Senate, together with the memorandum on its objects, to each member of this House at least a day before the date appointed for the First Reading of the bill.

Procedure when House in session

*****147.** (1) If this House is in session when a bill is introduced under Rule 146(1) or received from the Senate—

- (a) the member in charge of the bill shall—
 - (i) deliver to the Secretary a notice of First Reading of the bill; and
 - (ii) if he or she wishes to give an introductory speech, notify the Secretary accordingly in writing;
- (b) the Speaker shall lay the bill, together with the memorandum on its objects, on the Table.

(2) (a) A bill in respect of which notice has been given as contemplated in Subrule (1)(a)(ii), shall be placed on the Order Paper for First Reading.

(b) No amendment shall be allowed on the First Reading of a bill.

(3) If the member in charge of a bill has notified the Secretary as contemplated in Subrule (1)(a)(ii)—

- (a) he or she may, at the First Reading, in a speech not exceeding 15 minutes, explain the background to the bill and the reasons for and the objects of the provisions of the bill; and
- (b) one member of each party in the House may make a statement on the bill on behalf of his or her party in a speech not exceeding three minutes,

whereafter it shall be deemed that the bill has been read a first time in this House.

(4) Where the Secretary has not been notified as contemplated in Subrule (1)(a)(ii), it shall be deemed that the bill concerned, as laid upon the Table by the Speaker, has been read a first time in this House.

(5) A bill deemed to have been read a first time shall be referred by the Speaker to the portfolio committee under which the subject of the bill falls or, by resolution of this House, to any other committee.

(6) When a bill has been so referred, it shall be deemed that the subject of the bill has been referred to the committee concerned for enquiry and report, the committee to have leave to present an amended bill.

Procedure during recess

*****148.** (1) When this House is in recess, a bill introduced under Rule 146(1) or received from the Senate shall be referred by the Speaker to the portfolio committee under which the subject of the bill falls or, with the concurrence of the member in charge of the bill, to any other committee.

(2) Thereupon it shall be deemed—

- (a) that the bill has been read a first time in this House; and
- (b) that the subject of the bill has been referred by this House to the committee for enquiry and report, the committee to have leave to present an amended bill.

(3) The bill, together with the memorandum on its objects, shall be forwarded to the members of the committee at least 14 days before the date appointed for a meeting of the committee, unless this House is due to meet during that period.

(4) The Secretary shall cause a list of the short titles of the bills introduced during a recess to be published in the *Gazette* as soon as possible.

(5) For the purposes of this Rule it shall be deemed that this House is in recess when it has been adjourned for a period of 14 days or longer.

***** Implementation of Rules 145A to 151 from a date to be announced by the Speaker - transitional arrangements may, if necessary, be introduced in the meantime (see also Appendix I for old Rules 146 - 151, which will remain in force until further notice)**

Consideration of bill by committee

*****149.** (1) Where a bill has been published in the *Gazette* as contemplated in Rule 145A, and unless this House by resolution upon a motion proposed by the member in charge of the bill determines otherwise, the committee to which the bill has been referred shall arrange its business in such a manner that interested persons shall have a period of at least three weeks after such publication within which to make representations on the bill to the committee.

(2) (a) In the case of a bill that has not been published as contemplated in Rule 145A, the committee to which the bill has been referred may, if it considers it necessary to do so in exceptional cases for the purposes of its enquiry, and after consultation with the Speaker and the member in charge of the bill, direct that the bill be published in the *Gazette*.

(b) Where a committee has so directed, the Secretary shall cause the bill to be published in the *Gazette*, together with a notice inviting interested persons to submit representations on the bill to the committee before a date determined by the committee and mentioned in the notice.

Report to House by committee

*****150.** (1) (a) The committee to which a bill has been referred shall, together with its report, present to this House a bill that has been agreed to by it, or, if it has not agreed to a bill, the bill as referred to it, and the appropriate memorandum on its objects.

(b) The report shall be laid upon the Table.

(2) In its report to this House, the committee—

(a) shall specify each amendment to the bill which was agreed to by it, and every amendment which was considered and, for a reason other than its being out of order, was rejected by it;

(b) shall, if it is not a unanimous report—

(i) specify in which respects there was not consensus; and

(ii) in addition to the majority report, express the views of any minority concerned;

(c) may specify such details or information about its enquiry and any representations or evidence received or taken by it, as it may consider necessary for the purposes of the discussion of the bill in this House.

(3) (a) The chairperson or other member of the committee who presents the report to this House, may, if the committee has so recommended in its report, address this House in order to explain the report.

(b) Subject to Subrule (4), there shall be no debate in pursuance of such an address.

(4) (a) After a bill has been tabled in this House in terms of Subrule (1)(b), the bill shall be placed on the Order Paper for Second Reading: Provided that if the committee so recommends, such report or any aspect thereof or recommendation contained therein, shall be placed on the Order Paper for consideration before the notice for the Second Reading of the bill.

(b) A bill placed on the Order Paper in terms of this Rule shall be accompanied by the memorandum on its objects that was submitted together therewith or that memorandum as altered or extended by the committee or such a memorandum drafted by the committee, as the circumstances may require.

Second Reading

*****151.** (1) A period of not less than three Parliamentary working days shall elapse between the date of the tabling of the report of a committee in terms of Rule 150(1)(b), or the date of the address referred to in Rule 150(3)(a), if any (whichever is the later date), and the commencement of the debate on Second Reading of the bill concerned.

(2) The debate on the Second Reading of a bill shall be conducted on the objects and principles of the bill.

(3) The debate on the Second Reading of an amending bill shall be confined to the objects and principles of the proposed amendments to the principal Act and other relevant amendments.

(4) No motion shall be moved during the debate.

***** Implementation of Rules 145A to 151 from a date to be announced by the Speaker transitional arrangements may, if necessary, be introduced in the meantime (see also Appendix 1 for old Rules 146 - 151, which will remain in force until further notice)**

Amendments before Second Reading

152. (1) (a) A member may, after a bill has been placed on the Order Paper for Second Reading but before this House has taken a decision thereon, place amendments to the clauses of the bill on the Order Paper.

(b) A bill that has not been agreed to by the committee which considered it may not be amended under this Rule.

(2) Amendments delivered to the Secretary after 12:00 on any Parliamentary working day may be placed on the Order Paper of the second sitting day thereafter and not earlier, unless in a particular case the Speaker determines otherwise.

(3) No amendment which affects the principle of the bill and in respect of which this House has not given an instruction or which is out of order for any other reason, may be placed on the Order Paper, and the Speaker's ruling on whether an amendment is out of order or not shall be final.

(4) No amendment which has the same effect as an amendment previously rejected in the committee may be placed on the Order Paper, except by the member in charge of the bill.

(5) If an amendment has been placed on the Order Paper and the debate on the Second Reading has been concluded, the Speaker shall, together with the amendment, recommit the bill for reconsideration to the committee which considered the bill.

(6) The committee shall consider only the clauses in respect of which amendments have been placed on the Order Paper and consequential amendments that have to be effected.

(7) A bill shall not be recommitted to a committee more than once in terms of this Rule.

Report to and decision of House on amendments

153. (1) A committee to which a bill has been recommitted for reconsideration together with amendments shall—

- (a) present the bill together with its report to this House;
- (b) mention in the report each amendment agreed to by the committee; and
- (c) specify in the report each amendment placed on the Order Paper by the member in charge of the bill but rejected by the committee.

(2) The report of the committee shall be placed on the Order Paper for the consideration of the amendments agreed to by the committee and any amendment which is specified in the report as prescribed by Subrule (1)(c) and which is moved in the House, which motion may be moved without notice.

(3) The debate on the amendments shall not exceed the time allocated for it by the Speaker after consultation with the Leader of the House.

(4) This House shall first decide on the amendments and thereafter on the Second Reading of the bill.

(5) If this House agrees to amendments to, and thereafter to the Second Reading of, the bill, it shall be deemed to have agreed to the bill as amended by it.

BILLS ON PROVINCIAL BOUNDARIES AND POWERS

Clauses to be excluded from bills for joint sitting

154. No clause or provision which proposes the amendment of section 126 or 144 of the Constitution or which is required to be passed separately by this House and the Senate in accordance with section 61, 155(2A), 156(1A) or 157(1A) or any other provision of the Constitution, shall be included in a bill which is required to be adopted at a joint sitting of the Houses in accordance with section 62(1) of the Constitution.

Consent of provincial legislature

155. (1) The consent of a provincial legislature required in terms of the proviso to subsection (2) of section 62 of the Constitution to an amendment of the boundaries or the legislative or executive competence of the province, shall accompany a bill proposing such amendment when the bill is introduced in this House, and when it is sent to the Senate, as provided in these Rules.

(2) The document containing such consent shall be certified by the secretary to the provincial legislature to the effect that such consent was duly granted by the provincial legislature concerned in accordance with its rules and orders.

(3) Such consent shall be published in the Minutes of Proceedings.

CONSTITUTION AMENDMENT BILLS FOR JOINT SITTING

Modification of Rules

156. A bill which seeks to amend the Constitution and which is in terms of section 62 of the Constitution required to be adopted at a joint sitting of this House and the Senate (in this part referred to as a constitution amendment bill) shall be dealt with in terms of the Rules relating to government measures (other than money bills) as modified by the Rules in this part, and for that purpose references in those Rules to this House and the Speaker, shall, except where inappropriate, be construed as references to the joint sitting and the presiding officer thereat, respectively.

Introduction

157. A constitution amendment bill shall be introduced in both Houses by submitting it to the Speaker and to the President of the Senate, respectively.

Referral to conferring committees

158. (1) The select committee to which a constitution amendment bill is referred or is recommitted with proposed amendments shall confer with the corresponding committee of the Senate, and the bill shall be deemed to have been referred or recommitted to the conferring committees with the powers and functions of each of the select committees.

(2) The conferring committees shall, as soon as a quorum of each is present, elect a chairperson, who, if he or she is not a member of one of the committees, shall not have a vote.

(3) A decision of the conferring committees shall be supported by a majority of the members present (being a quota) of each committee, and when there is an equality of the votes in one of them the chairperson of that committee shall exercise his or her casting vote.

(4) The report of the conferring committees on referral of the bill, together with the accompanying bill, may be presented to this House by its own committee.

(5) By resolutions of both Houses the bill may be referred to an *ad hoc* joint committee appointed in the resolutions, and in that case the Rules in this part and other applicable Rules shall be construed and apply accordingly.

Referral to joint sitting

159. When the report of the conferring committees on their consideration of the bill, and the bill accompanying that report, have been presented to this House, they shall stand referred for consideration and for Second Reading, respectively, at a joint sitting, and shall be placed on the Order Paper accordingly.

Amendments before Second Reading

160. No amendment shall be placed on the Order Paper after the conclusion of the debate on the Second Reading of a constitution amendment bill at a joint sitting.

Report and decision on amendments

161. (1) The report of the conferring committees on their reconsideration of the bill shall be made and presented to the joint sitting.

(2) The report shall be placed on the Order Paper for consideration of the amendments, if any, at the joint sitting.

Adoption of bill

162. A constitution amendment bill read a second time at a joint sitting shall be regarded as having been duly adopted at the joint sitting.

DISPUTED ORDINARY BILLS

Report of joint committee

163. (1) The joint committee to which a disputed ordinary bill has been referred, as provided by section 59(2) of the Constitution, shall in its report specify every proposed amendment to the bill which has been considered and is recommended by it, and every proposed amendment which has been considered and, for any reason other than its being out of order, is not recommended by it.

(2) The report of the committee to this House shall be accompanied by the bill referred to it.

Referral of report and bill to joint sitting

164. Upon presentation of the report to this House, the report and the bill accompanying it shall stand referred to a joint sitting.

Consideration of report

165. (1) If proposed amendments to the bill are specified in the report of the joint committee, the joint sitting shall first consider the report.

(2) If the report is adopted by the joint sitting, every proposed amendment specified in it as being recommended by the joint committee shall be regarded as having been agreed to by the joint sitting, and every proposed amendment specified in it as not being so recommended shall be regarded as having been rejected by the joint sitting.

(3) If the report is rejected by the joint sitting, the joint sitting may consider any proposed amendment specified in the report and moved by any member, and shall approve or reject it without amendment.

Approval of bill

166. The question on the passing of the bill or, if the joint sitting has amended the bill as herein provided, the passing of the bill as so amended shall be decided by the joint sitting without amendment or debate.

Notice of motions not required

167. No notice need be given of any motion required for the proceedings of a joint sitting in respect of a disputed bill.

PRIVATE MEMBERS' PUBLIC BILLS**Private member's bill**

168. (1) A legislative proposal of which a private member is in charge shall, together with a memorandum thereon setting out its objects, be submitted to the Speaker.

(2) The Speaker shall refer the proposal and the memorandum to the Standing Committee on Private Members' Legislative Proposals.

(3) If this House is not in session when the papers are submitted to the Speaker, he or she shall refer them as aforesaid at the commencement of the next ensuing session.

(4) The Committee may recommend either that the proposal be not proceeded with or that it be accepted.

(5) If the Committee recommends that the proposal be accepted and the member in charge thereof has complied with the Speaker's requirements, if any, regarding the form and style of bills and memorandums thereon, the provisions of these Rules shall apply to it as if it were a bill introduced under Rule 146(1) while this House was in session.

MONEY BILLS**Introduction**

169. (1) The Minister in charge of a money bill shall deliver his or her introductory speech in this House.

(2) After the Minister in charge of a money bill has delivered the introductory speech, he or she shall introduce the bill and lay papers, if any, upon the Table.

Bill placed on Order Paper for First Reading

170. (1) After introduction a money bill shall be placed on the Order Paper for First Reading.

(2) The First Reading of a money bill may be considered only after the report of the joint committee to which it was referred for consideration, as provided in section 60(4) of the Constitution and Rule 171, has been presented to this House.

Referral of money bill to joint committee

171. (1) On the day on which a money bill has been introduced, the Speaker shall refer the bill, the introductory speech and the papers laid upon the Table by the Minister to the Joint Standing Committee on Finance for consideration and report.

(2) The period for the consideration of a bill and papers so referred shall be limited, in the case of a main appropriation bill, to a maximum of seven consecutive Parliamentary working days and, in the case of any other bill, to a period determined in each case by the Speaker after consultation with the Leader of the House.

(3) No amendment to a bill or any other paper which has in terms of this Rule been referred to a committee shall be moved while the committee is considering the bill and papers.

(4) The report of the committee shall be presented to this House on or before the first sitting day following the expiration of the period allowed for the consideration of the bill and papers.

Consideration of schedule to appropriation bill

172. When the First Reading of an appropriation bill which has a schedule has been approved, the votes in the schedule shall be discussed.

Supplementary estimates in main appropriation bill

173. When the debate on the schedule to a main appropriation bill has been concluded, those votes in respect of which supplementary amounts are to be requested, shall be placed on the Order Paper for discussion.

Approval of votes and schedule

174. This House shall first decide on the separate votes in the schedule to an appropriation bill (in the case of a main appropriation bill, when the debate on supplementary amounts has been concluded) and thereafter on the schedule.

Second Reading of money bill

175. (1) When the schedule to an appropriation bill has been approved, the bill shall be placed on the Order Paper for Second Reading.

(2) When the First Reading of a money bill which has no schedule has been approved, the bill shall be placed on the Order Paper for Second Reading.

Money bill rejected or not passed by Senate

176. (1) A money bill referred back to this House for reconsideration in accordance with section 60(7) of the Constitution, may be given precedence over other orders of the day on the day on which it is received from the Senate, and a motion to that effect may be moved without prior notice by the Minister in charge of the bill.

(2) No amendment of the bill shall be considered unless it is moved by the Minister in charge, who may do so without prior notice.

(3) The debate on the reconsideration of the bill, including the consideration of any amendment, shall not continue for more than one hour, excluding the reply of the Minister in charge, during which time a member shall be restricted to one speech not exceeding five minutes in duration, except the said Minister, who may be allowed more than one such speech.

(4) If this House approves any amendment and thereafter passes the bill, the bill shall be deemed to have been passed by the House as so amended by it.

HYBRID BILLS**Definition**

177. A public bill which adversely affects or may adversely affect the private interests of particular persons or bodies as distinct from the private interests of all persons or bodies in the particular category to which those persons or bodies belong, shall be treated as a hybrid bill.

Referral to examiners

178. A hybrid bill which in terms of the preceding Rules has been introduced and is deemed to have been read a first time in this House, shall not in terms of those Rules be deemed to have been referred to any committee, but shall be referred by the Speaker to the examiners of hybrid bills for report as to whether the Rules relating to Hybrid Bills have been complied with.

Referral to committee

179. (1) If the examiners report that the Rules relating to Hybrid Bills have been complied with, it shall be deemed that the bill has in terms of Rule 147(3) been referred to an *ad hoc* select committee established for that purpose with the additional power, if the bill is opposed, to hear suitors and their counsel and attorneys for and against the bill.

(2) A hybrid bill is opposed if a petition in opposition thereto is presented within five Parliamentary working days after referral of the bill to the committee was recorded in the Minutes of Proceedings.

CONSOLIDATION BILLS

Proceedings on consolidation bills

180. (1) A bill which purports to consolidate existing law shall not contain provisions amending the law.

(2) A consolidation bill shall be accompanied by a certificate signed by the law adviser who drafted the bill, stating that the bill consolidates existing law without amending it.

(3) (a) A consolidation bill may be introduced in this House by submitting it to the Speaker.

(b) The Speaker shall lay a consolidation bill introduced in this House or received from the Senate upon the Table, whereupon it shall be deemed to have been read a first time in this House.

(4) A period of not less than five Parliamentary working days shall elapse between the tabling of a consolidation bill and the Second Reading of the bill.

(5) The Speaker may on good cause shown direct that a consolidation bill be referred before Second Reading to an *ad hoc* select committee established for that purpose.

(6) The committee to which the consolidation bill was referred may submit an amended bill, but shall only consider amendments which seek to express existing law more clearly or which seek to bring the bill into conformity with existing law, and debate shall be confined strictly to the necessity for such amendments.

(7) If the prescribed period of five Parliamentary working days after the tabling of a consolidation bill has elapsed or the committee to which the bill was referred has concluded its business, the bill shall be placed on the Order Paper for Second Reading.

EXCHANGE OF BILLS BETWEEN THIS HOUSE AND SENATE

Bill sent to Senate for concurrence

181. When a bill which originated in this House has been passed, it shall be signed by the Secretary and transmitted by message to the Senate for concurrence, and shall be accompanied by the appropriate memorandum on its objects.

Bill returned by Senate with amendments

182. When a bill is returned by the Senate with amendments, such amendments shall, except with the unanimous concurrence of all the members present, be considered on a future day.

Notification of corrections by Senate in money bills

183. Should any versional or other correction except of a verbal or formal nature (ie spelling or obvious grammatical mistakes or typographical errors) be required to be made by the Senate in any provision of a bill, which provision the Senate, under section 60 of the Constitution, may not amend, such bill shall be returned by the Senate to this House with a notification of the proposed correction, and this House shall, if such correction has been made, thereupon return the bill to the Senate for concurrence in such correction in the same manner as in the case of any other amendment.

Amendments to Senate amendments

184. No amendment shall be moved to an amendment of the Senate which is not strictly relevant to or consequential upon such amendment.

Reasons for disagreement with Senate amendments

185. If this House disagrees with any of the amendments made by the Senate, the message returning the bill shall also state the reasons why this House does not concur in the amendments proposed by the Senate.

BILLS PASSED**President's assent**

186. When a bill has been passed by the Senate and by this House, a fair copy thereof shall be certified accordingly by the Secretary and presented to the President of the Republic for his or her assent.

Fair copy sent to Senate

187. When a bill has been passed by the Senate and by this House and is in the possession of this House, a fair copy of such bill, as passed by both Houses and presented for the assent of the President of the Republic, shall be certified accordingly by the Secretary and transmitted to the Senate.

Discrepancies in bills

188. If any discrepancy in meaning is found between the version in one official language and the version in the other official language of any bill in the possession of this House after such bill has been passed by the Senate and by this House, but before it is presented to the President of the Republic for his or her assent, the Speaker shall report such discrepancy to this House, and it shall thereupon be dealt with in the same manner as any other amendment.

Bill deemed passed by Parliament

189. When a money bill has been passed by this House and is in terms of section 60(8) of the Constitution deemed to have been passed by Parliament, a fair copy thereof shall be certified accordingly by the Secretary and presented to the President of the Republic for his or her assent.

Bill passed at joint sitting

190. When a bill has been passed at a joint sitting in accordance with a requirement of the Constitution, a fair copy thereof shall be certified accordingly by the Secretary and presented to the President of the Republic for his or her assent.

INTERPELLATIONS AND QUESTIONS

GENERAL

Notice

- 191. (1)** Except as otherwise provided in these Rules or with the prior consent of the Speaker—
- (a) notice shall be given of each interpellation selected for reply by the whips' committee in this House and of each question by placing it on the Question Paper; and
 - (b) no interpellation or question for oral reply shall be asked on the day on which notice thereof is given.
- (2) A member who desires to give notice of an interpellation or a question shall deliver to the Secretary for placement on the Question Paper a signed copy of the notice, indicating the day on which the interpellation or question will be put.
- (3) A member may give notice of an interpellation or a question or take charge of an interpellation on behalf of an absent member, provided he or she has been authorised to do so by the absent member.
- (4) Any notice of an interpellation or a question which offends against the practice or these Rules may be amended or otherwise dealt with as the Speaker may decide.
- (5) No interpellation or question may be addressed to any person other than a member of the Cabinet.

INTERPELLATIONS

Form and placing

- 192. (1)** An interpellation shall consist of a question containing not more than two subdivisions.
- (2) An interpellation may be placed on the Question Paper for reply on a day at least one Parliamentary working day after the day on which it appears on it for the first time: Provided that the Speaker may, in consultation with the whips' committee, consent to an interpellation on a matter of urgent public importance being taken at shorter notice in substitution of an interpellation of which due notice has been given.

Procedure

- 193.** After the presiding officer has formally put the interpellation from the Chair—
- (a) the responsible Minister shall reply to the interpellation in a speech not exceeding three minutes;
 - (b) the interpellant shall respond to the Minister's reply in a speech not exceeding three minutes; and
 - (c) in the remainder of the allotted 15 minutes, the Minister and other members may speak for up to two minutes at a time: Provided that the Minister shall be restricted to two such additional turns to speak, including an opportunity to reply to the debate.

Precedence

- 194.** Interpellations shall have precedence on Wednesdays.

Number of interpellation debates

- 195.** The number of interpellation debates on one and the same day shall be limited to four 15-minute debates.

QUESTIONS

Placing and arrangement

- 196. (1)** Questions delivered to the Secretary before 12:00 on any Parliamentary working day may appear on the Question Paper on the second sitting day thereafter and not earlier.
- (2) Subject to this Rule, the Secretary shall place the questions on the Question Paper in the order in which they are handed to him or her.

(3) Questions for oral reply shall be dealt with in the following order:

- (i) Questions to the President standing over from previous question days;
- (ii) new questions to the President;
- (iii) questions to an Executive Deputy President standing over from previous question days;
- (iv) new questions to an Executive Deputy President;
- (v) questions to Ministers standing over from previous question days; and
- (vi) new questions to Ministers.

Questions for oral reply

Period for which notices may be set down

197. (1) No notice of a question shall be placed on the Question Paper for oral reply on a day beyond 11 consecutive Parliamentary working days following the day upon which it appears on the Question Paper for the first time.

(2) A question for oral reply may be placed on the Question Paper for reply on a day at least 5 Parliamentary working days after the day on which it appears on the Question Paper for the first time.

Form of questions

198. (1) (a) A member who desires an oral reply to a question shall distinguish it by an asterisk.

(b) If the Speaker is of the opinion that a question deals with matters of a statistical nature, he or she may direct that such question be placed on the Question Paper for written reply.

(2) Questions for oral reply shall be limited to two questions per member per question day.

(3) A question for oral reply shall contain not more than five subdivisions.

(4) Not more than four questions for oral reply shall be put to a Minister in respect of any one Government department on any particular question day.

(5) The restrictions imposed by Subrules (1)(b), (2), (3) and (4) shall not apply to questions for written reply placed on the Question Paper for oral reply in terms of Rule 202.

Times allotted

199. (1) (a) Questions for oral reply shall be taken immediately after interpellations on Wednesdays.

(b) Any unused portions of the times allotted for interpellations shall be used for replies to questions.

(2) The time allotted for questions shall be 30 minutes.

(3) Replies to questions for oral reply which have not been reached on the expiration of the time allotted shall be handed to the Secretary for inclusion in the Official Report of the Debates of this House.

Questions to President of the Republic without notice

200. (1) Questions may be put to the President of the Republic without prior notice on the second Wednesday of a session and on every second Wednesday thereafter, except the Wednesday of a week during which the President's vote in the schedule to an appropriation bill is discussed.

(2) Thirty minutes shall be allowed for questions and replies under this Rule, but if proceedings relating to a question are in progress when that time expires, the Speaker may allow them to be concluded.

(3) A member may put a question under this Rule on a particular Wednesday only if his or her name appears on the Order Paper for that purpose.

(4) A member who wants to put a question on a particular Wednesday must in writing and under his or her signature submit his or her name and the name of the political party represented by him or her in Parliament to the Secretary not earlier than the fifth Parliamentary working day before that Wednesday and not later than 12:00 on the second such working day.

(5) The Secretary shall cause the names so submitted to be selected at random in a manner approved by him or her as being impartial, and shall place not more than 10 names so selected (or such other number as may be determined by the Speaker from time to time), in the order selected but subject to Subrule (6), on the Order Paper on the last Parliamentary working day preceding the Wednesday in question.

(6) If more than two names of members who represent the same political party are selected as provided above, only the first two selected shall be included in the names placed on the Order Paper, and if the name which according to the selection is to appear first on the Order Paper is that of a member belonging to the said President's party, that name shall be interchanged on the Order Paper with the first succeeding name of a member who does not belong to that party.

(7) The presiding officer shall call the members in the order in which their names appear on the Order Paper.

(8) The member called may put one question in a concise form and, immediately after a reply thereto, one supplementary question, which must relate to his or her original question or the reply.

(9) A question put by a member under this Rule shall not be included in the number of questions allowed him or her under any other Rule.

Questions for written reply

Form of questions

201. (1) Questions for written reply may be placed on the Question Paper for reply on any Parliamentary working day: Provided that such questions shall be delivered to the Secretary before 12:00 on the Tuesday of the Parliamentary working week during which they are to be placed on the Question Paper for reply.

(2) A question for written reply shall contain not more than 15 subdivisions.

(3) Questions for written reply shall be limited per member to three in respect of any one Parliamentary working week.

Written question not replied to

202. If the responsible Minister has not within 10 Parliamentary working days of the day for which a question has been set down for written reply furnished a reply to the question, the Secretary shall, if the member in whose name the question stands so requests, place the question on the Question Paper for oral reply.

MESSAGES

Messages from Senate

203. A message received from the Senate shall be recorded in the Minutes of Proceedings, or be made known in such other manner as the Speaker may determine.

Messages to President of the Republic

204. A message from this House to the President of the Republic shall be signed by the Speaker and the Secretary.

Messages from President of the Republic

205. (1) All communications from the President of the Republic to this House shall, if he or she does not take his or her seat in this House or in a joint sitting, be by message.

(2) The message shall be presented to this House by the presiding officer, may in the discretion of the presiding officer be read out by him or her and shall be printed in the Minutes of Proceedings.

(3) The consideration of the message may be placed on the Order Paper, or the presiding officer may interrupt business at the request of the Leader of the House in order that precedence may be given to the consideration of the message: Provided that a message whereby the President of the Republic calls a joint sitting of the Houses [see section 57(3) of the Constitution] shall not be considered.

PETITIONS

Form of petitions

206. Petitions shall be in the form prescribed by the Speaker.

Language of petitions

207. A petition which is in neither of the official languages, shall be accompanied by a translation into one of those languages, certified to be true and correct by the member presenting the petition or by a sworn translator.

Signing of petitions

208. (1) Unless the Speaker decides otherwise, every petition shall be signed by the petitioners themselves.

(2) Persons unable to write shall make their marks on the petition in the presence of two witnesses, who shall sign the petition in that capacity.

Lodgement

209. (1) A petition shall be lodged by a member with the Secretary for approval and tabling by the Speaker, and shall be signed at the beginning thereof by the member.

(2) It shall not be competent for a member to lodge a petition on his or her own behalf, but such a petition may be lodged by another member.

Approval by Speaker

210. Each petition shall be deposited for at least one day with the Secretary, who shall submit it to the Speaker for his or her approval before it is laid upon the Table.

Tabling

211. A petition which has been approved by the Speaker shall be laid upon the Table by him or her.

Petition for a pension

212. A petition for a pension or other benefit in respect of service rendered to the State, which pension or benefit is not authorised by law, shall, after having been laid upon the Table, stand referred to the Standing Committee on Pensions.

GENERAL

EXECUTIVE GOVERNMENT

Resolutions affecting Executive Government

213. Resolutions of this House affecting the Executive Government shall be communicated to the President of the Republic by the Secretary.

Consent in respect of State-owned land or property

214. This House shall not proceed upon any bill, motion or proposal affecting State-owned land or property and of which a member other than a Minister is in charge, unless the President of the Republic has given his or her consent that, as far as the State's interests are concerned, the House may do therein as it shall think fit.

Advice, recommendation or approval of joint committee to Executive Government

215. (1) When the Speaker receives a request from the President of the Republic, a Minister or any other authority of the Executive Government for the advice, recommendation or approval, in terms of an Act of Parliament, of a joint committee mentioned in the request on or of a matter so mentioned, the Speaker shall refer it to the relevant joint committee for consideration and report or to a joint committee established for the purpose of such consideration and report, as the circumstances may require.

(2) The Secretary shall supply to each member of the joint committee a copy of the request together with a notification of the referral.

(3) The joint committee shall adopt a report, cause it to be printed and submit it to the Speaker.

(4) The Secretary shall then supply a copy of the printed report to the authority that made the request, and the Speaker shall at the same time or as soon as practicable lay the report upon the Table.

Liaison with Executive Government

215A. The Speaker may, in consultation with the chief whips of the parties of the President of the Republic and of the Executive Deputy Presidents, respectively, designate three members of this House as Parliamentary Counsellors, each of whom shall be charged with facilitating communication between this House and the offices of the President of the Republic and of the Executive Deputy Presidents, respectively: Provided that not more than one such member shall so be charged in relation to a particular office.

CONTEMPT

Member adjudged guilty of contempt

216. Any member of this House adjudged guilty of contempt shall be committed to the custody of the Serjeant-at-Arms by order of the Speaker and dealt with as this House may direct.

Fines

217. The amount of a fine leviable under the Powers and Privileges of Parliament Act, 1963, for each of the offences mentioned therein, as also for each offence referred to in the Rules or any resolution of this House, shall in every case be determined by an order or a resolution of this House; but such fine shall in no case exceed the sum of R200, except where otherwise provided in that Act.

Recovery of fines

218. All fines shall be recovered by the Secretary and paid into revenue.

Fines remitted and persons discharged

219. A fine or a portion thereof may be remitted or the commitment of any person may be discharged by order of this House.

WITNESSES

Attendance of witnesses detained in prison

220. (1) If a witness whose attendance before this House or a committee thereof is required, is being detained in any prison, the person in charge of such prison may be ordered to bring the witness in safe custody for examination as often as his or her attendance is deemed necessary, and the Speaker may issue his or her warrant accordingly.

(2) Such a warrant for attendance before a joint sitting or a joint committee of the Houses shall be issued by the Speaker and the President of the Senate.

Summoning of witnesses

221. (1) No committee shall summons a witness without first having satisfied the Speaker that the evidence of such witness will be material to the enquiry.

(2) For the examination of every such witness the committee shall sit *de die in diem*.

(3) In the case of a joint committee both the Speaker and the President of the Senate shall be satisfied as aforesaid.

Witness expenses

222. (1) Subject to the Speaker's approval, the Secretary may pay to witnesses a reasonable sum for travelling and attendance time and for transport expenses actually incurred.

(2) In the case of a witness before a joint sitting or a joint committee of the Houses, the approval of both the Speaker and the President of the Senate is required.

OFFICE OF SECRETARY AND RECORDS OF PARLIAMENT

Minutes of Proceedings

223. (1) The Minutes of Proceedings shall be noted by the Secretary, and shall, after having been perused by the Speaker, be printed and supplied to members.

(2) The Minutes of Proceedings of a joint sitting of the Houses shall be so printed after having been perused by the officer who presided at the sitting in question.

Journals of National Assembly

224. The Minutes of Proceedings, signed by the Secretary, shall constitute the Journals of the National Assembly.

Custody of papers

225. The Secretary shall have custody of all records and other papers of Parliament, and he or she shall neither remove nor permit to be removed any such records or other papers or copies thereof beyond the precincts of this House without the leave of the Speaker.

Access to tabled papers

226. Subject to Rule 225, no person other than a member of this House shall have access to or be entitled to take extracts from or make copies of papers laid upon the Table, but if the House has ordered that the contents of any such paper shall not be made public, or if such paper is marked as being confidential, no member shall divulge such contents, under pain of breach of privilege.

General duties of Secretary

227. (1) The Secretary shall be responsible for the regulation of all matters connected with the business of Parliament, subject to such directions as he or she may receive from the Speaker or the President of the Senate or from either House.

(2) A petition lodged with the Secretary in terms of any provision of section 124 of the Constitution shall be delivered or sent to the Independent Electoral Commission forthwith or as soon as that Commission has been reconvened under section 232(5) of the Constitution.

APPENDIX 1

The following rules will remain in force up to a date to be announced by the Speaker (see also Rules 13A(5), 44(1), 45(2), 46 en 53(j)):

PUBLIC BILLS OTHER THAN MONEY BILLS

Government Measures

Introduction and distribution

146. (1) A bill which is not a money bill and of which a member other than a private member is in charge may be introduced in this House by submitting it to the Speaker, together with a memorandum setting out its objects.

(2) The Secretary shall supply to each member of this House a copy of each bill introduced under Subrule (1) or received from the Senate, together with the memorandum thereon.

Procedure when House is in session

147. (1) When this House is in session, a bill introduced under Rule 146(1) or received from the Senate, together with the memorandum thereon, shall be laid upon the Table by the Speaker.

(2) Thereupon it shall be deemed—

(a) that the bill has been read a first time in this House; and

(b) that, unless the bill is under Subrule (3) referred to another committee, the subject of the bill has been referred to the portfolio committee under which that subject falls, for enquiry and report, the committee to have leave to bring up an amended bill.

(3) (a) A bill deemed to have been read a first time under Subrule (2) may by resolution be referred to a committee other than that prescribed in that Subrule.

(b) When a bill has been so referred, it shall be deemed that the subject of the bill has been referred to the committee concerned for enquiry and report, the committee to have leave to bring up an amended bill.

(4) If the bill has been referred to an *ad hoc* select committee and unless this House orders otherwise, the committee shall have the powers of a portfolio committee.

Procedure during recess

148. (1) When this House is not in session, a bill introduced under Rule 146(1) or received from the Senate shall be referred by the Speaker to the portfolio committee under which the subject of the bill falls or, at the request of the member in charge of the bill, to another committee.

(2) Thereupon it shall be deemed—

(a) that the bill has been read a first time in this House; and

(b) that the subject of the bill has been referred by this House to the committee for enquiry and report, the committee to have leave to bring up an amended bill.

(3) The bill, together with the memorandum thereon, shall be forwarded to the members of the committee at least 14 days before the date appointed for a meeting of the committee, unless this House is due to meet during that period.

(4) The Secretary shall cause a list of the short titles of the bills introduced during a recess to be published in the *Gazette* as soon as possible.

Report to House

149. The committee to which a bill has been referred shall, together with its report, present to this House a bill that has been agreed to by it, or if it has not agreed to a bill, the bill as referred to it, and the appropriate memorandum on its objects.

Bill placed on Order Paper for Second Reading

150. (1) The bill which has been presented to this House together with the report of a committee shall be placed on the Order Paper for Second Reading.

(2) A bill placed on the Order Paper in terms of this Rule shall be accompanied by the memorandum on its objects that was submitted together therewith or that memorandum as altered or extended by the committee or such a memorandum drafted by the committee, as the circumstances may require.

Debate on Second Reading

151. (1) The debate on the Second Reading of a bill shall be conducted on the objects and principles of the bill.

(2) The debate on the Second Reading of an amending bill shall be confined to the objects and principles of the proposed amendments to the principal Act and other relevant amendments.

(3) No motion shall be moved during the debate.

APPENDIX 2

CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1993: Sections relevant to Parliament and the Standing Rules of the two Houses of Parliament

Constituent and Formal Provisions

Languages

3. (7) A member of Parliament may address Parliament in the official South African language of his or her choice.

(8) Parliament and any provincial legislature may, subject to this section, make provision by legislation for the use of official languages for the purposes of the functioning of government, taking into account questions of usage, practicality and expense.

(9) Legislation, as well as official policy and practice, in relation to the use of languages at any level of government shall be subject to and based on the provisions of this section and the following principles:

- (a) The creation of conditions for the development and for the promotion of the equal use and enjoyment of all official South African languages;
- (b) the extension of those rights relating to language and the status of languages which at the commencement of this Constitution are restricted to certain regions;
- (c) the prevention of the use of any language for the purposes of exploitation, domination or division;
- (d) the promotion of multilingualism and the provision of translation facilities;
- (e) the fostering of respect for languages spoken in the Republic other than the official languages, and the encouragement of their use in appropriate circumstances; and
- (f) the non-diminution of rights relating to language and the status of languages existing at the commencement of this Constitution.

(10) (a) Provision shall be made by an Act of Parliament for the establishment by the Senate of an independent Pan South African Language Board to promote respect for the principles referred to in subsection (9) and to further the development of the official South African languages.

(b) The Pan South African Language Board shall be consulted, and be given the opportunity to make recommendations, in relation to any proposed legislation contemplated in this section.

(c) The Pan South African Language Board shall be responsible for promoting respect for and the development of German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu, Urdu and other languages used by communities in South Africa, as well as Arabic, Hebrew and Sanskrit and other languages used for religious purposes.

Supremacy of the Constitution

4. (1) This Constitution shall be the supreme law of the Republic and any law or act inconsistent with its provisions shall, unless otherwise provided expressly or by necessary implication in this Constitution, be of no force and effect to the extent of the inconsistency.

(2) This Constitution shall bind all legislative, executive and judicial organs of state at all levels of government.

State of emergency and suspension

34. (2) The declaration of a state of emergency and any action taken, including any regulation enacted, in consequence thereof, shall be of force for a period of not more than 21 days, unless it is extended for a period of not longer than three months, or consecutive periods of not longer than three months at a time, by resolution of the National Assembly adopted by a majority of at least two-thirds of all its members.

Parliament

Constitution of Parliament

36. Parliament shall consist of the National Assembly and the Senate.

Legislative authority of Republic

37. The legislative authority of the Republic shall, subject to this Constitution, vest in Parliament, which shall have the power to make laws for the Republic in accordance with this Constitution.

Duration of Parliament

38. (1) Parliament as constituted in terms of the first election under this Constitution shall, subject to subsection (2), continue for five years as from the date of the first sitting of the National Assembly under this Constitution.

(2) If during the period referred to in subsection (1) Parliament is dissolved under section 73(9) or 93(1) or (3)(c), the Houses of Parliament as constituted then, shall continue for the period up to the day immediately preceding the commencement of polling for the election of the National Assembly held in pursuance of such dissolution.

(3) Notwithstanding any dissolution of Parliament —

- (a) every person who at the date of the dissolution is a member of the National Assembly or the Senate shall remain a member thereof;
- (b) the National Assembly and the Senate shall remain competent to perform their functions; and
- (c) the President shall be competent to summon Parliament by proclamation in the *Gazette* to an extraordinary sitting for the despatch of urgent business,

during the period for which the Houses of Parliament continue in terms of subsection (2) after the dissolution.

(4) If Parliament is dissolved and a new Parliament is constituted as contemplated in section 39, this section shall apply *mutatis mutandis* in respect of such new Parliament save that the new Parliament shall continue for the unexpired part of the period referred to in subsection (1).

Elections

39. (1) Upon a dissolution of Parliament in terms of section 73(9) or 93(1) or (3)(c), the President shall by proclamation in the *Gazette* —

- (a) call an election of the National Assembly, which election shall take place within 90 days after the dissolution of Parliament on a date or dates specified in the proclamation; and
- (b) request parties represented in the provincial legislatures to nominate persons as senators for the respective provinces in accordance with section 48(1)(b).

(2) An election referred to in subsection (1)(a) shall be held in accordance with the Electoral Act, 1993.

THE NATIONAL ASSEMBLY**Composition of National Assembly**

40. (1) The National Assembly shall consist of 400 members elected in accordance with the system of proportional representation of voters as provided for in Schedule 2 and the Electoral Act, 1993.

(2) A person nominated as a candidate for election to the National Assembly on a regional list contemplated in Schedule 2, shall, subject to subsection (3), at the time of the nomination be ordinarily resident in the province in respect of which that regional list applies.

(3) Notwithstanding subsection (2), a regional list may contain the names of candidates who are not ordinarily resident in the province in respect of which that list applies, provided that no such list shall contain the names of more than one such candidate or more than 10 per cent of the total number of candidates the party concerned is entitled to nominate on that list, whichever is the greater number.

(4) For the purposes of this section, a person shall be deemed to be ordinarily resident at the place where he or she normally lives and to which he or she returns regularly after any period of temporary absence, including the place where he or she was previously so ordinarily resident and to which he or she returns regularly after any period of absence.

(5) If a regional list contemplated in subsection (2) contains more names of candidates not ordinarily resident in the province in respect of which that list applies than are permissible under that subsection, the surplus of such names so contained shall be deleted *mutatis mutandis* in accordance with section 22(8) of the Electoral Act, 1993.

Speaker and Deputy Speaker of National Assembly

41. (1) At its first sitting after it has been convened under section 46(2), and after the election of the President, the National Assembly, with the Chief Justice or a judge of the Supreme Court designated by him or her acting as the chairperson, shall elect one of its members to be the Speaker, and shall thereafter elect another of its members to be the Deputy Speaker.

(2) The provisions of Schedule 5 shall apply *mutatis mutandis* to the election of the Speaker and the Deputy Speaker.

(3) The Speaker shall be vested with all powers and functions assigned to him or her by this Constitution, an Act of Parliament and the rules and orders.

(4) If the Speaker is absent or for any reason unable to exercise or perform the powers or functions vested in the office of Speaker, or when the office of Speaker is vacant, the Deputy Speaker shall act as Speaker during the Speaker's absence or inability or until a Speaker is elected.

(5) If any of the circumstances described in subsection (4) applies with reference to both the Speaker and the Deputy Speaker, a member of the National Assembly designated in terms of the rules and orders shall act as Speaker while the said circumstances prevail.

(6) The Deputy Speaker or the member designated under subsection (5), while acting as Speaker, may exercise the powers and shall perform the functions vested in the office of Speaker.

(7) The Speaker, the Deputy Speaker or any other member of the National Assembly designated for that purpose in terms of the rules and orders, shall preside over sittings of the National Assembly.

(8) While presiding at a sitting of the National Assembly, the Speaker, Deputy Speaker or other member presiding shall not have a deliberative vote, but shall have and exercise a casting vote in the case of an equality of votes.

(9) The Speaker or Deputy Speaker shall vacate his or her office if he or she ceases to be a member of the National Assembly, and may be removed from office by resolution of the National Assembly, and may resign by lodging his or her resignation in writing with the Secretary to Parliament.

(10) If the office of Speaker or Deputy Speaker becomes vacant, the National Assembly, under the chairpersonship of the Chief Justice or a judge as provided in subsection (1), shall elect a member to fill the vacancy: Provided that the Speaker shall in such event preside at the election of the Deputy Speaker.

Qualification for membership of National Assembly

42. (1) No person shall become or remain a member of the National Assembly unless he or she is a South African citizen and is and remains qualified in terms of section 6 to vote in an election of the National Assembly, or if he or she —

- (a) at the time of the first election of the National Assembly held under this Constitution is serving a sentence of imprisonment of more than 12 months without the option of a fine;
- (b) at any time after the promulgation of this Constitution is convicted of an offence in the Republic, or outside the Republic if the conduct constituting such offence would have constituted an offence in the Republic, and for which he or she has been sentenced to imprisonment of more than 12 months without the option of a fine, unless he or she has received a pardon;
- (c) is an unrehabilitated insolvent;
- (d) is of unsound mind and has been so declared by a competent court; or
- (e) holds any office of profit under the Republic: Provided that the following persons shall be deemed not to hold an office of profit under the Republic for the purpose of this paragraph, namely —
 - (i) an Executive Deputy President, a Minister or a Deputy Minister;
 - (ii) a person in receipt of a pension paid from public funds or from a pension fund aided by public funds;
 - (iii) a justice of the peace or appraiser; or
 - (iv) a member of any council, board, committee, commission or similar body established by or under law or a committee of the National Assembly who receives remuneration not in excess of an amount equal to his or her salary as a member of the National Assembly.

(2) For the purposes of subsection (1)(b) no person shall be deemed as having been convicted of an offence until any appeal against the conviction or sentence has been determined, or, if no appeal against the conviction or sentence has been noted, the time for noting such an appeal has expired.

Vacation of seats

43. A member of the National Assembly shall vacate his or her seat if he or she —

- (a) ceases to be eligible to be a member of the National Assembly in terms of section 42;
- (b) ceases to be a member of the party which nominated him or her as a member of the National Assembly;
- (c) resigns his or her seat by submitting his or her resignation in writing to the Secretary to Parliament;
- (d) without having obtained leave in accordance with the rules and orders, absents himself or herself voluntarily from sittings of the National Assembly or any other parliamentary forum of which he or she is a member, for 15 consecutive days on which the National Assembly or any such forum sat; or
- (e) becomes a member of the Senate, a provincial legislature or a local government.

Filling of vacancies

44. (1) If a member of the National Assembly vacates his or her seat, the vacancy shall be filled by a person nominated in terms of subsection (2) by the party which nominated the vacating member.

(2) The party entitled in terms of subsection (1) to fill a vacancy shall nominate a person —

- (a) whose name appears on that list of candidates of that party, compiled in terms of Schedule 2, from which the vacating member was nominated to the National Assembly; and
- (b) who according to the order of preference of the candidates on such list is the next qualified and available person entitled in terms of Schedule 2 to represent that party in the National Assembly.

(3) A nomination in terms of this section shall be submitted in writing to the Speaker.

Oath or affirmation by members of National Assembly

45. Every member of the National Assembly, before taking his or her seat, shall make and subscribe an oath or solemn affirmation in the terms set out in Schedule 3 before the Chief Justice, or a judge of the Supreme Court designated by the Chief Justice for this purpose, or, in the case of a member nominated under section 44, before the Speaker.

Sittings of National Assembly

46. (1) The National Assembly shall sit at the Houses of Parliament in Cape Town, unless the Speaker, in accordance with the rules and orders and in consultation with the President of the Senate, directs otherwise on the grounds of public interest, security or convenience.

(2) The Chief Justice shall convene the National Assembly within 10 days after an election of the National Assembly.

(3) The National Assembly shall sit during such periods and on such days and during such hours as it may determine: Provided that the President may at any time by proclamation in the *Gazette* summon the National Assembly to an extraordinary sitting for the despatch of urgent business.

Quorum

47. The presence of at least one third or, when a vote is taken on a Bill, of at least one half of all the members of the National Assembly, other than the Speaker or other presiding member, shall be necessary to constitute a meeting of the National Assembly.

THE SENATE**Composition of Senate**

48. (1) The Senate shall be composed of 10 senators for each province, nominated by the parties represented in a provincial legislature within 10 days of —

- (a) the first sitting of such legislature after an election of the legislature; or
- (b) an election of the National Assembly held in pursuance of a dissolution of Parliament.

(2) Each party represented in a provincial legislature shall be entitled to nominate a senator or senators for the relevant province in accordance with the principle of proportional representation as determined by the following formula:

- (a) The number of senators each party shall be entitled to nominate, shall subject to paragraph (b) be determined by multiplying the number of seats such party holds in the provincial legislature by 10 and dividing the result by the total number of seats in the legislature plus one.
- (b) If the application of paragraph (a) yields a surplus not absorbed by the number of senators allocated to that party, such surplus shall compete with similar surpluses accruing to any other party or parties, and any undistributed senatorial seat or seats shall be allocated to the party or parties concerned in sequence of the highest surplus.

(3) A member of a provincial legislature or local government nominated as a senator in terms of this section, shall vacate his or her seat in the provincial legislature or local government upon his or her acceptance of such nomination.

President and Deputy President of Senate

49. (1) At its first sitting after it has been convened under section 53(2), and before proceeding to dispatch any other business, the Senate, with the Chief Justice or a judge of the Supreme Court designated by him or her acting as the chairperson, shall elect one of its members to be the President of the Senate, and shall thereafter elect another of its members to be the Deputy President of the Senate.

(2) The provisions of Schedule 5 shall apply *mutatis mutandis* to the election of the President and the Deputy President of the Senate.

(3) The President of the Senate shall be vested with all the powers and functions assigned to him or her by this Constitution, an Act of Parliament and the rules and orders.

(4) If the President of the Senate is absent or for any reason unable to exercise and perform the powers and functions vested in the office of President of the Senate, or when the office of President of the Senate is vacant, the Deputy President of the Senate shall act as President of the Senate during the absence or inability of the President of the Senate or until a President of the Senate is elected.

(5) If any of the circumstances described in subsection (4) applies with reference to both the President and the Deputy President of the Senate, a senator designated in terms of the rules and orders shall act as President of the Senate while the said circumstances prevail.

(6) The Deputy President of the Senate or the senator designated under subsection (5), while acting as President of the Senate, may exercise the powers and shall perform the functions vested in the office of President of the Senate.

(7) The President or Deputy President of the Senate or any other senator designated for that purpose in terms of the rules and orders shall preside over sittings of the Senate.

(8) While presiding at a sitting of the Senate, the President or Deputy President of the Senate or other senator presiding shall not have a deliberative vote, but shall have and exercise a casting vote in the case of an equality of votes.

(9) The President or Deputy President of the Senate shall vacate his or her office if he or she ceases to be a senator, and may be removed from office by resolution of the Senate, and may resign by lodging his or her resignation in writing with the Secretary to Parliament.

(10) If the office of President or Deputy President of the Senate becomes vacant, the Senate, under the chairpersonship of the Chief Justice or a judge as provided in subsection (1), shall elect a member to fill the vacancy: Provided that the President of the Senate shall in such event preside at the election of the Deputy President of the Senate.

Qualification for membership of Senate

50. No person shall be qualified to become or remain a senator unless he or she is or remains qualified to become a member of the National Assembly.

Vacation of seats by senators and filling of vacancies

51. (1) A senator shall vacate his or her seat if he or she —

- (a) ceases to qualify to be a senator in terms of section 50;
- (b) ceases to be a member of the party which nominated him or her as a senator in terms of section 48;
- (c) resigns his or her seat by submitting his or her resignation in writing to the Secretary to Parliament;
- (d) without having obtained leave in accordance with the rules and orders, absents himself or herself voluntarily from sittings of the Senate or any other parliamentary forum of which he or she is a member, for 15 consecutive days on which the Senate or any such forum sat; or
- (e) becomes a member of the National Assembly, a provincial legislature or a local government.

(2) (a) If a senator vacates his or her seat, the vacancy shall be filled by a person nominated by the party which nominated the vacating senator and who is qualified and available to fill the vacancy.

(b) A nomination in terms of this subsection shall be submitted in writing to the President of the Senate.

(3) If a provincial legislature is dissolved, the senators from the province in question shall vacate their seats in the Senate with effect from the date of the first sitting of such legislature after the election of such legislature held in pursuance of such dissolution, whereupon the vacancies shall be filled in terms of section 48(1)(a).

Oath or affirmation by senators

52. Every senator, before taking his or her seat, shall make and subscribe an oath or solemn affirmation in the terms set out in Schedule 3 before the Chief Justice, or a judge of the Supreme Court designated by the Chief Justice for this purpose, or, in the case of a senator nominated under section 51(2), before the President of the Senate.

Sittings of Senate

53. (1) The Senate shall sit at the Houses of Parliament in Cape Town, unless the President of the Senate, in accordance with the rules and orders and in consultation with the Speaker, directs otherwise on the grounds of public interest, security or convenience.

(2) The Chief Justice shall after an election of the National Assembly convene the Senate as soon as is practically possible, but not later than 30 days after such election.

(3) The Senate shall sit during such periods and on such days and during such hours as it may determine: Provided that the President may at any time by proclamation in the *Gazette* summon the Senate to an extraordinary sitting for the dispatch of urgent business.

Quorum

54. The presence of at least one third or, when a vote is taken on a Bill, of at least one half of all the senators, other than the President of the Senate or other presiding senator, shall be necessary to constitute a meeting of the Senate.

THE NATIONAL ASSEMBLY AND THE SENATE

Powers, privileges and immunities of Parliament and benefits of members

55. (1) Parliament shall have full power to control, regulate and dispose of its internal affairs, and shall have all such other powers, privileges and immunities as may, subject to this Constitution, be prescribed by an Act of Parliament.

(2) Subject to the rules and orders there shall be freedom of speech and debate in or before Parliament and any committee thereof, and such freedom shall not be impeached or questioned in any court.

(3) A member of Parliament shall not be liable to any civil or criminal proceedings, arrest, imprisonment or damages by reason of anything which he or she has said, produced or submitted in or before or to Parliament or any committee thereof or by reason of anything which may have been revealed as a result of what he or she has said, produced or submitted in or before or to Parliament or any committee thereof.

(4) There shall, subject to section 207(2), be paid out of and as a charge on the National Revenue Fund to a member of the National Assembly or the Senate such remuneration and allowances as may be prescribed by or determined under an Act of Parliament.

[Sub (4) substituted by sec 1 of Act 13 of 1994]

Penalty for sitting or voting when disqualified by law

56. Any person who in terms of this Constitution is disqualified to sit as a member of a House and who, while so disqualified and knowing that he or she is so disqualified, sits or votes as a member of a House in question, shall be liable to a penalty determined by the rules and orders for each day on which he or she so sits or votes, which may be recovered for credit of the National Revenue Fund by action in a court of law.

Joint sittings of Houses

57. (1) Whenever necessary the National Assembly and the Senate shall convene in a joint sitting, which shall be presided over by the Speaker, the President of the Senate or any other member of the National Assembly or the Senate as may be determined by the rules and orders.

(2) While presiding at a joint sitting the Speaker, the President of the Senate or the other member presiding, shall not have a deliberative vote, but shall have and exercise a casting vote in the case of an equality of votes.

(3) Without derogating from the power of Parliament to regulate its business and proceedings, the President of the Republic may, whenever he or she deems it desirable, request by message to the Speaker and the President of the Senate that a joint sitting of the National Assembly and the Senate be convened.

Rules and orders

58. (1) The National Assembly or the Senate may make rules and orders in connection with the conduct of its business and proceedings, and the National Assembly and the Senate may make joint rules and orders in connection with the conduct of their joint business and proceedings, including rules and orders regulating —

- (a) the establishment, constitution, powers and functions, procedures and duration of committees of Parliament;
- (b) restrictions on access to such committees;
- (c) the competency of any such committee to perform or dispose of its business and proceedings at venues other than the Houses of Parliament; and
- (d) the designation of members of the National Assembly and the Senate as presiding officers to preside over sittings of the National Assembly or the Senate or joint sittings of the National Assembly and the Senate, as the case may be, as and when the Speaker or the President of the Senate so requires.

(2) For the purposes of exercising its powers and performing its functions, any committee established under subsection (1)(a) shall have the power to summon persons to appear before it to give evidence on oath or affirmation and to produce any documents required by it, and to receive representations from interested persons.

Ordinary Bills

59. (1) An ordinary Bill may be introduced in either the National Assembly or the Senate and shall for its passing by Parliament, subject to subsection (2), be required to be adopted by each House.

(2) An ordinary Bill passed by one House and rejected by the other shall be referred to a joint committee consisting of members of both Houses and of all the parties represented in Parliament and willing to participate in the joint committee, to consider and report on any proposed amendments to the Bill, whereafter the Bill shall be referred to a joint sitting of both Houses, at which it may be passed with or without amendment by a majority of the total number of members of both Houses.

(3) All Bills, except the new constitutional text and those referred to in sections 60(1), 61 and 62, shall for the purposes of this Constitution be considered to be ordinary Bills.

Money Bills

60. (1) Bills appropriating revenue or moneys or imposing taxation shall be introduced in the National Assembly only.

(2) Bills appropriating revenue or moneys for services provided by the national government shall deal with such appropriation only.

(3) The National Assembly shall not consider any Bill appropriating revenue or moneys unless such Bill was initiated by the Minister responsible for national financial matters, or by any other Minister acting with the concurrence of the said Minister.

(4) The National Assembly shall not pass a Bill referred to in subsection (1) unless it has been considered and reported on by a joint committee of both Houses and, in so far as it may be required in terms of this Constitution, by the Financial and Fiscal Commission.

(5) A Bill shall not be deemed to appropriate revenue or moneys or to impose taxation by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties.

(6) The Senate may not amend any Bill in so far as it appropriates revenue or moneys or imposes taxation.

(7) If the National Assembly passes a Bill imposing taxation or dealing with the appropriation of revenue or moneys and the Senate rejects it or proposes amendments to it or fails to pass it within 30 days after it has been passed by the National Assembly, the Bill shall be referred back to the National Assembly for reconsideration.

(8) The National Assembly may pass a Bill referred to in subsection (7), with or without amendment, and if passed by the National Assembly such Bill shall be deemed to have been passed by Parliament.

Bills affecting certain provincial matters

61. Bills affecting the boundaries or the exercise or performance of the powers and functions of the provinces shall be deemed not to be passed by Parliament unless passed separately by both Houses and, in the case of a Bill, other than a Bill referred to in section 62, affecting the boundaries or the exercise or performance of the powers or functions of a particular province or provinces only, unless also approved by a majority of the senators of the province or provinces in question in the Senate.

Bills amending Constitution

62. (1) Subject to subsection (2) and section 74, a Bill amending this Constitution shall, for its passing by Parliament, be required to be adopted at a joint sitting of the National Assembly and the Senate by a majority of at least two-thirds of the total number of members of both Houses.

(2) No amendment of sections 126 and 144 shall be of any force and effect unless passed separately by both Houses by a majority of at least two-thirds of all the members in each House: Provided that the boundaries and legislative and executive competences of a province shall not be amended without the consent of a relevant provincial legislature.

Requisite majorities

63. Save where otherwise required in this Constitution, all questions before the National Assembly or the Senate or before the National Assembly and the Senate in a joint sitting, shall be determined by a majority of votes cast.

Assent to Bills

64. (1) A Bill duly passed by Parliament in accordance with this Constitution shall be assented to by the President subject to section 82(1)(b).

(2) A Bill referred to in subsection (1) to which the President has assented and a copy of which he or she has signed, shall upon its promulgation be an Act of Parliament.

Signature and enrolment of Acts

65. (1) An Act of Parliament referred to in section 64(2) shall be enrolled of record in the office of the Registrar of the Appellate Division of the Supreme Court in such official South African languages as may be required in terms of section 3, and copies of the Act so enrolled shall be conclusive evidence of the provisions of the Act.

(2) In the case of a conflict between copies of an Act enrolled in terms of subsection (1), the copy signed by the President shall prevail.

(3) The public shall have the right of access to copies of an Act so enrolled, subject to such laws as may be passed by Parliament to protect the safety and durability of the said copies and with due regard to the convenience of the Registrar's staff.

Rights and duties of President, Executive Deputy Presidents, Ministers and Deputy Ministers in Houses

66. The President, an Executive Deputy President, a Minister and a Deputy Minister shall be entitled to sit and to speak in any House and at a joint sitting of the Houses, but may not vote in the House of which he or she is not a member or, if he or she is not a member of any of the Houses, in any House or at a joint sitting of the Houses.

[Sec 66 amended by sec 1 of Act 14 of 1994]

Public access to Parliament

67. Sittings of the National Assembly or the Senate and joint sittings of the National Assembly and the Senate shall be held in public, and the public, including the media, shall have access to such sittings: Provided that reasonable measures may be taken to regulate such access and to provide for the search and, where appropriate, the refusal of entry or the removal of any person.

PRESIDENT AND CABINET**Election of President**

77. (1) (a) The National Assembly shall at its first sitting after it has been convened in terms of section 46(2) elect one of its members as the President.

(b) The National Assembly and the Senate shall thereafter, as often as it again becomes necessary to elect a President, elect at a joint sitting one of the members of the National Assembly as the President.

(2) (a) The Chief Justice, or a judge of the Supreme Court designated by the Chief Justice for this purpose, shall preside over any sitting at which an election referred to in subsection (1) takes place.

(b) An election referred to in subsection (1) shall be conducted in accordance with Schedule 5.

Remuneration of President

79. There shall be paid to the President out of and as a charge on the National Revenue Fund and apart from any privilege which he or she may enjoy, such remuneration and allowances, and upon his or her retirement, or to his or her widow or widower or dependent or nominee (including his or her estate) as he or she may elect, on his or her death, such pension and pension benefits, as may be determined from time to time by resolution of Parliament.

[Sec 79 amended by sec 1 of Act 29 of 1994]

Powers and functions of President

82. (4) (a) The President shall be the Commander-in-Chief of the National Defence Force.

(b) The President may —

- (i) with the approval of Parliament, declare a state of national defence;
- (ii) employ the National Defence Force in accordance with and subject to sections 227 and 228; and
- (iii) confer upon members of the National Defence Force permanent commissions and cancel such commissions.

Removal from office of President or Executive Deputy President

87. The President or an Executive Deputy President shall cease to hold office on a resolution adopted at a joint sitting of the National Assembly and the Senate by a majority of at least two-thirds of the total number of members of the Houses and impeaching the President or such Executive Deputy President on the ground of a serious violation of this Constitution or the other laws of the Republic, or of misconduct or inability rendering him or her unfit to exercise and perform his or her powers and functions in accordance with section 81 or 84(4), as the case may be.

Accountability of Ministers and Cabinet

92. (1) A Minister shall be accountable individually both to the President and to Parliament for the administration of the portfolio entrusted to him or her, and all members of the Cabinet shall correspondingly be accountable collectively for the performance of the functions of the national government and for its policies.

(2) A Minister shall administer his or her portfolio in accordance with the policy determined by the Cabinet.

(3) If a Minister fails to administer his or her portfolio in accordance with the policy of the Cabinet, the President may require the Minister concerned to bring the administration of the portfolio into conformity with such policy.

(4) If the Minister concerned fails to comply with a requirement of the President under subsection (3), the President may —

- (a) in the case of a Minister referred to in section 88(1)(a), after consultation with the Minister and, if the Minister is not a member of the President's party, or is not the leader of a participating party, also after consultation with the leader of such Minister's party; or
- (b) in the case of a Minister referred to in section 88(1)(b), after consultation with the Executive Deputy Presidents and the leaders of the participating parties,

remove the Minister from office.

[Sub (4) substituted by sec 3 of Act 14 of 1994]

Votes of no confidence

93. (1) If Parliament passes a vote of no confidence in the Cabinet, including the President, the President shall, unless he or she resigns, dissolve Parliament and call an election in accordance with section 39.

(2) If Parliament passes a vote of no confidence in the President, but not in the other members of the Cabinet, the President shall resign.

(3) If Parliament passes a vote of no confidence in the Cabinet, excluding the President, the President may —

- (a) resign;
- (b) reconstitute the Cabinet in accordance with section 88(4); or
- (c) dissolve Parliament and call an election in accordance with section 39.

(4) The President shall where required, or where he or she elects, to do so in terms of this section, dissolve Parliament by proclamation in the *Gazette* within 14 days of the relevant vote of no confidence.

The Judicial Authority and the Administration of Justice**Constitutional Court and its jurisdiction**

98. (2) The Constitutional Court shall have jurisdiction in the Republic as the court of final instance over all matters relating to the interpretation, protection and enforcement of the provisions of this Constitution, including —

- (c) any inquiry into the constitutionality of any law, including an Act of Parliament, irrespective of whether such law was passed or made before or after the commencement of this Constitution;
- (d) any dispute over the constitutionality of any Bill before Parliament or a provincial legislature, subject to subsection (9);

(3) The Constitutional Court shall be the only court having jurisdiction over a matter referred to in subsection (2), save where otherwise provided in sections 101(3) and (6) and 103(1) and in an Act of Parliament.

[Sub (3) substituted by sec 3 of Act 13 of 1994]

(4) A decision of the Constitutional Court shall bind all persons and all legislative, executive and judicial organs of state.

(5) In the event of the Constitutional Court finding that any law or any provision thereof is inconsistent with this Constitution, it shall declare such law or provision invalid to the extent of its inconsistency: Provided that the Constitutional Court may, in the interests of justice and good government, require Parliament or any other competent authority, within a period specified by the Court, to correct the defect in the law or provision, which shall then remain in force pending correction or the expiry of the period so specified.

(9) The Constitutional Court shall exercise jurisdiction in any dispute referred to in subsection (2)(d) only at the request of the Speaker of the National Assembly, the President of the Senate or the Speaker of a provincial legislature, who shall make such a request to the Court upon receipt of a petition by at least one-third of all the members of the National Assembly, the Senate or such provincial legislature, as the case may be, requiring him or her to do so.

Appointment, removal from office and remuneration of judges

104. (4) A judge may only be removed from office by the President on the grounds of misbehaviour, incapacity or incompetence established by the Judicial Service Commission and upon receipt of an address from both the National Assembly and the Senate praying for such removal.

Judicial Service Commission

105. (1) There shall be a Judicial Service Commission, which shall, subject to subsection (3), consist of —

- (h) four senators designated *en bloc* by the Senate by resolution adopted by a majority of at least two-thirds of all its members;

THE PUBLIC PROTECTOR

Establishment and appointment

110. (2) The President shall, whenever it becomes necessary, appoint as the Public Protector a person —

- (a) nominated by a joint committee of the Houses of Parliament composed of one member of each party represented in Parliament and willing to serve on the committee; and
- (b) approved by the National Assembly and the Senate by a resolution adopted by a majority of at least 75 per cent of the members present and voting at a joint meeting:

Provided that if any nomination is not approved as required in paragraph (b), the joint committee shall nominate another person.

(3) The first appointment of a person as the Public Protector after the commencement of this Constitution shall be made as soon as possible after the first sitting of the Senate under this Constitution.

[Sub (3) substituted by sec 7 of Act 13 of 1994 and amended by sec 4 of Act 29 of 1994]

(8) The Public Protector may be removed from office by the President, but only on the grounds of misbehaviour, incapacity or incompetence, determined by a joint committee of the Houses of Parliament, composed as provided in subsection (2)(a), and upon receipt of an address from both the National Assembly and the Senate requesting such removal.

Powers and functions

112. (6) The Public Protector shall report in writing on his or her activities to Parliament at least once every year.

HUMAN RIGHTS COMMISSION

Establishment and appointments

115.(3) The President shall, whenever it becomes necessary, appoint as a member of the Commission a person —

- (a) nominated by a joint committee of the Houses of Parliament composed of one member of each party represented in Parliament and willing to participate in the committee; and
- (b) approved by the National Assembly and the Senate by a resolution adopted by a majority of at least 75 per cent of the members present and voting at a joint meeting:

Provided that if any nomination is not approved as required in paragraph (b), the joint committee shall nominate another person.

(4) The first members of the Commission after the commencement of this Constitution, shall be appointed as soon as possible after the first sitting of the Senate under this Constitution.

[Sub (4) substituted by sec 8 of Act 13 of 1994 and amended by sec 5 of Act 29 of 1994]

Powers and functions

116. (2) If the Commission is of the opinion that any proposed legislation might be contrary to Chapter 3 or to norms of international human rights law which form part of South African law or to other relevant norms of international law, it shall immediately report that fact to the relevant legislature.

Reports

118. The Commission shall report to the President at least once every year on its activities, and the President shall cause such report to be tabled promptly in the National Assembly and the Senate.

COMMISSION ON GENDER EQUALITY**Establishment**

119. (3) The object of the Commission shall be to promote gender equality and to advise and to make recommendations to Parliament or any other legislature with regard to any laws or proposed legislation which affects gender equality and the status of women.

PROVINCES**Establishment of provinces**

124. (1) The following provinces are hereby established, which for the purposes of this Constitution, but subject to subsection (2), shall be recognised as the provinces of the Republic:

- (a) Eastern Cape;
- (b) Eastern Transvaal;
- (c) KwaZulu/Natal;
- (d) Northern Cape;
- (e) Northern Transvaal;
- (f) North-West;
- (g) Orange Free State;
- (h) Pretoria-Witwatersrand-Vereeniging; and
- (i) Western Cape;

Provided that Parliament shall at the request of a provincial legislature alter the name of a province in accordance with the request of such legislature.

(14) The President shall by proclamation in the *Gazette*, to take effect on such date as may be determined by the Independent Electoral Commission, amend subsection (1) and Schedule 1 to give effect to any alteration made in terms of this section.

(15) Notwithstanding the provisions of section 62, Parliament may by a majority of votes in each House, effect consequential amendments to this Constitution arising out of any alterations to provinces or provincial boundaries, or directions given by the Independent Electoral Commission in terms of this section.

[Sec 124 amended by sec 1 of Act 2 of 1994.]

Legislative competence of provinces

126. (1) A provincial legislature shall be competent, subject to subsections (3) and (4), to make laws for the province with regard to all matters which fall within the functional areas specified in Schedule 6.

[Sub (1) substituted by sec 2(a) of Act 2 of 1994.]

(2) The legislative competence referred to in subsection (1), shall include the competence to make laws which are reasonably necessary for or incidental to the effective exercise of such legislative competence.

(2A) Parliament shall be competent, subject to subsections (3) and (4), to make laws with regard to matters referred to in subsections (1) and (2).

[Sub (2A) inserted by sec 2(b) of Act 2 of 1994.]

(3) A law passed by a provincial legislature in terms of this Constitution shall prevail over an Act of Parliament which deals with a matter referred to in subsection (1) or (2) except in so far as —

- (a) the Act of Parliament deals with a matter that cannot be regulated effectively by provincial legislation;
- (b) the Act of Parliament deals with a matter that, to be performed effectively, requires to be regulated or co-ordinated by uniform norms or standards that apply generally throughout the Republic;

- (c) the Act of Parliament is necessary to set minimum standards across the nation for the rendering of public services;
- (d) the Act of Parliament is necessary for the maintenance of economic unity, the protection of the environment, the promotion of interprovincial commerce, the protection of the common market in respect of the mobility of goods, services, capital or labour, or the maintenance of national security; or
- (e) the provincial law materially prejudices the economic, health or security interests of another province or the country as a whole, or impedes the implementation of national economic policies.

[Sub (3) substituted by sec 2(c) of Act 2 of 1994.]

(4) An Act of Parliament shall prevail over a provincial law, as provided for in subsection (3), only if it applies uniformly in all parts of the Republic.

(5) An Act of Parliament and a provincial law shall be construed as being consistent with each other, unless, and only to the extent that, they are, expressly or by necessary implication, inconsistent with each other.

(6) A provincial legislature may recommend to Parliament the passing of any law relating to any matter in respect of which such legislature is not competent to make laws or in respect of which an Act of Parliament prevails over a provincial law in terms of subsection (3).

Provinces' share of revenue collected nationally

155. (2) The equitable share of revenue referred to in subsection (1) shall consist of —

- (a) a percentage, as fixed by an Act of Parliament, of income tax on individuals which is collected nationally;
- (b) a percentage, as fixed by an Act of Parliament, of value-added tax or other sales tax which is collected nationally;
- (c) a percentage, as fixed by an Act of Parliament, of any national levy on the sale of fuel;

[Sub (2) substituted by sec 3(a) of Act 2 of 1994.]

(2A) Sections 59(2) and 60 shall not apply to an Act referred to in subsection (2), and such an Act shall be passed by the National Assembly and the Senate sitting separately.

[Sub (2A) inserted by sec 3(b) of Act 2 of 1994.]

Levying of taxes by provinces

156. (1) A provincial legislature shall be competent to raise taxes, levies and duties, other than income tax or value-added or other sales tax, and to impose surcharges on taxes, provided that —

[Words preceding par (a) substituted by sec 4(a) of Act 2 of 1994.]

- (a) it is authorised to do so by an Act of Parliament passed after recommendations of the Financial and Fiscal Commission on the draft text of any such Act have been submitted to and considered by Parliament; and
- (b) there is no discrimination against non-residents of that province who are South African citizens.

(1A) Sections 59(2) and 60 shall not apply to an Act referred to in subsection (1), and such an Act shall be passed by the National Assembly and the Senate sitting separately.

Raising of loans by provinces

157. (1) A province —

- (a) shall, subject to subsection (2), not be competent to raise loans for current expenditure; and
- (b) shall be competent to raise loans for capital expenditure, provided it does so within the framework of reasonable norms and conditions prescribed by an Act of Parliament passed after recommendations of the Financial and Fiscal Commission relating to the draft text of any such Act have been submitted to and considered by Parliament.

[Par (b) substituted by sec 5(a) of Act 2 of 1994.]

(1A) Sections 59(2) and 60 shall not apply to an Act referred to in subsection (1)(b), and such an Act shall be passed by the National Assembly and the Senate sitting separately.

[Sub (1A) inserted by sec 5(b) of Act 2 of 1994.]

(2) Loans referred to in subsection (1)(a) may be raised for bridging finance during a fiscal year, subject to the condition that they shall be redeemed within 12 months and subject to such further, reasonable conditions as may be prescribed by an Act of Parliament passed after recommendations of the Financial and Fiscal Commission relating to the draft text of any such Act have been submitted to and considered by Parliament.

[Sub (2) substituted by sec 5(c) of Act 2 of 1994.]

Traditional Authorities

Council of Traditional Leaders

184. (1) There is hereby established a Council of Traditional Leaders consisting of a chairperson and 19 representatives elected by traditional authorities in the Republic.

(2) The Chairperson and members of the Council shall be elected by an electoral college constituted by the members of the Houses of Traditional Leaders referred to in section 183.

(3) (a) Draft legislation providing, subject to this Chapter, for the composition, the election of representatives and the powers and functions of the Council established by subsection (1), and for procedures applicable to the exercise and performance of such powers and functions, and for any other matters incidental to the establishment and functioning of the Council, shall be introduced in Parliament not later than six months as from the commencement of this Constitution.

(b) Section 183(1)(c) shall apply *mutatis mutandis* in respect of draft legislation referred to in paragraph (a) of this subsection, and in such application a reference therein to a provincial legislature shall be construed as a reference to Parliament.

(4) The Council shall, in addition to any other powers and functions assigned to it by any other law, be competent —

(a) to advise and make recommendations to the national government with regard to any matter pertaining to traditional authorities, indigenous law or the traditions and customs of traditional communities anywhere in the Republic, or any other matters having a bearing thereon; and

(b) at the request of the President, to advise him or her on any matter of national interest.

(5) (a) Any parliamentary Bill pertaining to traditional authorities, indigenous law or the traditions and customs of traditional communities or any other matters having a bearing thereon, shall, after having been passed by the House in which it was introduced but before it is passed by the other House, be referred by the Secretary to Parliament to the Council for its comments.

(b) The Council shall, within 30 days as from the date of such referral, indicate by written notification to the Secretary to Parliament its support for or opposition to the Bill, together with any comments it wishes to make.

(c) If the Council indicates in terms of paragraph (b) its opposition to the Bill, the other House shall not pass the Bill before a period of 30 days as from the date of receipt by the said Secretary of such written notification has lapsed.

(d) If the Council fails to indicate within the period prescribed by paragraph (b) whether it supports or opposes the Bill, Parliament may proceed with the Bill.

Volkstaat Council

Provision for establishment of Volkstaat Council

184A. (1) The establishment of a Volkstaat Council is hereby authorised.

(2) The Council shall consist of 20 members elected by members of Parliament who support the establishment of a Volkstaat for those who want it.

(3) The Council shall conduct its affairs according to rules made by the Council.

*Finance***GENERAL FINANCIAL AFFAIRS****National Revenue Fund**

185. (1) There is hereby established a National Revenue Fund, into which shall be paid all revenues, as may be defined by an Act of Parliament, raised or received by the national government, and from which appropriations shall be made by Parliament in accordance with this Constitution or any applicable Act of Parliament, and subject to the charges imposed thereby.

(2) No money shall be withdrawn from the National Revenue Fund, except under appropriation made by an Act of Parliament in accordance with this Constitution: Provided that revenue to which a province is entitled in terms of section 155(2)(a), (b), (c) and (d) shall form a direct charge against the National Revenue Fund to be credited to the respective Provincial Revenue Funds.

[Proviso to sub (2) substituted by sec 12 of Act 13 of 1994]

Annual budget

186. The Minister responsible for national financial affairs shall in respect of every financial year cause to be laid before the National Assembly an annual budget reflecting the estimates of revenue and expenditure, which shall, *inter alia*, reflect capital and current expenditure of the government for that year.

Income tax of elected representatives

190. Without derogating from the Receiver of Revenue's powers and functions, the Receiver of Revenue shall annually assess the income tax returns of all elected representatives at all levels of government.

Pensions of political office-bearers

190A. (1) There shall be paid out of and as a charge on the pension fund referred to in subsection (2) to a political office-bearer upon his or her retirement as a political office-bearer, or to his or her widow or widower or dependent or any other category of persons as may be determined in the rules of such pension fund upon his or her death, such pension and pension benefits as may be determined in terms of the said rules.

(2) A pension fund shall be established for the purposes of this section after consultation with a committee appointed by Parliament, and such a fund shall be registered in terms of and be subject to the laws governing the registration and control of pension funds in the Republic.

(3) All political office-bearers shall be members of the said pension fund.

(4) Contributions to the said fund by members of the fund shall be made at a rate to be determined in the rules of the fund, and such contributions shall be deducted monthly from the remuneration payable to members as political office-bearers.

(5) Contributions to the said fund by the State shall be made at a rate to be determined by the President, and such contributions shall be paid monthly from the National Revenue Fund and the respective Provincial Revenue Funds, according to whether a member serves at national or provincial level of government.

(6) In this section "political office-bearer" means —

- (a) an Executive Deputy President;
- (b) a Minister or Deputy Minister;
- (c) a member of the National Assembly or the Senate;
- (d) the Premier or a member of the Executive Council of a province;
- (e) a member of a provincial legislature;
- (f) a diplomatic representative of the Republic who is not a member of the public service; or
- (g) any other political office-bearer recognised for purposes of this section by an Act of Parliament.

[Sec 190A inserted by sec 13(1) of Act 13 of 1994]

[See also sec 13(2) and (3) of Act 13 of 1994]

AUDITOR-GENERAL

Establishment and appointment

191. (1) There shall be an Auditor-General for the Republic.
- (2) The President shall whenever it becomes necessary appoint as Auditor-General a person —
- (a) nominated by a joint committee of the Houses of Parliament, composed of one member of each party represented in Parliament and willing to participate in the committee; and
 - (b) approved by the National Assembly and the Senate by resolution adopted, without debate, by a majority of at least two-thirds of the members present and voting at a joint meeting:

Provided that if any nomination is not approved as required in paragraph (b), the joint committee shall nominate another person.

(9) The Auditor-General may be removed from office by the President, but only on the grounds of misconduct, incapacity or incompetence determined by a joint committee of the Houses of Parliament composed as provided for in subsection (2)(a), and upon receipt of a request for such removal made by Parliament in pursuance of a resolution to that effect adopted at a joint sitting of the National Assembly and the Senate.

Powers and functions

193. (3) The Auditor-General shall also, at the request of the President or Parliament, conduct performance audits.

(7) The Auditor-General shall report on the accounts examined by him or her and submit such reports to the authorities designated by an Act of Parliament to receive them, and, unless otherwise provided by an Act of Parliament, such reports or a report by the Auditor-General on any other matter shall be submitted to Parliament within seven days after receipt thereof by such authority.

FINANCIAL AND FISCAL COMMISSION

Constitution, expertise and impartiality

200. (4) (a) Unless the new constitutional text provides otherwise, a member of the Commission may be removed from office only by the President and only on account of misconduct, incapacity or incompetence.

(b) The President shall within 14 days after the removal from office of a member of the Commission, notify Parliament and the provincial legislatures by message of such removal and of the reasons therefor.

COMMISSION ON REMUNERATION OF REPRESENTATIVES

Establishment

207. (1) There shall be established by an Act of Parliament a Commission on Remuneration of Representatives.

(2) The Commission shall make recommendations to Parliament, the provincial legislatures and local governments regarding the nature, extent and conditions of the remuneration and allowances of the members of all elected legislative bodies of the national government and of provincial and local governments, including members of the Provincial Houses of Traditional Leaders and the Council of Traditional Leaders.

Composition and functioning

208. (1) The composition, structure, powers, functions and procedures of the Commission and related matters shall be provided for in the Act referred to in section 207.

(2) Reports by the Commission shall be tabled in Parliament: Provided that the Commission shall report to Parliament on its activities at least once every year.

Public Service Commission and Public Service

PUBLIC SERVICE COMMISSION

Composition

211. (1) (e) A member of the Commission may be removed from office by the President on account of misconduct, or unfitness for his or her duties, or incapacity to carry them out efficiently, or if, for reasons other than unfitness or incapacity, his or her removal from office will promote efficiency, and particulars of the removal, including the reasons therefor, shall be submitted by the President to Parliament within 14 days after such removal.

NATIONAL DEFENCE FORCE

Accountability

228. (1) The Minister responsible for defence shall be accountable to Parliament for the National Defence Force.

(2) Parliament shall annually approve a budget for the defence of the Republic.

(3) (a) A joint standing committee of Parliament on defence shall be established, consisting of members of all political parties holding more than 10 seats in the National Assembly and willing to participate in the committee.

(b) The total membership of the committee shall be as determined by or under the rules and orders.

(c) Such a party shall be entitled to designate a member or members on the committee in accordance with the principle of proportional representation and as determined in accordance with the following formula:

- (i) A quota of seats per member of the committee shall be determined by dividing the total number of seats in the National Assembly held jointly by all the parties referred to in paragraph (a) by the total number of members of the committee plus one.
- (ii) The result, disregarding third and subsequent decimals, if any, shall be the quota of seats per member.
- (iii) The number of members that a participating party shall be entitled to designate on the committee, shall be determined by dividing the total number of seats held by such party in the National Assembly by the quota referred to in subparagraph (ii).
- (iv) The result shall, subject to subparagraph (v), indicate the number of members that such party is entitled to designate on the committee.
- (v) Where the application of the above formula yields a surplus not absorbed by the number of members allocated to a party, such surplus shall compete with other similar surpluses accruing to another party or parties, and any member or members which remain unallocated shall be allocated to the party or parties concerned in sequence of the highest surplus.

(d) The committee shall be competent to investigate and make recommendations regarding the budget, functioning, organisation, armaments, policy, morale and state of preparedness of the National Defence Force and to perform such other functions relating to parliamentary supervision of the Force as may be prescribed by law.

(4) (a) The President shall, when the National Defence Force is employed for service referred to in section 227(1)(a), (b) or (e), forthwith inform Parliament of the reasons for such employment.

(b) If, in the case of such an employment referred to in section 227(1)(a) or (b), Parliament is not sitting, the President shall summon the joint standing committee referred to in subsection (3) to meet expeditiously, but not later than 14 days after the commencement of such employment, and shall inform the committee of the reasons for such employment.

(5) Parliament may by resolution terminate any employment referred to in section 227(1)(a), (b) or (e), but such termination of employment shall not affect the validity of anything done in terms of such employment up to the date of such termination, or any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such employment.

GENERAL AND TRANSITIONAL PROVISIONS

Continuation of existing laws

229. Subject to this Constitution, all laws which immediately before the commencement of this Constitution were in force in any area which forms part of the national territory, shall continue in force in such area, subject to any repeal or amendment of such laws by a competent authority.

Continuation of international agreements and status of international law

231. (1) All rights and obligations under international agreements which immediately before the commencement of this Constitution were vested in or binding on the Republic within the meaning of the previous Constitution, shall be vested in or binding on the Republic under this Constitution, unless provided otherwise by an Act of Parliament.

(2) Parliament shall, subject to this Constitution, be competent to agree to the ratification of or accession to an international agreement negotiated and signed in terms of section 82(1)(i).

(3) Where Parliament agrees to the ratification of or accession to an international agreement under subsection (2), such international agreement shall be binding on the Republic and shall form part of the law of the Republic, provided Parliament expressly so provides and such agreement is not inconsistent with this Constitution.

(4) The rules of customary international law binding on the Republic, shall, unless inconsistent with this Constitution or an Act of Parliament, form part of the law of the Republic.

Interpretation

232. (1) Unless it is inconsistent with the context or clearly inappropriate, a reference in a law referred to in section 229 –

(b) to a Parliament, House of a Parliament or legislative assembly or body of any territory which after the commencement of this Constitution forms part of the national territory, shall –

(i) if the administration of such a law is allocated in terms of this Constitution to the national government, be construed as a reference to Parliament referred to in section 36; or

(ii) if the administration of such law is allocated or assigned in terms of this Constitution to a government of a province, be construed as a reference to the provincial legislature of that province;

(5) (a) Notwithstanding the provisions of the Independent Electoral Commission Act, 1993 (Act No. 150 of 1993), the President may at any time after the dissolution of the Independent Electoral Commission in terms of section 9 of that Act, by proclamation in the *Gazette*, reconvene the Commission for the purposes of a referendum or election referred to in section 124.

(b) If any person who before its dissolution was a member of the Commission, cannot or is unwilling to serve as a member after it has been reconvened under paragraph (a), Parliament may, by resolution adopted at a joint sitting of the National Assembly and the Senate by a majority of at least two-thirds of the total number of members of both Houses, appoint any suitably qualified person to replace any such member.

Definitions

233. (1) In this Constitution, unless the context otherwise indicates –

(iv) "House", in relation to Parliament, means the National Assembly or the Senate; (iii)

(2) A reference in this Constitution to rules and orders shall according to the context be construed as a reference to the rules and orders of the National Assembly or the Senate, or the joint rules and orders of the National Assembly and the Senate, or the rules and orders of the Constitutional Assembly, or the rules and orders of a provincial legislature.

Transitional arrangements: Legislative authorities

234.(1) A person who immediately before the commencement of this Constitution was a member of Parliament or of any other legislature (excluding a local government) which exercised legislative powers in respect of any area which forms part of the national territory, shall upon such commencement cease to be such a member, but shall for the purpose of any law relating to the payment of pension benefits to such members not be disqualified solely by reason of this section.

(2) A person who immediately before the commencement of this Constitution was employed by Parliament, shall after such commencement continue in such employment, subject to and in accordance with the applicable laws regulating such employment.

(3) The provisions of section 236(4), (5) and (6) shall apply *mutatis mutandis* in respect of a person referred to in subsection (2).

(5) Any matter before Parliament or any such other legislature which immediately before the commencement of this Constitution was not yet disposed of by Parliament or such legislature, as the case may be, shall lapse upon such commencement.

(6) The rules and orders of Parliament in force immediately before the commencement of this Constitution, shall, to the extent that they can *mutatis mutandis* be applied in respect of the business and proceedings of Parliament under this Constitution, continue in force until amended or replaced in terms of this Constitution.

Transitional arrangements: Executive authorities

235. (7) (a) The President may, after consultation with the Premier of a province, by proclamation in the *Gazette* take such measures, including legislative measures, as he or she considers necessary for the better achievement of this section.

(b) A copy of a proclamation under paragraph (a), shall be submitted to Parliament within 14 days after the publication thereof.

(c) If Parliament disapproves of any such proclamation or any provision thereof, such proclamation or provision shall thereafter cease to be of force and effect to the extent to which it is so disapproved, but without prejudice to the validity of anything done in terms of such proclamation up to the date upon which it so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such proclamation.

Rationalisation of public administration

237. (3) (a) The President may, subject to subsection (2)(a), by proclamation in the *Gazette* take such steps as he or she considers necessary in order to achieve the aim mentioned in subsection (1).

(b) Without derogating from the generality of paragraph (a), the steps referred to in that paragraph may include —

- (i) the amendment, repeal or replacement of any law regulating the establishment, functions and other matters relating to an institution referred to in section 236(1), or of any law referred to in section 236(2), or of any law which deals with any of the foregoing matters in a consequential manner: Provided that if a law referred to in section 236(2) is repealed, provision shall be made for the application of any law of general application regulating the employment of persons or any class of persons in the employment of the state, to the persons or class of persons affected by such repeal; and
- (ii) measures relating to the transfer or secondment of personnel, or the allocation of property, funds, rights and obligations, including administrative records, in order to establish the administrations referred to in subsection (2) and rationalise the South African Police Service and the National Defence Force.

(c) A copy of a proclamation under paragraph (a), shall be submitted to Parliament within 14 days after the publication thereof.

(d) If Parliament disapproves of any such proclamation or any provision thereof, such proclamation or provision shall thereafter cease to be of force and effect to the extent to which it is so disapproved, but without prejudice to the validity of anything done in terms of such proclamation up to the date upon which it so ceased to be of force and effect, or to any right, privilege, obligation or liability acquired, accrued or incurred as at the said date under and by virtue of such proclamation.

Transitional arrangements: Assets and liabilities

239. (1) All assets, including funds and administrative records, which immediately before the commencement of this Constitution vested in an authority referred to in section 235(1)(a), (b) or (c), or in a government, administration or force under the control of such an authority, shall be allocated as follows:

- (e) Parliament shall be competent to enact a law to facilitate the application of this section and to prescribe guidelines for the resolution of disputes arising from such application.

(3) (b) Parliament shall be competent to pass a law regulating the re-allocation of debts and liabilities to the national government and the respective provincial governments, but no such law shall be passed unless a report and recommendations of the Financial and Fiscal Commission have been tabled in and considered by Parliament.

Transitional arrangements: Pensions of political office-bearers

246. The right of any person in terms of any law which at the commencement of this Constitution provides for the payment of pensions from the exchequer or from any pension fund or arrangement to which the state contributes or has contributed, to or in respect of political office-bearers or former political office-bearers (including members and former members of Parliament and of any other legislative assembly which exercised legislative powers in respect of any area which forms part of the national territory) shall continue and shall not be diminished: Provided that those who have already received benefits that were due to them shall not benefit again by reason of the provisions of this section.

SCHEDULE 2***System for Election of National Assembly and Provincial Legislatures*****Supplementation of lists of candidates**

17. No lists of candidates of a party for any legislature shall be supplemented prior to the designation of representatives in terms of item 16, save where provided for by an Act of Parliament.

18. Lists of candidates may, after the designation of representatives in terms of item 16 has been concluded, be supplemented by the addition of an equal number of names at the end of the applicable list, if —

- (a) a representative is elected as the President or to any other executive office as a result of which he or she resigns as a representative of a legislature;
- (b) a representative is elected as a member of the Senate;
- (c) a name is deleted from a list in terms of item 16(2); or
- (d) a vacancy has occurred and the appropriate list of candidates of the party concerned is depleted.

19. Lists of candidates of a party published in terms of section 23 of the Electoral Act, 1993, may be supplemented on one occasion only at any time during the first 12 months following the date on which the designation of representatives in terms of item 16 has been concluded, in order to fill casual vacancies: Provided that any such supplementation shall be made at the end of the list.
20. The number of names on lists of candidates as supplemented in terms of item 18 shall not exceed the difference between the number of seats in the National Assembly or a provincial legislature, as the case may be, and the number of representatives of a party in any such legislature.

Review of lists of candidates by a party

21. A party may review its undepleted lists as supplemented in terms of items 18, 19 and 20, within seven days after the expiry of the period referred to in item 19, and annually thereafter, until the date on which a party has to submit lists of candidates for an ensuing election, in the following manner:
- (a) all vacancies may be supplemented;
 - (b) no more than 25 per cent of candidates may be replaced; and
 - (c) the fixed order of lists may be changed.

Publication of supplemented and reviewed lists of candidates

22. Candidates' lists supplemented in terms of items 18 and 19 or reviewed in terms of item 21 shall be published by the Secretary to Parliament and the Secretaries of the provincial legislatures within 10 days after the receipt of such lists from the parties concerned.

Vacancies

23. (1) In the event of a vacancy occurring in the representation of a party in any legislature, such vacancy shall forthwith be filled in accordance with section 44 or 133.
- (2) If a party represented in a legislature dissolves or ceases to exist and the members in question vacate their seats in consequence of section 43(b) or 133(1)(b), the seats in question shall be allocated to the remaining parties *mutatis mutandis* as if such seats were forfeited seats in terms of item 7 or 14, as the case may be.

SCHEDULE 3

Oaths of Office and Solemn Affirmations

Oath of office or solemn affirmation of members of National Assembly, Senate or provincial legislature

I, A.B., do hereby swear/solemnly affirm to be faithful to the Republic of South Africa and solemnly promise to perform my functions as a member of the National Assembly/Senate/provincial legislature to the best of my ability.

(In the case of an oath: So help me God.)

SCHEDULE 4

Constitutional Principles

VI

There shall be a separation of powers between the legislature, executive and judiciary, with appropriate checks and balances to ensure accountability, responsiveness and openness.

X

Formal legislative procedures shall be adhered to by legislative organs at all levels of government.

XIV

Provision shall be made for participation of minority political parties in the legislative process in a manner consistent with democracy.

XXIII

In the event of a dispute concerning the legislative powers allocated by the Constitution concurrently to the national government and provincial governments which cannot be resolved by a court on a construction of the Constitution, precedence shall be given to the legislative powers of the national government.

SCHEDULE 5

Procedure for Election of President

1. Nominations of candidates for election as President shall be called for by the Chief Justice or the other judge presiding at the meeting at which the President is to be elected.

2. Every nomination shall be submitted on the form prescribed by the Chief Justice and shall be signed by two members of Parliament and also by the person nominated, unless the person nominated has in writing signified his or her willingness to accept the nomination.

3. The names of the persons duly nominated as provided for in item 2 shall be announced at the meeting at which the election is to take place by the person presiding thereat, and no debate shall be allowed at the election.

4. If in respect of any election only one nomination has been received, the person presiding at the meeting shall declare the candidate in question to be duly elected.

5. Where more than one candidate is nominated, a vote shall be taken by secret ballot, each person present and entitled to vote having one vote, and any candidate in whose favour the majority of all the votes cast is recorded, shall be declared duly elected by the person presiding at the meeting.

6. (a) If no candidate obtains a majority of all the votes so cast, the candidate who has received the smallest number of votes shall be eliminated and a further ballot shall be taken in respect of the remaining candidates, this procedure being repeated as often as may be necessary until a candidate receives a majority of all the votes cast and is declared duly elected.

(b) Whenever two or more candidates being the lowest on the poll have received the same number of votes, the meeting shall by separate vote, to be repeated as often as may be necessary, determine which of those candidates shall for the purpose of paragraph (a) be eliminated.

7. Whenever —

(a) only two candidates have been nominated; or

(b) after the elimination of one or more candidates in accordance with this Schedule, only two candidates remain,

and there is an equality of votes between those two candidates, the person presiding at the meeting shall at the time the result of the election is announced, fix the time at and date on which a further meeting will be held, being a date not more than seven days thereafter.

8. At the further meeting referred to in item 7, the provisions of this Schedule shall apply as if such further meeting were the first meeting called for the purpose of the election in question.

9. (1) The Chief Justice shall make rules in regard to the procedure to be observed at a meeting at which the President is to be elected, and rules defining the duties of the presiding officer and of any person appointed to assist him and prescribing the manner in which the ballot at any such meeting shall be conducted.

(2) Any such rules shall be made known in such manner as the Chief Justice may consider necessary.

SCHEDULE 6

Legislative Competences of Provinces

Agriculture

Abattoirs

Airports, other than international and national airports

Animal control and diseases

Casinos, racing, gambling and wagering

Consumer protection

Cultural affairs

Education at all levels, excluding university and technikon education

Environment

Health services

Housing

Indigenous law and customary law

Language policy and the regulation of the use of official languages within a province, subject to section 3

Local government, subject to the provisions of Chapter 10

Markets and pounds

Nature conservation, excluding national parks, national botanical gardens and marine resources

Police, subject to the provisions of Chapter 14

Provincial public media

Provincial sport and recreation

Public transport

Regional planning and development

Road traffic regulation

Roads

Soil conservation

Tourism

Trade and industrial promotion

Traditional authorities

Urban and rural development

Welfare services

[Schedule 6 substituted by sec 14 of Act 2 of 1994.]

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