

REPUBLIC OF SOUTH AFRICA

STANDING RULES

FOR THE

SENATE

AND FOR

JOINT BUSINESS AND PROCEEDINGS

OF THE

SENATE AND THE NATIONAL ASSEMBLY

SEPTEMBER 1995

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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 President's decisions under Rule 1 as so applied.)

Unforeseen eventualities

1. (1) The President 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 President 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 Speaker of the National Assembly.

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.

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 53(2) of the Constitution.
- (2) Whenever necessary members shall be sworn or make affirmation [see section 52 of the Constitution].

Election of President of the Republic

6. Whenever it is necessary, a joint sitting of this House and the National Assembly shall elect one of the members of the latter House as the President of the Republic [see section 77(1)(b) of the Constitution].

Election of President and Deputy President of this House

7. At its first sitting, before proceeding to the despatch of any other business, this House shall proceed to the election of one of its members to be the President of this House and another to be the Deputy President of this House [see section 49(1) and (2) of the Constitution].

Opening of Parliament or annual session

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

Opening Address reported

9. The President shall report to this House the Opening Address of the President of the Republic.

DISCUSSION OF PRESIDENT'S OPENING ADDRESS**Opening Address placed on Order Paper**

10. When the President of the Republic 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 14:30, or such later time as the President determines, to adjournment

Fridays:

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

14:30 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 President 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 14:30 and 16:30, unless special circumstances require otherwise.

- (4) New Year's Day, Human Rights Day, Good Friday, Family Day, Freedom Day, Workers' Day, Youth Day, National Women's Day, Heritage Day, the Day of Reconciliation, Christmas Day and the Day of Goodwill shall not be sitting days of this House or any committee: Provided that, if any of these days 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 President 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.

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 National Assembly (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 appropriation committee of this House, and the places set apart for them in a Chamber, shall vest in the President, 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 President and the Speaker of the National Assembly, 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.

Usher to remove strangers

17. Subject to the provisions of Rule 17A, the Usher 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 President, 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 President and the Speaker of the National Assembly, acting after consultation with the Leader of the House and the Leader of the National Assembly, 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 President and the Speaker of the National Assembly, acting after consultation with the Leader of the House and the Leader of the National Assembly, 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 National Assembly, or announced by the presiding officer at a sitting of this House and at a sitting of the National Assembly, or at a joint sitting.

Presiding Officer

20. (1) The Speaker of the National Assembly or a presiding officer of that 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 or a presiding officer of this House designated by the 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 President and the Speaker 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 53(1) of the Constitution that this House shall sit at a place other than the Houses of Parliament in Cape Town, the President shall consult the Leader of the House and the Chief Whip of each party represented in this House.

Presiding Officers

Election of President and Deputy President

23. (1) Whenever it is necessary to elect a President or a Deputy President, 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 49(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 President

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

Absence of President

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

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

Continued absence of President and Deputy President

27. Whenever this House has been informed of the likelihood of the continued absence of both the President and the Deputy President 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 President and the Deputy Chairperson of Committees as Chairperson of Committees, until the President or the Deputy President 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, the House shall forthwith elect one of its members to act as President 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 an election of the National Assembly, 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 52 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 absents himself or herself, obtain the leave of this House or of a committee of this House authorised to grant such leave [see section 51(1)(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 President or other presiding member, shall be necessary to constitute a meeting of this House [see section 54 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 President 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 President 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 President 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) estimates of expenditure which may be discussed by the House under Rule 170(1); or
 - (b) a vote in the schedule to an appropriation bill which appears on the Order Paper for consideration; or
 - (c) 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 President 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.

CLOSED AND RESTRICTED ACCESS COMMITTEES

GENERAL

Types of committees

43. In addition to committees which conduct their business in public (see Rules 34 - 42), there are—

- (a) select and other committees of this House; and
 - (b) joint committees, consisting of members of this House and the National Assembly,
- to which public access is restricted as provided in these Rules.

Meetings and functioning of committees

43A. (1) The Chairperson of Committees or, in his or her absence, the Deputy Chairperson of Committees, shall be responsible for scheduling and co-ordinating—

- (a) meetings of all select committees of this House, excluding the committees referred to in Rule 52(4); and
- (b) in consultation with the appropriate member or committee of the National Assembly, meetings of all joint committees.

(2) (a) For the purposes of subrule (1)(a) the Chairperson of Committees shall as often as he or she thinks necessary convene a meeting of the chairpersons of all select committees of this House to discuss matters relating to the functioning of such committees.

(b) The Chairperson of Committees or, in his or her absence, the Deputy Chairperson of Committees, shall chair any such meeting.

(3) The Chairperson of Committees, in consultation with the President, the Leader of the House and the Chief Whips, may issue directives and guidelines on—

- (a) the scheduling and functioning of select committees of this House;
- (b) the allocation and control of available funds for the functioning of such committees; and
- (c) the functions of such committees with regard to the execution of resolutions of this House arising from committee reports.

Presence of strangers

44. (1) 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.

(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 strangers whenever it considers it necessary to do so.

(3) All persons other than members of the committee shall withdraw on being requested by the chairperson to do so.

Publication of proceedings, etc

45. (1) The proceedings of or the evidence taken by or the report of a committee of this House while its proceedings were conducted in private, 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 President 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 or the report of a joint committee while its proceedings were conducted in private, 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 President and the Speaker of the National Assembly, 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 any committee shall observe such directions and conform to such rules as may be laid down by the chairperson.

RULES COMMITTEE

Constitution of Rules Committee

47. (1) The President shall for the duration of this House appoint a Rules Committee consisting of not more than 15 members, inclusive of the President and the Deputy President.

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

Joint meeting of Rules Committees

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

(2) When the Rules Committees meet jointly and—

(a) both the President and the Speaker of the National Assembly 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 President or the Deputy Speaker of the National Assembly 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 President, 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 President acts as President 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 President when acting as a member of the committee.

(3) The Disciplinary Committee, at the request of the President, 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.

SELECT COMMITTEES

Ad hoc select committees

50. (1) A select committee may be appointed by resolution to carry out a particular assignment specified in the resolution.

(2) A select committee so appointed shall continue until it has completed, or has been discharged from, its assignment, and may conduct its business while this House is not in session, and in such event report in an ensuing session, provided that an election for the National Assembly has not taken place in the mean time.

(3) A select committee so appointed may, when this House is not in session, upon its own resolution sit at a venue beyond the seat of Parliament.

(4) The first meeting of an *ad hoc* select 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.

Standing select committees

51. (1) A standing select committee shall continue for the duration of this House, and may conduct its business while this House is not in session.

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

(a) upon its own resolution to sit at the 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; and

(b) to appoint subcommittees for the consideration of matters referred to it.

(3) The day and venue of the first meeting of a standing select committee shall be determined by the Secretary in consultation with the chairperson of the committee.

(4) When this House is not in session, a venue beyond the seat of Parliament may be so determined for such a meeting of a standing select committee.

(5) When this House is not in session, notification of the first meeting of a standing select 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.

Establishment of standing select committees

52. (1) (a) There shall be standing select committees on governmental affairs (in these Rules referred to as portfolio committees), each in respect of bills and other matters relating to a category of such affairs assigned to it by the President acting with the concurrence of the Speaker of the National Assembly.

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

(c) A portfolio committee shall in accordance with these Rules or its other terms of reference consider or deal with bills or other matters which are referred to it by the President or by resolution of this House, and shall have the power to take evidence and call for papers.

(d) Any question as to which committee is to deal with such a referral shall be decided by the President.

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

(3) [deleted - 31/08/94]

(4) There shall be standing select committees in respect of—

(a) the Library of Parliament;

(b) Internal Arrangements; and

(c) Parliamentary Catering,

each of which shall consider matters referred to it by the President or by resolution of this House.

Number of members of select committee

53. A select committee shall consist of the number of members determined by the Rules Committee in each case, but which shall not be fewer than 5 or more than 15, unless otherwise provided in these Rules or this House directs otherwise in any particular case.

Appointment of members of select committee

54. (1) The members of a select committee shall be appointed by the Rules Committee—

(a) in the case of an *ad hoc* select committee, within five Parliamentary working days after the appointment of the committee; and

(b) in the case of a standing select committee, for the duration of this House, subject to the provisions of this Rule.

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

(3) When this House is not in session the President may, after consultation with the whips of each party affected, appoint members to, and fill a vacancy in, any select committee.

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

(5) The leader of a minority party which, because of the limited number of its members in this House, cannot participate in all select committees shall state on which committees his or her party wishes to be represented.

Chairperson of select committee

55. (1) Unless a chairperson has previously been appointed, every select committee shall, before it commences any other business, elect one of its members to be chairperson.

(2) In the absence of the chairperson a select committee may elect one of its members to be acting chairperson at a specific meeting.

(3) If the chairperson is not a member of the select committee, he or she shall have no vote.

Resolutions of select committee

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

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

Quorum

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

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

(3) A majority of the members of a select committee constitutes a quorum.

(4) If a member of a select committee, and a whip of such member's party, satisfy the chairperson of the select committee that the member will be unable to attend a meeting or meetings of the select 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 select committee during the absence of the first-mentioned member.

(5) Whenever a select 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.

Attendance of select committee

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

Sittings during sittings of House

59. A select committee may sit during the sittings of this House.

Sittings when House adjourned

60. A select committee may sit on days over which this House is adjourned.

Charge against member

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

Report presented

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

Minority report

63. It shall not be competent for a select committee to present a minority report.

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 President shall appoint the members of this House who are to serve on the committee.

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

(3) The President 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 President 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 the National Assembly 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 President and the Speaker of the National Assembly 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 President or the Speaker of the National Assembly 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 President and the Speaker of the National Assembly 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 President'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 senator

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

Report of joint committee

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

ORDER IN PUBLIC MEETINGS AND RULES OF DEBATE

ORDER IN MEETINGS

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 the National Assembly, 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 President, suspend the member; or
- (b) if he or she is not the President, name the member, whereupon the President, 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 President orders a member of this House to withdraw from the Chamber and the member is a Minister or a Deputy Minister, the President shall, after consultation with the presiding officer, order the member to withdraw from the precincts of Parliament or take such other action as the President deems necessary.

(3) The action taken against a member by the President 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 President 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 President a written expression of regret, and if the President approves such expression of regret, he or she may discharge the suspension or permit the member to take his or her seat, and the President shall inform this House accordingly.

(2) An expression of regret approved by the President 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 of the Republic, 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 President *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 National Assembly.

(3) The President and the Speaker of the National Assembly may appoint a committee consisting of senators and members of that House for the purpose of co-ordinating the business of the various Parliamentary forums and advising the President, the Speaker 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 President and the Speaker of the National Assembly.

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 President.

(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 President to place a matter of public importance on the Order Paper for discussion.
- (2) The member shall make the request to the President 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 President 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 President in writing to allow a matter of urgent public importance to be discussed by this House.
- (2) The request shall be made to the President 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 President 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 President 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 President 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.

President 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 President 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: Provided that the House shall not be regarded as having agreed to the Second Reading of a bill contemplated in Rule 155(1) unless a majority of the senators referred to in that Rule voted in favour of the bill.

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 President of the Senate 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

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 President, 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 National Assembly, together with the memorandum thereon.

Procedure when Senate in session

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

(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 or under Subrule (5) placed on the Order Paper for Second Reading, 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.
- (5) A bill received from the National Assembly and deemed to have been read a first time under Subrule (2) may, upon the proposal of the member in charge of the bill, by unanimous concurrence of all the members present, be placed on the Order Paper for Second Reading.

Procedure during recess

148. (1) When this House is not in session, a bill introduced under Rule 146(1) or received from the National Assembly shall be referred by the President 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.

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 been considered by a committee but has not been agreed to by that committee 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 President 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 President'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 President shall, together with the amendment -

- (a) if the bill has been considered by a committee, recommit the bill for reconsideration to that committee; or
- (b) if the bill has not been considered by a committee, refer the bill either to the portfolio committee under which the subject concerned falls or to an *ad hoc* select committee.

(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 or referred under Rule 152(5) 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 President 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 National Assembly 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.

Approval or consent of provincial senators or legislature

155. (1) When this House passes a bill which affects the boundaries or the exercise or performance of the powers and functions of a particular province or provinces only and which, in terms of section 61 of the Constitution, is required to be approved also by a majority of the senators of the province or provinces in question, the number and names of the senators of each province affected who support the bill when the question is decided shall be recorded, whether the House divides on the question or not, and shall be published separately in the Minutes of Proceedings.

(2) 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, or sent to the National Assembly, as provided in these Rules.

(3) 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.

(4) 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 National Assembly (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 President 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 President and to the Speaker of the National Assembly, 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 National Assembly, 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.

(3) The references in Rule 153, as modified by this Rule, to this House and the President, shall be construed as references to the joint sitting and the presiding officer thereat.

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 President.

(2) The President 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 President, 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 President'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

Referral of money bill to joint committee, and tabling of copy

169. (1) A money bill which has been introduced in the National Assembly, and the introductory speech and papers laid upon the Table in that House in connection with the bill, shall be deemed to have been referred by this House to the Joint Standing Committee on Finance for consideration and report, and copies thereof shall be laid upon the Table of this House.

(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 in accordance with the Rules of the National Assembly.

(3) 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.

Policy debate on estimates of expenditure

170. (1) After the presentation of the joint committee's report on a main appropriation bill and before the bill is received from the National Assembly, the estimates of expenditure related to any particular vote in the schedule to the bill may be discussed upon a review of the responsible Minister's policy as embodied in such estimates.

(2) The Leader of the House may place the review of the policy of any Minister on the Order Paper as a subject for discussion.

(3) The President shall direct the Leader of the House to place the review of a particular Minister's policy on the Order Paper as a subject for discussion if at least 15 senators have in writing requested the President to do so.

(4) The anticipation rule does not apply with reference to a discussion under this Rule.

Money bill received from National Assembly

171. A money bill received from the National Assembly may be placed on the Order Paper for First Reading without further introduction.

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 may be discussed.

Supplementary estimates in main appropriation bill

173. When the votes in the schedule to a main appropriation bill in respect of which supplementary amounts are to be requested, are placed on the Order Paper of the National Assembly for discussion, the Minister in charge of the bill shall lay a statement reflecting such votes and amounts upon the Table of this House.

Approval of votes and schedule

174. This House shall first decide on the separate votes in the schedule to an appropriation bill and thereafter on the schedule.

Second Reading of money bill

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

Money bill rejected or not passed by this House

176. If, as contemplated in section 60(7) of the Constitution, this House rejects a money bill passed by the National Assembly or proposes amendments to it or fails to pass it within 30 days after it was passed by that House, the bill shall without delay be referred back to that House for reconsideration.

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 President 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 President.

(b) The President shall lay a consolidation bill introduced in this House, or received from the National Assembly, 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 President 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 NATIONAL ASSEMBLY

Bill sent to National Assembly 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 National Assembly for concurrence, and shall be accompanied by the appropriate memorandum on its objects.

Bill returned by National Assembly with amendments

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

Notification of proposed corrections 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 this House in any provision of a bill, which provision this House, under section 60 of the Constitution, may not amend, such bill shall be returned by this House to the National Assembly with a notification of the proposed correction, and, if such correction has been made by that House and the bill returned to this House for concurrence in such correction, this House shall deal with it in the same manner as in the case of any other amendment.

Amendments to National Assembly amendments

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

Reasons for disagreement with National Assembly amendments

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

BILLS PASSED

President's assent

186. When a bill has been passed by the National Assembly 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 National Assembly

187. When a bill has been passed by the National Assembly 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 National Assembly.

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 National Assembly and by this House, but before it is presented to the President of the Republic for his or her assent, the President of the Senate shall report such discrepancy to the 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 is in terms of section 60(8) of the Constitution deemed to have been passed by Parliament, a fair copy thereof as certified by the Secretary and presented to the President of the Republic for his or her assent, shall be certified accordingly by the Secretary and transmitted to this House.

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 President—

- (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 President 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 President 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 Tuesdays.

Number of interpellation debates

195. The number of interpellation debates on one and the same day shall be limited to two 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 of the Republic 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 President 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.
- (4A) If a member does not rise when a question for oral reply standing in his or her name comes up for reply, the question shall lapse, unless the person who is to reply to the question elects to reply to the question or tables the reply.
- (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 Tuesdays.
- (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 20 minutes.
- (3) The reply to a question for oral reply shall not exceed three minutes.
- (4) The presiding officer may allow supplementary questions in his or her discretion.
- (5) Written replies to—
- (a) questions for oral reply which have not been reached on the expiration of the time allotted; and
 - (b) those portions of questions that have not been replied to at the expiry of the period of three minutes referred to in subrule (3),
- 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 third Tuesday of a session and on every third Tuesday thereafter, except the Tuesday of a week during which the President's vote in the schedule to an appropriation bill is discussed.

(2) Fifteen 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 President of the Senate may allow them to be concluded.

(3) A member may put a question under this Rule on a particular Tuesday 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 Tuesday 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 Tuesday 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 President of the Senate 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 Tuesday 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 party of the President of the Republic, 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 National Assembly

203. A message received from the National Assembly shall be recorded in the Minutes of Proceedings, or be made known in such other manner as the President 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 President of the Senate 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 President.

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 President 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 President, 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 President

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

Tabling

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

Grants of public money

212. No application may be made to this House by petition for grants of public money, or for compounding sums of money due to the State, or for the remission of duties payable by any person.

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 President 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 President 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 President.

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

CONTEMPT

Member adjudged guilty of contempt

216. Any senator adjudged guilty of contempt shall be committed to the custody of the Usher by order of the President 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 President 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 President and the Speaker of the National Assembly.

Summoning of witnesses

221. (1) No committee shall summons a witness without first having satisfied the President 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 President and the Speaker of the National Assembly shall be satisfied as aforesaid.

Witness expenses

222. (1) Subject to the President'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 President and the Speaker of the National Assembly 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 President, 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 Senate

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

Custody of papers

225. The Secretary shall have custody of all records and other papers of this House, 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 President.

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 President or the Speaker of the National Assembly 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.