

STANDING RULES AND ORDERS AND INTERNAL ARRANGEMENTS

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THE PRAYER

Almighty God, we bow down before Thee in humble obedience and dependence. We pray Thee: Grant us the grace to respect each other this day in all our consultations; That our deliberations today shall take place in the spirit of mutual trust; So that we, as leaders, shall lead our country on the path of peace and shall find solutions for issues and problems facing us. Grant us the mercy, Oh Lord, that we shall today also honour Thy name in all we think, do and say. Almighty God, we pray Thee, bless our land and all its people. This all we pray in the Name of Jesus Christ our Lord. Amen.

AFFIRMATION

(To be read by Speaker and silently affirmed by Members)

I solemnly affirm that I will be faithful to the Republic of Namibia and its people, and I solemnly promise to uphold and defend the Constitution and laws of the Republic of Namibia to the best of my ability.

CHAPTER I - PRELIMINARY PROVISIONS

1

Definitions

“Affirmation” means the affirmation outlined in Schedule 3 of the Constitution.

“Amendment” means a proposal to change any matter or issue before the House, and includes new drafts or proposals on existing laws.

“Assembly or House” means the National Assembly established in terms of the Constitution and shall be deemed to include any Committee, Sub-Committee, group or body comprising members or officers of the National Assembly acting on the authority of the National Assembly.

“Attendance” means presence at any sitting of the Assembly, or meeting of any Committee in excess of $\frac{3}{4}$ of the time of that sitting or meeting.

“Bill” means any draft legislation presented to the Assembly for enactment.

“Clerk of Committees” means any official appointed to serve as a clerk in the Committees of the Assembly, and shall include any officer assigned temporarily to assist in the same capacity.

“Closure” means the proceedings to terminate the debate on any issue before the Chamber in terms of Rule 106.

“Chairperson” means the person appointed as Chairperson of any Committee appointed in terms of these rules, and shall, where applicable, include the Speaker.

“Chairperson of the Whole House” includes a Deputy or Acting Chairperson of the Whole House.

“Chamber” means the building, hall, and adjoining offices and lobbies in which the National Assembly ordinarily meets for the conduct of business and includes the building or hall in which the National Council meets.

“Committee of the Whole Assembly” or **“Committee of the Whole House”** means the Committee comprising all the Members of the Assembly.

“Constitution” means the Constitution of the Republic of Namibia.

“**Day**” means a sitting day.

“**Dilatory motion**” means a motion to delay proceedings.

“**Division**” means the procedure followed when the House is divided and a vote is called.

“**Gazette**” means the Government Gazette of the Republic of Namibia.

“**Gallery**” means the areas designated within the Chamber for the press, general public, and visitors or guests of the Assembly.

“**Government Bill**” means a Bill tabled by the Government or a Cabinet Minister on behalf of the Government.

“**Leader of Government Business**” means the Prime Minister who shall have the overall responsibility for Government business in the House.

“**Leader of the Official Opposition**” means the person occupying the position of leader of the largest opposition party in the Assembly.

“**Leave**” or “**Leave of the House**” means permission to do something that is granted without a dissentient voice.

“**Meeting**” means the period between the time when the Assembly or any Committee thereof first assembles after being summoned and the time at which it is adjourned *sine die*.

“**Member**” means a Member of the National Assembly and during joint sessions of Parliament also includes a Member of the National Council, who has been elected and duly declared a Member of the respective Chambers in terms of the Standing Rules and Chapters 7 and 8 of the Constitution.

“**Minority report**” means a report offered or tendered by a minority of Members on a question before the Assembly or any Committee thereof.

“**Motion**” means a notice or request for business to be brought before the Assembly for consideration.

“**National Council**” means the National Council established in terms of Article 68 of the Constitution and shall be deemed to include any Committee, Sub-Committee, group or body comprising Members or officers of the National Council acting on the authority of the National Council.

“Notice” means notification in writing as required in terms of these Rules and Orders.

“Oath” means the oath set out in Schedule 3 of the Constitution.

“Order of the day” means the business set down on the Order Paper on any given day for consideration by the Assembly.

“Party” means a registered political organisation which has representation in the Assembly pursuant to the provisions of Schedule 4 of the Constitution.

“Petition” means the document and method by which a matter may be brought before the Assembly or any Committee thereof for urgent consideration.

“Precincts of the Assembly” means the building, hall and adjoining offices and lobbies in which the National Assembly meets for the conduct of the proceedings.

“Precincts of Parliament” means the Chamber in which the proceedings of the House are conducted, and include the galleries, lobbies, offices or areas used principally in connection with the proceedings of Parliament and every part of the building in which the Chamber is situated and any forecourt, yard, garden, enclosure or open space appurtenant thereto and used or provided for the purposes of the House.

“Presiding Member” means the Speaker, Acting Speaker, Deputy Speaker or Chairperson or Deputy Chairpersons of the Whole House or any of the Standing, Sessional, Select or Sub-Committees of the Assembly, as the case may be and includes an Acting Chairperson elected in terms of these Rules.

“Private Member” means any Member who does not occupy any Government portfolio or ministerial position.

“Private Member’s Bill” means a Bill tabled by any private Member on behalf of any person, political party or organisation.

“Proxy” means the written authority given by one Member to another to vote on his/her behalf on a specific matter.

“Public hearing” means a meeting conducted by a legislative Committee to solicit comments and testimony from the general public or any organisation on any matter before the Assembly or Committee as the case may be.

“Quorum” means the quorum as provided for in Article 53 of the Constitution.

“Recess” means the period during which the session of the Assembly is suspended for formal proceedings in the House.

“Ruling” means any decision taken by the Speaker, Chairperson of the Whole House, or any Member presiding.

“Secretary” means the person duly appointed or designated by the Speaker as the Secretary of the National Assembly in terms of Article 52 (1) of the Constitution, and includes any other officer when the latter is at the Table or acting as the Secretary by delegation.

“Select Committee” means a Committee established at any time by Resolution of the Assembly on an *ad hoc* basis to enquire into and report upon a specific matter.

“Serjeant-at-Arms” means the officer appointed to maintain order in the House and execute orders made by the Speaker or Presiding Member.

“Session” means a period commencing when the Assembly first meets and ending when the Assembly is next thereafter, adjourned for recess.

“Sessional Order” means an order or ruling made by the Speaker during the session, which is not provided for in the Standing Rules and Orders of the National Assembly.

“Sitting” means the period between the time when the Speaker takes the Chair and the time when the Assembly is next adjourned for business on any given day.

“Speaker” includes the Deputy Speaker or an Acting Speaker.

“Standing Committee” means a permanent or continuing Committee established in terms of these Standing Rules and Orders or by resolution of the Assembly for the duration of the Assembly.

“Standing Orders” means the Standing Rules and Orders of the National Assembly as set out in this document, and made in pursuance to Article 59(1) of the Constitution.

“Stranger” means any person who is not a Member or Official of the Assembly.

“**Table**” means to lay upon the table in the National Assembly all motions, questions, Bills or other forms of business for the consideration of the House.

2

Meeting of a new Assembly

- (a) The Secretary shall read the proclamation after the Members have assembled at a time and place appointed in the President’s proclamation on the first day of the meeting of a new Assembly.
- (b) The Members shall make and subscribe to the Oath or Solemn Affirmation of Allegiance in terms of Article 55 of the Constitution.
- (c) The term of office of the National Assembly, shall, in accordance with Article 50 of the Constitution, continue for a period of five (5) years from the day of first meeting of the new Assembly.

MEMBERSHIP

3

Acquisition of Membership

A Member shall, for the purposes of Chapter 7 of the Constitution, be deemed to be duly elected as a Member of the National Assembly upon subscribing to the Oath or Solemn Affirmation of Allegiance as stated in Article 55 of the Constitution.

4

Loss of Membership

A Member shall no longer hold his/her seat in the Assembly if:

- (a) The Member no longer represents the party in the Assembly by which the Member was nominated as a candidate at the election for the Assembly or by which the Member was nominated in terms of any provision of the Constitution, provided that the validity of a decision of or any proceeding in the Assembly shall not be affected by the vote or participation of a Member who subsequently vacated his/her seat in terms of this provision or by the fact that a vacancy existed in the Assembly at the time of such

decision, and provided further that the Speaker shall be informed forthwith of a Member's vacation of a seat under these circumstances by the party concerned;

- (b) the Member is absent from the meetings of the Assembly for ten (10) consecutive days without leave of the Assembly having been granted;
- (c) the Member presents a written letter of resignation to the Speaker; or
- (d) the Member dies.

5

Filling of vacancies

If a vacancy arises as a result of any circumstance mentioned in Rule 4 above, the vacancy shall be filled by the Speaker declaring to be a duly elected Member with effect from the date of the declaration any person qualified to be a Member in pursuance of Article 48 of the Constitution, and who:

- (a) has been nominated in writing for that purpose by the party which the vacating Member represented;
- (b) has accepted the nomination in writing; and
- (c) has in accordance with Article 55 of the Constitution subscribed to the Oath or Solemn Affirmation of Allegiance as set out in Schedule 3 thereof.

6

Roll, places of Members, leave of absence

- (a) A Member's roll for each party shall be kept by the Secretary showing the name of the Member elected, the date of the election, of making the Oath, and of ceasing to be a Member and the cause thereof.
- (b) The seats to the right hand of the Speaker, shall be reserved for the majority party and Ministers while the seats on the left hand to the Speaker shall generally be reserved for the Opposition.
- (c) Any question with regard to the seats to be occupied by Members shall be determined by the Speaker.

- (d) The Assembly may grant any Member leave of absence due to his/her own illness or the illness or death of his/her next of kin or for urgent matters or any other adequate reason, and while a Member has leave of absence, he/she is excused from service in the Assembly or in a Committee thereof.
- (e) Leave of absence shall only be granted by the House on a motion without notice stating the cause and period of absence.
- (f) A Member who has leave of absence forfeits same, if he/she attends the sitting of the House (or its Committees) before the expiration of such leave.

THE SPEAKER AND DEPUTY SPEAKER

7

Election of Speaker and Deputy Speaker

- (a) Members having assembled for the first time after the election of a new National Assembly and made and subscribed to the Oath or Solemn Affirmation of Allegiance in terms of Standing Order No 3 shall as soon as forty-nine (49) voting Members are present forthwith proceed to elect a Speaker. During such election the Secretary shall act as Chairperson and shall be vested with powers ordinarily assigned to the Speaker to maintain order.
- (b) A Member, having first ascertained that the Member to be proposed is willing to serve if elected, may, rising in his/her place and addressing the Secretary propose a Member not being a Minister, or Deputy Minister or Chief Whip of a political party as Speaker of the House and shall move that (naming the person) do take the Chair of the National Assembly as Speaker.
- (c) A Member who is absent on the day of election may be nominated by another Member for election as Speaker, provided that, that Member's consent in writing to being nominated is produced to the Secretary before the sitting.

- (d) If only one person is proposed and seconded as Speaker, he/she shall be called forthwith or as soon as may be thereafter to the Chair of the Assembly by the Secretary without any question being put.
- (e) In case more than one Member is nominated for the Office of Speaker, a vote by secret ballot shall be conducted. Should there be a tie of votes; fresh nominations shall be called by the Secretary.
- (f) When voting for candidates to the Office of Speaker, no proxies shall be allowed.
- (g) After the election of the Speaker, a Member having first ascertained that the Member to be proposed is willing to serve if elected, may, rising in his/her place and addressing the Speaker, propose a Member not being a Minister, Deputy Minister or Chief Whip of a political party as Deputy Speaker who shall also be the Chairperson of the Whole House; and if only one Member is proposed as Deputy Speaker, he/she shall be declared elected without any question being put. If, however, more than one Member is proposed and seconded as Deputy Speaker the same procedure as that prescribed by Rule 7(e) shall be followed.
- (h) No debate shall be allowed upon proposals for the filling of the Offices of Speaker and Deputy Speaker.

8

Election of Deputy Chairpersons of the Whole House

As soon as practical after the commencement of every National Assembly, and from time to time thereafter as necessity may arise, the Assembly shall appoint two of its Members to be Deputy Chairpersons of the Whole House, who shall be entitled to exercise all the powers of the Chairperson of the Whole House, excluding his/her powers as Deputy Speaker.

9

Presentation of Speaker and Deputy Speaker

The Speaker and the Deputy Speaker, accompanied by their proposers and seconders and other Members of the House, shall as soon as may be after their election present themselves to the Head of State and inform him/her of their

election and on their return to the House the Speaker shall report their presentation.

10

Relief of Speaker

- (a) Whenever the Speaker in the course of a session of the Assembly so requests the Deputy Speaker takes the Chair without the question being put.
- (b) On any day when the Assembly is to resolve itself into Committee on the Appropriation Bill, the Deputy Speaker may at the Speaker's request perform any of the functions normally performed by the Speaker under Standing Orders.

11

Unavoidable absence of Speaker

- (a) Whenever the Speaker of the Assembly is for some or other reason not able to fulfil his/her functions, the Deputy Speaker acts as Speaker until the Assembly otherwise orders.
- (b) Whenever the Secretary reports to the Assembly that the Speaker is unavoidably absent, the Deputy Speaker executes the duties and exercises the authority of the Speaker during such absence until the Assembly otherwise orders.

12

Continued absence of Speaker

If the Secretary reports to the Assembly that the Speaker's absence is likely to continue, the Assembly may appoint another Member to act as Deputy Speaker and Chairperson of the Whole House during such continued absence and while the Deputy Speaker acts as Speaker.

13

Absence of Speaker and Deputy Speaker

If the Secretary reports to the Assembly that both the Speaker and Deputy Speaker are unavoidably absent, the Assembly shall forthwith proceed to elect one of its Members to act as Speaker, and one to act as Chairperson of the Whole House in respect of that one day only.

14

Vacancy in the Speakership

Whenever during the term of the National Assembly it is necessary for the House to elect a Speaker/Deputy Speaker as a result of a vacancy which arises through death, resignation or other cause, the procedure for election prescribed in Rule 7 shall be followed.

CHAPTER II - SESSIONS OF THE HOUSE

SESSIONS OF THE NATIONAL ASSEMBLY

15

Commencement of the National Assembly

- (a) The National Assembly shall sit at its usual place of sitting determined by the National Assembly unless the Speaker directs otherwise on the grounds of public interest, security or convenience.
- (b) A session of the Assembly shall take place at the date determined by the National Assembly unless the Speaker directs otherwise on the grounds of public interest, security or convenience.
- (c) There shall be two (2) annual sessions of the National Assembly which shall commence and terminate as follows:

First session

The first session shall commence on the first Tuesday, during the second week of February, and shall terminate during the second week in July. Provided, that the House shall stand adjourned for the entire month of May.

Second session

The second session shall commence on the first Tuesday, during the second week of September and terminate at the end of November.

- (d) The President will open Parliament at the first session of every year.
- (e) At this session, the President shall make an opening speech to a Joint Assembly of both Chambers, and no other business will be considered.
- (f) In his/her opening speech the President shall not address the issues referred to in Article 32(2) of the Constitution and no debate will take place.
- (g) During the official budget the President shall address Parliament on the State of the Nation and shall be available to respond to questions.
- (h) The day of commencement of any session of the Assembly may be altered by Proclamation by the President, if the President is requested to do so by the Speaker on grounds of public interest or convenience.
- (i) The Speaker may authorise the extension of any session of the National Assembly on the grounds of urgency, public interest or convenience.

16

Extra-ordinary sessions

Notwithstanding the provisions of Rule 15(c) above, the National Assembly may convene for an extra-ordinary session if the Speaker is convinced that such a session is necessary, urgent or in the public interest.

QUORUM AND SITTING DAYS

17

Quorum

- (a) A quorum shall consist of 49 members, entitled to vote, other than the Speaker or the presiding member, when any voting is required and at least 26 members, entitled to vote, other than the Speaker or the presiding member when no voting on any matter is required.

- (b) The Speaker shall take the Chair as soon as a quorum is present after the hour appointed for the meeting of the Assembly but if, after half an hour after the hour appointed there is no quorum present, the Speaker shall take the Chair and adjourn the Assembly until the next sitting day.
- (c) If it appears, after a Member has drawn the Speaker's attention thereto, or from the report of a division, that there is no quorum, and if after a period of two minutes, during which time the division bells shall be rung, there is still no quorum, the Speaker shall adjourn the Assembly without putting the question, till the next sitting day, and it is then that no decision has been reached by such division.
- (d) The Member who draws the attention of the Speaker to the absence of a quorum, must be present at the counting of the Assembly.
- (e) When the Assembly is adjourned because there is no quorum, the time of such adjournment and the names of the Members present shall be recorded in the Minutes of Proceedings.
- (f) A quorum call shall be allowed only once during the same sitting.
- (a) The Speaker may refuse mischievous quorum calls.

18

Time and days of sitting

- (a) Unless otherwise ordered by the Assembly, the time for the ordinary meeting of the Assembly on each sitting day shall be at half-past-two o'clock pm (14h30) to quarter-to-six (17h45) on Tuesday, Wednesday and Thursday and nine-o'clock am (09h00) to half-past-twelve at noon (12h30) on Friday in each week, public holidays excepted: Provided that business on each Tuesday, Wednesday or Thursday is adjourned at 15h40 and resumed at 16h00 and on a sitting day which is a Friday, is adjourned at 10h20 and resumed at 10h40.
- (b) Should the Assembly be sitting on Friday, it shall when it rises on that day, stand adjourned, unless otherwise ordered, until the following Tuesday.

CHAPTER III - PROCEDURES

CONDUCT OF BUSINESS

19

The Prayer and Mace

- (a) The Speaker shall take the Chair and read Prayers and the Affirmation before the commencement of business on every sitting day.
- (b) When the Speaker takes the Chair, the Mace is placed in the upper position on the Table.

20

Routine of business

Unless these Standing Orders otherwise permit, the daily routine of business shall be as follows:

- (a) Swearing in of new Members;
- (b) Announcement by the Speaker;
- (c) Message from the Head of State;
- (d) Petitions;
- (e) Reports of Standing/Select Committees;
- (f) Other reports and papers;
- (g) Notices of questions;
- (h) Notices of motions (including motions for leave to present Bills);
- (i) Ministerial Statements;
- (j) Reports from the Committee of the Whole Assembly and consequential proceedings;
- (k) Orders of the day; and
- (l) Adjournment.

21

Date for consideration of Orders of the day

Subject to these Standing Orders, the consideration of an Order of the day shall be set down for the next sitting day unless the Member in charge appoints some other future day.

22

Time for handing in amendments

- (a) Members desiring to have proposed amendments to Bills placed on the Order Paper must hand them to the Secretary not later than 16h00 on the day before that on which they are to so appear.
- (b) Amendments may be handed over to the Secretary later than 16h00 but must in that case be in the proper form.
- (c) Although amendments may be handed to the Secretary at any time after the first reading of a Bill, they shall not be placed on the Order Paper until after the Bill to which they refer has been read a second time.
- (d) Amendments may be handed to the Committee Clerks directly in the case where a Bill has been referred to a Standing Committee.

23

Arrangement of Order Paper

- (a) The Secretary shall, in consultation with the Speaker, have the power to arrange proceedings on the Order Paper in whatever order he/she may think fit.
- (b) On Thursdays notices of questions shall have precedence over notices of motions and Orders of the day and notices of motions of private Members shall have precedence over other notices of motions and Orders of the day.
- (c) An urgent motion directly concerning the privileges of the Assembly will take precedence above other motions and also above Orders of the day, and may be considered without previous notice.

24

Business undisposed of

- (a) All business undisposed of at the adjournment of the Assembly shall be postponed until the next sitting day without a motion to that effect, and shall, subject to Rule 23, be placed on the Order Paper for the next day on which the Assembly shall meet.
- (b) All business undisposed of at the last sitting day at a session shall lapse, but can again be introduced at the next session by means of a substantive motion.

25

Forms and Notices

- (a) Every Member who gives notice of a question or a motion shall read it aloud and shall deliver at the Table a fair copy of such notice with the date (which, if a question, shall at least be four days later) proposed for bringing on such a question or motion.
- (b) All notices referred to in sub-rule (a) hereof shall be presented in the following form:

<u>Form</u>	<u>Colour</u>
i) Notice of motion	Pink
ii) Notice of question	Sky blue
iii) Amendment	Yellow
iv) Notice of Proxy	White
v) Petition	Green

- (c) No question shall be asked and no motion shall be moved on the same day on which notice thereof is given, and no notice shall be set down on the Order Paper for any day beyond fourteen consecutive sittings days of the Assembly following the day upon which it is given.
- (d) A Member desiring to change the day for bringing on a motion may have the notice placed on the Order Paper for any day later but not earlier than the first-named day.

- (e) Any notice which contains unbecoming expressions or offends against any rule of the Assembly may be ruled out of order or amended by the Speaker before it appears on the Order Paper.
- (f) An amendment to any motion before the Assembly or a Committee of the Whole Assembly shall be in writing and handed by the proposer to the Secretary.

26

Time limits for debates and speeches

- (a) A Member may speak on:
 - i) the question before the Assembly or a Committee of the Whole Assembly;
 - ii) amendments proposed thereto;
 - iii) a question or amendment which he/she has moved or is going to move; and
 - iv) a question on a point of order or a question of privilege.
- (b) Should any amendment or amendments to a question be moved after a Member has spoken, he/she may again address the Assembly on such amendment or amendments, but to a Member speaking on the question for the first time after amendments have been moved, only one speech, which may cover the main question and the amendment or amendments, shall be allowed.
- (c) No Member may speak more than once on a question before the Assembly except in explanation or reply or in Committee of the Whole Assembly.
- (d) A reply shall be allowed to the mover of a substantive motion or to the Member in charge of an order of the day, but not to a Member who has moved -
 - i) an amendment;
 - ii) an adjournment during a debate;
 - iii) an instruction to a Committee; or

- iv) a motion for leave to introduce a Bill.
- (e) A Member may not address a Committee of the Whole Assembly more than three times on a question, including amendments, and he/she may also not speak longer than 20 minutes at a time, except the Member charged with the business before the Committee, to whom no such restriction applies.
- (f) If, by agreement, the Whips allocate a specific time to a specific debate, such time shall not be exceeded without the unanimous consent of the Assembly and the closure of the debate takes place forthwith.
- (g) A Member who has moved an order of the day, or has moved or seconded a motion without speaking on it, may address the Assembly on the subject of such order or motion at any subsequent period of the debate.
- (h) The maximum period for which a Member may speak on any subject indicated in this Standing Order, and debate, shall not, unless otherwise ordered, exceed the period and frequency specified in the following schedule:

<u>Subject</u>	<u>Time & Frequency</u>
<u>Introduction of a Bill:</u>	
Member charged with the business	1 hour x 1
<u>Question before the House (not in Committee):</u>	
Mover of the business	unlimited
Prime Minister	unlimited
Other Members	30 minutes x 1
Leader of Official Opposition	unlimited
<u>Third Reading:</u>	
Member charged with the business	unlimited
Prime Minister	unlimited
Other Members	10 minutes x 1

Adjournment of debate:

All Members 10 minutes x 1

Answers to questions:

Cabinet Ministers 20 minutes x 1

Ministerial Statements:

Cabinet Ministers 30 minutes x 1

Committee of the Whole Assembly:

Member charged with the business unlimited

Prime Minister unlimited

Leader of Official Opposition unlimited

Other Members 15 minutes x 4

Appropriation Bill:

Second Reading debate:

Minister of Finance unlimited

Other Members 45 minutes x 1

Committee Stage: (Discussing Votes):

Mover of the business unlimited

Other Members 15 minutes

Urgent Bill:

Initial Stage:

Member charged with the business unlimited

Prime Minister unlimited

Leader of the Official Opposition unlimited

Other Members 10 minutes x 1

Second Reading:	
Member charged with the business	unlimited
Prime Minister	unlimited
Leader of the Official Opposition	unlimited
Other Members	10 minutes x 1
Committee Stage:	
Member charged with the business	unlimited
Prime Minister	unlimited
Leader of the Official Opposition	unlimited
Other Members	10 minutes x 1
Third Reading:	
Member charged with the business	unlimited
Prime Minister	unlimited
Leader of the Official Opposition	unlimited
Other Members	10 minutes x 1

MOTIONS

27

Motions without notice

Every motion requires notice except a motion:

- (a) by way of an amendment to a question already put from the Chair;
- (b) for the adjournment of the Assembly or of a debate;
- (c) in Committee of the Whole Assembly;
- (d) raising a question of privilege;
- (e) discharging a Member from attendance of a Standing/Select Committee;
- (f) for the postponement or discharge of an Order of the day;

- (g) which is expressly excluded by these Standing Orders;
- (h) to grant leave of absence to a Member;
- (i) in regard to which notice is dispensed with by the unanimous currency of all the Members present;
- (j) whereby a Bill is referred directly to the Committee of the Whole Assembly; and
- (h) for a secret/ballot vote.

28

When motions lapse

If a Member is absent when called upon to move a motion standing in his/her name, or if he/she fails to rise and move such motion when called upon by the Speaker, the motion shall lapse, subject to Rule 24, unless another Member, acting at the request of the Member in whose name the motion stands, defers it to a later day.

29

Motions not seconded

Any motion or amendment not seconded lapses forthwith, but a motion or amendment made in Committee, or an Order of the day, does not require a seconder.

30

Withdrawal and Repetition of Motions

- (a) No motion or amendment shall be moved which is chiefly the same as any motion or amendment which during the 30 days immediately preceding, has been resolved in the affirmative or negative, unless the Order, resolution or vote on such motion or amendment has in the meantime been repealed.
- (b) After giving notice and with the concurrence of the Assembly, a Member who has moved a motion, may withdraw it.
- (c) A motion which is withdrawn may again be moved after notice.

- (d) The withdrawal of a motion shall be in writing and handed by the mover to the Secretary.

31

Questions decided by Majority of Votes

- (a) Unless otherwise provided for in the Constitution, all questions in the Assembly shall be determined by a majority of the votes of Members of the Assembly, excluding the Speaker or other Presiding Member who shall, however, in the event of an equality of votes have and exercise a casting vote.
- (b) No Member may speak on a question after the presiding Member has put it in full.
- (c) Except in case of a division, there shall, when the question is put, be asked for:
- i) the Members in favour of the question;
 - ii) the Members against; and
 - iii) the Members abstaining.

CHAPTER IV - LEGISLATIVE PROCEDURES

PROCEEDINGS BEFORE REFERRAL TO COMMITTEE

32

Bills: general provisions

- (a) Subject to Rule 48 and except with the unanimous concurrence of the Assembly not more than one stage of a Bill shall be taken on the same sitting day.
- (b) Subject to sub-rule (c), all Bills tabled in the National Assembly must pass through the following stages:
- i) notice of motion for leave to introduce the Bill;
 - ii) introduction and First Reading;
 - iii) Second Reading;

- iv) consideration in a Standing Committee;
 - v) consideration of the Report from the Standing Committee;
 - vi) consideration in the Committee of the Whole Assembly; and
 - vii) Third Reading.
- (c) A Bill may be referred directly to the Committee of the Whole Assembly once it has been given a Second Reading, instead of being considered in a Standing Committee.
- (d) On the order for the first, second and third readings of a Bill the Secretary reads only the short title.
- (e) The Assembly deals with two types of Bills:
- i) Government Bills, and
 - ii) Private Members' Bills.
- (f) Amendments to the Constitution are dealt with under Article 132 of the Constitution.
- (g) The Member in charge of a Bill which seeks to amend an Act of Parliament must ensure that up to date copies of any Act to be amended are available in the Library of the Assembly.

33

Bills: financial provisions

- (a) A Private Member may not introduce a Bill which has the effect of increasing taxation, increasing Government expenditure, or reducing Government income.
- (b) If an amendment to a Bill has the effect of increasing taxation, increasing Government expenditure, or reducing Government income, the question may not be put on the amendment unless it is moved or seconded by the Minister of Finance.
- (c) A Minister in charge of a Government Bill must make a statement to the Assembly about the financial implications of the Bill before the start of the Committee stage.

34

Introduction and First Reading of Bills

- (a) Notice must be given of every motion for leave to introduce a Bill, and the general objectives of the Bill must be stated in the notice.
- (b) When notice has been given to introduce a Bill, the Secretary must provide each Member with a printed copy of it, and the name of the Member who is to introduce the Bill must appear on it.
- (c) Every Bill shall be introduced upon motion and question: “That leave be given to introduce such a Bill”, unless such Bill be brought up by a Committee appointed to draft the same to give effect to a resolution of the Assembly, in which case the Speaker shall instruct the first reading.
- (d) If a Member has been granted leave to introduce a Bill, he/she shall forthwith bring a fair copy thereof to the Table, and the Bill shall then be read for the first time and a date shall be fixed for its second reading.
- (e) No Bills shall be tabled before the Assembly after 1 November each year, unless the Assembly decides to treat it as an urgent Bill in accordance with Rule 52.

35

Referral to Standing or Select Committee before Second Reading

The House may at any stage of its deliberations prior to the conclusion of the Second Reading, refer a Bill to the relevant Standing or Select Committee to deal with any matter it deems appropriate. The Committee shall report back to the House within 30 days, unless the period is extended by the House. The House shall thereafter resume the Second Reading Stage.

36

Second Reading

- (a) The Member who is presenting the Bill shall open the Second Reading debate by introducing the Bill to the House.
- (b) During this stage the principle, or primary motivation and main objectives of the Bill are discussed.

- (c) Once the Member in charge of the Bill has finished his speech the Assembly may resolve to adjourn the debate.
- (d) On conclusion of the debate the Member presenting the Bill shall reply to questions and concerns raised by other Members during the debate.
- (e) The question for the Second Reading of the Bill is then put to the Assembly.

37

Referral to Standing or Select Committee

- (1) A Bill which is given a second reading stands referred to a relevant Standing or Select Committee for enquiry and report under Rule 40, unless it is referred directly to the Committee of the Whole Assembly under Rule 38.
- (2) The Speaker decides to which Committee each Bill is to be referred.

38

Referral directly to Committee of the Whole Assembly

Notwithstanding Rule 37, a Bill may be referred directly to the Committee of the Whole Assembly instead of to a Standing or Select Committee if—

- (a) it is moved and agreed upon by the Assembly that the Bill be referred directly to the Committee of the Whole Assembly,
- (b) the Bill has been considered an urgent Bill under Rule 52, or
- (c) the Speaker is satisfied that neither the length nor the importance of the Bill justifies an enquiry by a Standing or Select Committee.

PROCEEDINGS IN STANDING COMMITTEE

39

Committee Stage

- (a) A Standing Committee shall within thirty (30) days report back on Bills referred to it, unless an extended period of time is fixed by the House.
- (b) If the Committee has not reported within the time frame, the Bill is discharged from further consideration by the Committee and set down for resumption of the Committee Stage in the House.
- (c) In taking evidence on the Bill the Standing Committee may consider the principle of a Bill as well as its details, and it may report that a Bill should not be proceeded with if its consideration of the evidence leads it to that conclusion.
- (d) The Minister in charge of a Government Bill must ensure that the officials responsible for the drafting of the Bill attend the meetings of the Standing Committee at which the Bill is considered.
- (e) Upon completion of its work the Committee shall report to the House in accordance with Rule 40.

40

Report from Standing Committee

- (1) The recommendations of a Standing Committee on a Bill are presented to the House in the form of a Report.
- (2) The Report, set out in the prescribed form, is introduced by the Chairperson of the Committee or by another Member on the Chairperson's behalf.
- (3) A Committee may not present a minority report, but the Committee Report may reflect a minority opinion.
- (4) The Assembly may accept, amend or reject the Committee's recommendations.
- (5) Once the Committee's Report has been considered the Bill is referred to the Committee of the Whole Assembly.

- (6) Recommendations from the Committee which are accepted, or accepted with amendments, by the Assembly are referred to the Committee of the Whole Assembly as amendments to the Bill, and Rule 41 applies to those amendments.

41

Amendments on Instruction of Committee

- (1) On instruction of a Committee, the Minister of Justice shall ensure that any amendment proposed by a Committee shall be drafted by the Chief Legal Drafter.
- (2) The Chief Legal Drafter shall ensure that the text of such amendment is submitted to the Attorney-General for certification before it is tabled.

COMMITTEE OF THE WHOLE ASSEMBLY

42

Appointment of Committee of the Whole Assembly

- (1) A Committee of the Whole Assembly is appointed by resolution: "That the Assembly goes into Committee" on the matter to be referred to it.
- (2) When the Assembly resolves to go into Committee and a day has been fixed on which the Assembly shall resolve itself into Committee, the Speaker shall put the question when the Order of the day is read: "That I do now leave the Chair", and if agreed to, he/she shall accordingly leave the Chair.
- (3) The Chairperson of the Whole House seats him/herself at the Table and serves as Chair of the Committee of the Whole Assembly.
- (4) In the absence of the Chairperson of the Whole House, a Deputy Chairperson of the Whole House serves as Chairperson.

Procedure in Committee of the Whole Assembly

(1) Rules of procedure

The rules of procedure in the Committee of the Whole Assembly are those which apply in the Assembly, except that a motion need not be seconded.

(2) Motion that the Speaker leave the Chair

On the Order of the day being read for the Assembly to go into Committee on a Bill, the question: "That the Speaker leaves the Chair" shall be decided without amendment or debate, unless an instruction is moved as provided for in this rule, in which case debate shall be strictly confined to the matter of the instruction.

(3) Instructions to the Committee

While a Bill is in Committee of the Whole Assembly, an instruction to the Committee may be moved after notice.

(4) Clauses read in Committee

The Chairperson of the Whole House, upon seating him/herself at the Table, shall read the number of each clause in sequence. The title and the preamble (if any) shall be considered after clauses and the schedules (if any) have been disposed of.

Quorum in Committee of the Whole Assembly

(1) The quorum in Committee of the Whole Assembly is the same as that required for the Assembly.

(2) If it appears after attention has been drawn thereto, or from the report of a division, that a quorum is not present, the Chairperson of the Whole House shall, if after an interval of two (2) minutes, during which period the division bells shall be rung, a quorum be still not present, leave the Chair, and the Speaker shall resume the Chair.

(3) Upon the Speaker resuming the Chair, the Chairperson of the Whole House shall report that a quorum is not present, whereupon the Speaker

shall, after the expiration of a further two (2) minutes, during which the division bells shall have been rung, count the Assembly, and

- (a) if a quorum is still not present, he/she shall, without putting the question, adjourn the Assembly until the next sitting day, and the hour of adjournment shall be entered in the Minutes of Proceedings; and
- (b) if a quorum is present the Assembly shall again resolve itself into Committee.

45

Determination of Questions by Committee of the Whole Assembly

Unless otherwise provided for in the Constitution, all questions in Committee of the Whole Assembly shall be determined by a majority of votes of Members.

46

Amendments in Committee of the Whole Assembly

- (1) No new clause or amendment shall be allowed which is substantially the same as one already decided in the negative by the Committee, or which is inconsistent with one that has already been agreed to by the Committee, unless a recommittal has taken place.
- (2) Amendments may be made to a clause or new clauses added provided that they are relevant to the subject matter of the Bill, are pursuant to any instruction or are otherwise in conformity with the Standing Rules and Orders of the Assembly.
- (3) If an amendment is to be adopted which is relevant to the subject matter of the Bill but is not within the long title of the Bill, the Committee shall amend the title accordingly and report it specially to the Assembly.
- (4) No clause or amendment may be moved which is in conflict with the principles of the Bill as read a second time.

Reporting Progress

- (1) During the proceedings of a Committee a motion may be made: “That the Chairperson of the Whole House report progress and ask leave to sit again”.
- (2) If the motion is agreed to, the Chairperson of the Whole House shall report accordingly to the Speaker and thereupon, in terms of Rule 21, a day shall be fixed on which the Committee shall resume.
- (3) The Chairperson of the Whole House may report on the next sitting day, and if he/she does so the Assembly may fix that day as the day for the Committee to resume.
- (4) When the Order for the resumption of the Committee is read, the Speaker shall forthwith leave the Chair without putting the question.

Report of a Bill

- (1) At the close of the proceedings of a Committee of the Whole Assembly on a Bill, the Chairperson of the Whole House shall forthwith report the Bill with or without amendments to the Assembly.
- (2) If the Committee of the Whole Assembly has amended the long title of the Bill, the Chairperson of the Whole House must refer to that amendment when reporting the Bill.
- (3) The Chairperson of the Whole House may report on the next sitting day.
- (4) If the Bill is reported with amendments, a day shall be appointed, subject to Rule 21, for the third reading of the Bill and it shall, if necessary in the opinion of the Speaker, be reprinted with all amendments thereto and a copy thereof furnished to every Member.
- (5) If the Bill is reported without amendments, it may proceed to its third reading immediately.

49

Recommittal to Committee of the Whole Assembly

- (1) A Bill may be recommitted to the Committee of the Whole Assembly, as a whole or in part.
- (2) A motion to recommit the Bill may be moved at its third reading.

50

Disorder – Speaker resumes Chair

- (1) If any disorder arises in the Committee of the Whole Assembly, the Speaker shall resume the Chair without the question put.
- (2) The proceedings in the Committee are resumed when the Speaker leaves the Chair, unless the Assembly has adjourned.

PROCEEDINGS AFTER COMMITTEE

51

Third Reading

- (1) No amendment not being merely verbal or an amendment to the title of a Bill shall be made to such Bill on the third reading.
- (2) After the House has resolved in the affirmative that the Bill be read a third time, the Bill shall be deemed to have been duly passed by the Assembly and no further debate shall take place.

52

Urgent Bills

- (1) On calling of a motion for leave to introduce a Bill or on consideration of National Council amendments, a Minister may move “That the Bill be considered an urgent Bill”.
- (2) That motion does not require notice, and the question must be put without amendment or debate; provided that the Presiding Member is satisfied that such a motion is not a misuse of the Standing Orders, or infringes on the rights of the minority.

- (3) If the motion is approved –
- (a) and the Bill has not yet been introduced, leave may be given for it to be introduced after 1 November,
 - (b) the time limits on speeches set out in Rule 26 apply to all stages of the Bill, and
 - (c) the Bill is referred directly to the Committee of the Whole Assembly after second reading.

53

Corrections to Bills

- (1) During the progress of a Bill, corrections of a verbal or formal nature (that is, corrections of spelling errors or obvious grammatical or typographical errors) may at any time be made in the text of a Bill by the Secretary under the direction of the Speaker or Chairperson of the Whole House.
- (2) Textual and all other corrections must be made by way of motion and dealt with as any other amendment.
- (3) If any clerical or versional error is discovered in the text of a Bill after it has passed the Assembly, but before it has been sent to the President for signature, the Speaker must report the error to the Assembly, and it must be dealt with as with any other amendment.

CHAPTER V – STANDING AND SELECT COMMITTEES

GENERAL PROVISIONS

54

Standing and Select Committees

- (1) At the beginning of each Parliament, the Assembly shall appoint a Standing Committee on Standing Rules and Orders and Internal Arrangements which shall, be chaired by the Speaker of the National Assembly and, excluding the Speaker, shall consist of no fewer than 8 (eight) Members; provided that all parties in the Assembly are represented.

- (2) The following Standing Committees shall exist, in conjunction with the Standing Committee on Standing Rules and Orders and Internal Arrangements, and shall remain in existence for the duration of a Parliament, subject to sub-rule (3):
- (a) Committee of Privileges, and
 - (b) The Portfolio Committees, namely:
 - (i) Committee on Public Accounts
 - (ii) Committee on Constitutional and Legal Affairs
 - (iii) Committee on Foreign Affairs, Defence and Security
 - (iv) Committee on Economics and Public Administration
 - (v) Committee on Natural Resources
 - (vi) Committee on Human Resources and Community Development
 - (vii) Committee on Gender Equality, Social Development and Family Affairs
 - (viii) Committee on Information, Communication, Technology and Innovation
- (3) The Committee on Standing Rules and Orders, may amend and determine the Standing and Select Committees required for the effective conduct of business of the National Assembly and the Speaker shall announce such decisions of the Committee to the Assembly.

55

Membership of Committees

- (1) Each Portfolio Committee consists of Members of the Assembly who may be either Permanent Members or Associate Members of the Committee.
- (2) Associate Members may receive Committee papers, attend Committee meetings, speak and ask questions of witnesses, but may not play any other part in the work of the Committee and may not take part in Committee visits away from duty station.

- (3) A Permanent Member who does not attend three (3) consecutive meetings of a Committee without having leave of absence ceases to be a Member of the Committee.
- (4) The Committee on Standing Rules and Orders shall determine the number of Members of a Standing and Select Committee which has been established and appoint the Members who shall serve on such a Committee.
- (5) Each party shall nominate persons to serve on Standing and Select Committees, with due regard to the principle of proportional representation, and submit such nominations in writing to the Secretary, when required to do so by the Committee on Standing Rules and Orders.
- (6) The names of Members appointed to serve on a Standing and Select Committee shall be announced by the Speaker to the Assembly. The Members shall be duly appointed upon such announcement.

56

First Meeting of Committee

The first meeting of any Standing or Select Committee shall be convened by the Secretary or his or her nominee.

57

Election of Chairperson

- (a) Every Standing and Select Committee shall, before it commences its business, elect one of its Members to be Chairperson and another Member to be Deputy Chairperson.
- (b) If the Chairperson is absent from a meeting, the Deputy Chairperson shall chair that meeting. In the absence of both the Chairperson and Deputy Chairperson, the Members present shall elect from their number an Acting Chairperson for that meeting.

Open Committee Meetings and Publication of Proceedings

- (a) Committee meetings, other than the Committee of Privileges and the Committee on Standing Rules and Orders and Internal Arrangements, are open to the public, unless a Committee decides otherwise.
- (b) The proceedings of and evidence taken during a public hearing may be published, unless the Committee decides otherwise, but evidence which was taken *in camera* or which the Committee has resolved not to publish or divulge, shall not be published or divulged except by order of the Committee.
- (c) All documents, reports and papers of a Committee are confidential, unless and until laid before the Assembly.
- (d) The report of a Committee or a summary of such report shall not be published or divulged before the report has been laid before the Assembly.

Joint Committees

- (1) If, after consultation between the Speaker and the Chairperson of the National Council, it is deemed desirable that Committees of both the National Assembly and the National Council meet together in order to consider any matter; then the two Committees shall form a joint Committee.
- (2) If two or more Committees of the Assembly deem it necessary or desirable to meet together to consider any matter, such Committees shall, after consultation with the Committee on Standing Rules and Orders, form a joint Committee for that purpose.

60

Quorum for Committee Meetings

- (1) Unless the Assembly determines otherwise, the attendance of one third (1/3) of the Permanent Members of a Committee (not counting any Members who have leave of absence), shall form a quorum for a meeting of the Committee, subject to sub-rule (5).
- (2) If a quorum is not present within 15 minutes after the time set, the Chairperson shall adjourn the meeting to the next scheduled meeting date or the earliest date reasonably possible, whichever comes first. The Committee Clerk shall report the circumstances to the Secretary.
- (3) If at any time during a Committee meeting, a quorum is not present, the Chairperson shall adjourn the meeting or suspend business until there is a quorum.
- (4) When a Committee is adjourned because there is no quorum, the time of such adjournment and the names of the Permanent and Associate Members present shall be recorded in the minutes of the meeting.
- (5) For the purpose of hearing evidence, and for no other purpose, the quorum of a Committee is one Permanent Member.

61

Meetings during Sittings of the Assembly

A Committee may, with the unanimous concurrence of the Assembly, resolve to sit during the sittings of the Assembly.

62

Meetings during Adjournment or Recess of the Assembly

A Committee may, with the approval of the Speaker, sit on days during which the Assembly is adjourned for long periods or in recess.

Duty of Standing Committees to promote reduction of poverty

In carrying out their functions Standing Committees must at all times have regard to their duty to promote the reduction of poverty among the people of Namibia.

General Terms of Reference

- (1) A Committee shall consider such matters as are referred to it by the Assembly, or as authorised in terms of these and such Rules of the Assembly in accordance with the Constitution.
- (2) The Speaker decides to which Committee a motion is to be referred.
- (3) Subject to the provisions of the Constitution, particularly Article 63(2)(f) thereof, Standing Committees will perform the functions, tasks, and duties relating to Parliamentary supervision of such Offices, Ministries, Agencies or State Owned Enterprises and Parastatals as prescribed by or under an Act of Parliament, a resolution of this House or in these Rules, and shall as their general terms of reference, have the duty to:
 - (a) receive and consider Bills referred to the Committee and make appropriate recommendations to the Assembly;
 - (b) exercise oversight of the executive by securing attendance from officials of Offices, Ministries, Agencies or State Owned Enterprises and Parastatals in order to receive reports on the performance of the respective institutions;
 - (c) receive and consider policy documents and statements from the Offices, Ministries, Agencies or State Owned Enterprises and Parastatals;
 - (d) receive submissions from individuals and groups, regarding the operations of the various Offices, Ministries, Agencies or State Owned Enterprises and Parastatals;
 - (e) organise meetings between citizens, community groups, sectoral organisations, Members of Parliament and representatives of

Offices, Ministries, Agencies or State Owned Enterprises and Parastatals as may be necessary to facilitate an exchange of views regarding the operations of the relevant institutions and their effects on communities and groups in the society;

- (f) conduct investigative or oversight hearings and make recommendations to Offices, Ministries, Agencies or State Owned Enterprises and Parastatals for the enhancement of their policies, functions and administrative operations;
 - (g) monitor and enquire into and make recommendations relating to any aspect of the legislative programme, budget, rationalisation, functioning, organisation, structure, personnel, policy formulation or any other matter it may consider relevant; and
 - (h) consider treaties under Rule 65.
- (4) Standing Committees may in cases of common interest, communicate their evidence to each other and may meet jointly.
- (5) A Standing or Select Committee may specify a period of time within which Offices, Ministries, Agencies or State-Owned Enterprises and Parastatals must comply with the recommendations adopted by the Assembly.
- (6) The Standing Committees has the power to subpoena witnesses to appear before it under section 14 of the Powers, Privileges and Immunities of Parliament Act, 1996 (Act No. 17 of 1996).

65

Consideration of Treaties by Standing Committees

- (1) When the Government signs a treaty on behalf of Namibia the responsible Minister must lay a copy as soon as possible before the Assembly for consideration together with a summary prepared by the appropriate Ministry.
- (2) The Speaker then refers the treaty to the appropriate Standing Committee for its consideration.

- (3) A Standing Committee must report on treaties referred to it within sixty (60) sitting days of the referral of the treaty, unless that period is extended by the Assembly.
- (4) In its Report the Standing Committee must make recommendations as to the action to be taken by the Government under the treaty and the period within which that action is to be taken.
- (5) After a treaty has been ratified by Parliament the Minister responsible must report to the Assembly from time to time on the action taken by the Government to implement the treaty, and the appropriate Standing Committee may consider those reports.

66

Implementation of recommendations of Standing Committees

- (1) When the Assembly accepts, with or without amendments, the recommendations of a Standing Committee on any subject, the Secretary must inform the Offices, Ministries, Agencies or State Owned Enterprises and Parastatals concerned.
- (2) Not more than six (6) months after the Assembly has adopted the recommendations of a Standing Committee, the Secretary must write to the Offices, Ministries, Agencies or State Owned Enterprises and Parastatals concerned to find out what actions have been taken as a result.
- (3) The Standing Committee must report to the Assembly from time to time on progress with the implementation of its recommendations.

TERMS OF REFERENCE OF INDIVIDUAL COMMITTEES

67

Standing Committee on Standing Rules and Orders and Internal Arrangements

- (1) The Committee has the power and duty to:
 - (a) steer the business and provide for the internal arrangements of the House,
 - (b) consider and advise the Speaker on all matters affecting the members of the Assembly in their capacity as Members, and to report its decisions to the Assembly from time to time,
 - (c) draft and codify the Rules relating to the procedures for the general conduct of business which shall be observed by the Assembly and all its Committees,
 - (d) consider proposals for the amendment of these Rules,
 - (e) receive all reports from parliamentary Committees and delegations and approve them for tabling in the Assembly or deal with them as provided for in these Rules,
 - (f) consider proposals and recommendations regarding the conditions of service (including the salaries, allowances, pensions or gratuities) of Members and Staff of the Assembly and their dependants (where applicable), and
 - (g) consider any such other matter as the Speaker may refer to it.
- (2) The Committee may circulate its reports and recommendations to the Members of the Assembly, and if within the prescribed period no objection in writing and signed by a Member has been lodged with the Secretary, the reports or recommendations shall be deemed to have been approved by the Assembly.
- (3) The prescribed period for lodging an objection shall not be less than fourteen (14) days if the Assembly is in session and twenty eight (28) days if the Assembly is in recess: provided that if the Speaker deems the matter to be urgent, the Committee may prescribe a shorter period.

- (4) If an objection is received from a Member within the prescribed period, the Committee may consider the validity of the objection, and –
 - (a) in the case where it finds the objection to be valid, shall cause its report or recommendation to be tabled for consideration by the Assembly, and
 - (b) in the case where it finds that the objection is not valid, the report or recommendation shall be deemed to have been approved by the Assembly.
- (5) If no objection is received from a Member within the prescribed period, the report or recommendation shall be deemed to have been approved by the Assembly.
- (6) The Committee shall consist of Chief Whips, Chairpersons of Committees and the minimum number of Members to reflect the party proportionality in the Assembly.

68

Standing Committee of Privileges

- (1) The Committee shall act in terms of these Rules, the Code of Conduct for Members of the Assembly and exercise such duties, powers and functions as prescribed by an Act of Parliament including the Powers, Privileges and Immunities of Parliament Act, 1996 (Act 17 of 1996) and in accordance with the provisions of the Electoral Act, 2014 (Act 4 of 2014).
- (2) The Assembly may, at any time on good cause shown, remove a person, other than the Speaker, as a Member of the Committee.
- (3) A Member of the Committee must recuse him/herself from participating in any investigation of the conduct of a Member of the Assembly by declaring to the Chairperson that there is a conflict of interest as defined in the Code of Conduct. If a Member recuses him/herself, the Speaker shall request the same political party or the leader of the same political party as that of the disqualified Member, to nominate a Member to act as Member of the Committee for the purposes of the investigation.
- (4) The Committee may, in particular, –

- (a) deal with matters of policy relating to the Assembly,
 - (b) deal with matters relating to the conduct of Members, including the misuse or abuse of Rules of the Assembly ,
 - (c) issue directives concerning disclosure by Members of their interests and the form and frequency of the disclosure,
 - (d) make recommendations to the Assembly regarding the disclosure of Members' interests to be contained in these Rules and/or any other instrument, and
 - (e) investigate and report on any matter relating to the Standing Rules and Orders, the Code of Conduct, any other Rule or Order of the Assembly or any matter prescribed by an Act of Parliament.
- (5) Attendance of Committee meetings is limited to the Members of the Committee and designated officials of the Assembly, unless the Speaker decides otherwise.

69

Standing Committee on Public Accounts

- (1) The Committee has the duty to examine, consider and report on -
- (a) the accounts showing the appropriation of the sums granted by Parliament to meet public expenditure of the Republic;
 - (b) such other accounts, reports and any other matter or task as may be referred to the Committee by the House, or under any other law;
 - (c) all reports of the Auditor General on any such accounts;
 - (d) all accounts and reports of accounts where the State has interests; and
 - (e) all State-Owned Enterprises and Parastatals.
- (2) The Committee reports on its findings and makes its recommendations to the Assembly for consideration and debate.

- (3) Upon adoption of the report and recommendations by the Assembly, the Committee has a duty to report on the implementation of the recommendations within six months of their adoption.

70

Standing Committee on Constitutional and Legal Affairs

- (1) The Committee has the duty to consider any matter it deems relevant with regard to the Offices, Ministries, Agencies, and all State-Owned Enterprises and Parastatals responsible for the following category of affairs which shall, inter alia, include:

- Justice
- Attorney-General
- Electoral Commission
- Ombudsman
- Petitions
- Anti-Corruption Commission
- Human Rights

and may for that purpose consult and liaise with the relevant institutions.

- (2) The Committee further has the duty to:
- Ensure that the justice system is accessible to the majority of the population;
 - Ensure that the electoral processes are free and fair to all participating parties and individuals;
 - Promote the culture of human rights in Namibia; and
 - Support the efforts of the Anti-Corruption Commission in combating corruption.
- (3) With regard to the Ombudsman, the Committee may, inter alia -
- (a) examine, consider and report on the annual reports laid before the Assembly in terms of the provisions of the Ombudsman Act, 1990 (Act 7 of 1990) and such other reports it may require and make such recommendations it deems necessary to the Assembly;

- (b) satisfy itself that the Office of the Ombudsman has been carrying out its Constitutional mandate in an efficient and effective manner; and make recommendations to or through the Assembly to improve the overall efficiency and effectiveness of the Office of the Ombudsman, should the Committee be of the opinion that such improvements are necessary; and
 - (c) ensure that investigations are not jeopardised because of a lack of resources and recommend to the Assembly if specific cases need to be referred back to the Office of the Ombudsman for re-investigation.
- (4) With regard to petitions, the Committee may, *inter alia* -
- (a) receive petitions, lodged in terms of Rule 92 of the Standing Rules and Orders and deal with them in terms of these Rules; and
 - (b) establish such Sub-committees, as it deems necessary to deal with petitions on specialised topics.

71

Standing Committee on Foreign Affairs, Defence and Security

- (1) The Committee has the duty to -
- (a) consider any matter it deems relevant, with regard to the different Offices, Ministries, Agencies, and all State-Owned Enterprises and Parastatals responsible for the following category of affairs which shall, *inter alia*, include:
 - Defence
 - Home Affairs and Immigration
 - International Relations and Cooperation
 - Namibia Central Intelligence Service (NCIS)
 - Safety and Security

and may for that purpose consult and liaise with the relevant institutions;

- (b) exercise an overall oversight function with regard to Namibia's foreign policy and its relations with other States on matters of defence and security;
- (c) investigate issues relating to the policies, standards and procedures followed by the Namibia Central Intelligence Service;
- (d) obtain information from Government or other sources regarding any real or perceived threat to the security of the Republic of Namibia; and
- (e) enquire into and monitor international protocols, conventions and agreements that may affect Namibia's foreign policy, defence and security, and where necessary make recommendations to the National Assembly.

72

Standing Committee on Economics and Public Administration

- (1) The Standing Committee on Economics and Public Administration has the duty to -
 - (a) consider any matter it deems relevant with regard to the Offices, Ministries, Agencies, and all State-owned Enterprises and Parastatals responsible for the following category of affairs which shall, inter alia, include:
 - Finance
 - National Planning Commission
 - Industrialisation, Trade and SME Development
 - Public Enterprises
 - Works and Transport
- and may for that purpose consult and liaise with the relevant institutions;
- (b) monitor, enquire into, and make recommendations to the Assembly on matters that may directly or indirectly affect the economy of the country;

- (c) operate with a vision to promote infrastructure development, economic planning and development and public administration in Namibia;
- (d) review and advise the National Assembly on the activities and matters related to the State-Owned Enterprises and Parastatals;
- (e) enquire into and monitor international protocols, conventions and agreements that may affect the Namibian economy and public administration and where necessary make recommendations to the National Assembly;
- (f) receive directives to facilitate the implementation and administration of laws administered by Offices, Ministries, Agencies or State Owned Enterprises and Parastatals in Namibia; and
- (g) perform such other functions, tasks, and duties relating to Parliamentary supervision of such Offices, Ministries, Agencies or State Owned Enterprises and Parastatals as may be prescribed by the Assembly or in terms of an Act of Parliament.

73

Standing Committee on Natural Resources

The Standing Committee on Natural Resources has the duty to -

- (a) consider any matter it deems relevant with regard to the Offices, Ministries, Agencies, and all State-owned Enterprises and Parastatals responsible for the following category of affairs which shall, inter alia, include:
 - Agriculture, Water and Forestry
 - Environment and Tourism
 - Fisheries and Marine Resources
 - Mines and Energy
 - Land Reform

and may for that purpose consult and liaise with the relevant institutions;

- (b) monitor, enquire into, and make recommendations to the Assembly on matters that may directly or indirectly affect the natural resources of the Republic of Namibia and its people;
- (c) operate with a vision to promote sustainable utilisation of Namibia's natural resources;
- (d) review and advise the National Assembly on the activities and matters related to the agriculture, water and forestry;
- (e) ensure that government put restraint on environmental degradation and protect the environment;
- (f) review and advise the National Assembly on matters related to mines and energy sectors;
- (g) ensure a fair distribution of farming land and productive utilisation of it in Namibia;
- (h) enquire into and monitor international protocols, conventions and agreements that may affect the Namibian natural resources, economy and public administration and where necessary make recommendations to the National Assembly;
- (i) receive directives to facilitate the implementation and administration of laws administered by Offices, Ministries, Agencies or State Owned Enterprises and Parastatals in Namibia; and
- (j) perform such other functions, tasks, and duties relating to Parliamentary supervision of such Offices, Ministries, Agencies or State Owned Enterprises and Parastatals as may be prescribed by the Assembly or in terms of an Act of Parliament.

Standing Committee on Human Resources and Community Development

(1) The Committee has the duty to -

(a) consider any matter it deems relevant with regard to the Offices, Ministries, Agencies, and all State-Owned Enterprises and Parastatals responsible for the following category of affairs which shall, inter alia, include:

- Higher Education, Training and Innovation
- Education, Arts and Culture
- Urban and Rural Development and Housing
- Sport, Youth and National Service
- Ministry of Labour Industrial Relations and Employment Creation

and may for that purpose consult and liaise with the relevant Institutions;

(b) liaise with NGOs, Agencies and Institutions to enquire and monitor programmes that are aimed at uplifting the social and economic conditions of communities;

(c) monitor and enquire into all matters related to human resource development;

(d) monitor and enquire into all matters related to the development of both rural and urban communities;

(e) monitor and enquire into all matters related to the needs of the youth;

(f) promote harmonious industrial relations in Namibia;

(g) review and advise the National Assembly on the housing needs of the people;

(h) enquire into and monitor international protocols, conventions and agreements that may affect the country's human resources and

community development and where necessary make recommendations to the Assembly; and

- (i) perform such other functions, tasks, and duties relating to Parliamentary supervision of such Offices, Ministries, Agencies or State Owned Enterprises and Parastatals as may be prescribed by the Assembly or in terms of an Act of Parliament.

75

Standing Committee on Gender Equality, Social Development and Family Affairs

(1) The Committee has the duty to -

- (a) consider any matter it deems relevant with regard to the Offices, Ministries, Agencies, and all State-Owned Enterprises and Parastatals responsible for the following category of affairs which shall, inter alia, include:

- Gender Equality and Child Welfare
- Ministry of Health and Social services
- Poverty Eradication and Social Welfare

and may for that purpose consult and liaise with the relevant Institutions;

- (b) monitor, enquire into, and make recommendations to the Assembly on matters related to the provision of health and social services in Namibia;
- (c) monitor, enquire into, and make recommendations to the Assembly on matters related to poverty reduction;
- (d) address gender issues across party lines and promote gender equality to improve the status of women in Namibia;
- (e) ensure that there is gender balance in all legislation being considered;

- (f) scrutinise and review the implication of Bills and Acts that discriminate and negatively impact on the lives of women and children;
- (g) facilitate the implementation of recommendations reached at international fora on HIV/AIDS prevention and care programmes, poverty reduction strategies and social development programmes such as gender equality, children's rights and family values;
- (h) enquire into and monitor international protocols, conventions and agreements that may affect the lives of women and children and where necessary make recommendations to the Assembly; and
- (i) perform such other functions, tasks, and duties relating to Parliamentary supervision of such Offices, Ministries, Agencies or State Owned Enterprises and Parastatals as may be prescribed by the Assembly or in terms of an Act of Parliament.

76

Standing Committee on Information, Communication, Technology and Innovation

- (1) The Committee has the duty to -
 - (a) consider any matter it deems relevant with regard to the Offices, Ministries, Agencies, and all State-Owned Enterprises and Parastatals responsible for the following category of affairs which shall, inter alia, include:
 - Information, Communication and Technology
 - Higher Education, Training and Innovationand may for that purpose consult and liaise with the relevant institutions;
 - (b) monitor, enquire into, and make recommendations to the Assembly on matters that may directly or indirectly affect information, communication and technology;
 - (c) promote the culture of innovation in Namibia;

- (d) enquire into and monitor international protocols, conventions and agreements that may affect information, communication and technology and where necessary make recommendations to the Assembly; and
- (e) perform such other functions, tasks, and duties relating to Parliamentary supervision of such Offices, Ministries, Agencies or State Owned Enterprises and Parastatals as may be prescribed by the Assembly or in terms of an Act of Parliament.

CHAPTER VI - BUSINESS BETWEEN THE TWO CHAMBERS

77

**Conduct of Business between National Assembly and
National Council**

- (a) Communication between the National Assembly and the National Council shall be by message, the text of which shall be recorded in the Journal of the Assembly.
- (b) When a Bill has been read the third time a printed copy of it shall be transmitted to the National Council with the message informing the National Council that the Bill has been passed by the National Assembly and desires the concurrence of the National Council.
- (c) (i) The Speaker shall certify, on top of the first page of the Bill so transmitted to the National Council in the following form:

“This Bill has been passed by the National Assembly on the ____
20 ____

Dated the _____ 20 _____ Speaker _____”
- (ii) Provided that it is a Money Bill within the meaning of Sub-Article 75(8) of the Constitution a certificate by the Speaker shall be endorsed at the end of the Bill in the following form:

“I hereby certify that this Bill is a Money Bill within the meaning of Sub-Article 75(8) of the Constitution of Namibia.

Dated the _____ 20 _____ Speaker _____”

- (iii) Provided further that the transmission of any Bill to the National Council in terms of this Standing Order and the text of any message which accompanies such Bill shall be recorded in the Journal of the Assembly.
- (d) Whereas a Bill which has been duly passed by the Assembly is returned by the National Council without amendment it may be presented as soon as possible to the President for assent whether the House is sitting or not.
- (e) If a Bill passed by the Assembly and transmitted to the National Council is passed with amendments or is objected to in principle or not passed within three (3) months or thirty (30) days in the case of a Money Bill of its receipt, the Speaker shall communicate the fact to the Members and the Secretary shall cause copies of the Bill to be supplied to them.
- (f) After the amendments to the Bill have been laid on the Table, any Minister in the case of a Government Bill or in any other case any Member may, after giving one day's notice, or with the consent of the Speaker without notice, move that the amendments be taken into consideration.
- (g) If a motion that the amendments be taken into consideration is carried, the Speaker shall put the amendments to the Assembly in such manner as he/she thinks most convenient for their consideration: Provided that whenever a Bill is returned from the Council with amendments, such amendments shall be considered by the Committee of the Whole Assembly, or may be referred to a Standing/Select Committee: Provided further that an amendment may be moved whether it is relevant to the subject matter of an amendment made by the Council or consequential upon or an alternative to an amendment made by the Council.
- (h) After all amendments made by the National Council and those moved under sub-rule (g) are disposed of, the Member charged with the business shall move that the Bill as amended or, as the case may be, as originally passed by the Assembly, be passed.
- (i) If a Bill transmitted by the Assembly is objected to in principle by a two-thirds majority of the National Council in pursuance of Sub-Article 75(5)(a) of the Constitution, the Member charged with the business

shall, unless the Speaker otherwise directs after giving one day's notice, move that the Bill be reconsidered: Provided that if the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration by way of a general debate without reference to the details of the Bill: Provided further that if upon such reconsideration, the Assembly does not obtain a majority of two-thirds of all its Members to re-affirm the principle of the Bill, the Bill shall lapse.

- (j) When the Bill is again passed by the Assembly, with or without amendments proposed by the National Council, an authenticated copy signed by the Speaker shall be transmitted to the President, by the Secretary for assent: Provided that the Speaker shall inform the President about the majority with which the Bill was passed by the National Assembly.

CHAPTER VII - DIVISIONS

78

Recording of Opposition

Whenever a question is put by the Presiding Member, any Member may, instead of demanding a division, inform the Presiding Member that he/she wishes his/her opposition or that of the party to which he/she belongs, to be formally recorded in the Minutes of Proceedings: Provided that the Presiding Member may order that a division shall take place in the event of three or more Members wishing to record their individual opposition.

79

Demand for Division

- (a) After the Presiding Member has declared the result of a question put, any Member who has voiced his/her opinion with those who are according to such declaration in minority, may subject to Rule 78 demand a division of the Assembly upon that question and a division without debate shall take place.
- (b) Whenever a division is demanded, the Presiding Member, before instructing the division bells to be rung, shall satisfy him/herself that at least two Members support the demand for such division.

- (c) If fewer than two Members rise in support thereof, the Presiding Member shall forthwith declare the decision on the question.
- (d) The names of those Members who arose shall be recorded in the Minutes of Proceedings.

80

Procedure for Division

- (a) When the requisite 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 two minutes, as the Presiding Member shall direct, but if further divisions are required to dispose of the question and 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 30 seconds as the Presiding Member shall direct.
- (b) National Council Members shall, if ordered, withdraw from the Chamber.
- (c) After the doors have been locked the Presiding Member, shall again put the question and the “Ayes” shall rise and the “Noes” shall remain seated.
- (d) The Secretary shall then call out the names of those standing, the Assistant to the Secretary recording the vote and name of each such Member. After the names of the “Ayes” have been recorded and the Members so voting have resumed their seats the Presiding Member shall call upon the “Noes” to rise and their votes shall be recorded in the same manner. The Secretary shall then hand in the division list to the Presiding Member, who shall thereupon announce the result of the division.
- (e) No Member shall enter or leave the Chamber until after the division has been taken.
- (f) No Member may move from his/her chair until the votes have been counted.
- (g) While the House is dividing, Members may speak, while standing, to a point of order arising out of or during the division.

- (h) Should a point of order arise during a division it shall be decided by the Speaker.
- (i) The lists of divisions, recording the names of all Members present, and the votes they cast, shall be recorded in the Minutes of Proceedings by the Secretary.
- (j) If a complaint be made to the House that a division has been inaccurately reported, the Speaker may cause the record to be corrected.
- (k) No Member shall be entitled to vote in any division upon a question (not being a matter of public policy) in which he/she has a direct pecuniary interest.
- (l) The vote of a Member may not be challenged except on a substantive motion moved immediately after the division is completed, and the vote of a Member determined to be so interested shall be disallowed.

81

Personal/Ballot Vote

Where the majority of the Members present, on a motion moved, consider that the subject of a vote is to be treated as a conscience issue, the Speaker shall permit a personal vote to be held by deposit of individual, secret ballot.

82

Procedure for Personal Vote

- (a) In a personal vote, the bells are rung for 4 minutes, whereafter the doors are locked.
- (b) The Table Clerks shall ensure that each Member is issued with a ballot paper and that the ballot box is placed upon the Table.
- (c) All Members present shall be required to vote.
- (d) The names of Members absent during a ballot vote shall be recorded in the Minutes of Proceedings.
- (e) The Members are directed by the Speaker to pass the ballot box in single file and cast their ballot.

- (f) Members' votes are counted by the Table Clerks who shall report the results to the Secretary.
- (g) The Secretary shall verify the count and sign the vote lists.
- (h) The Secretary shall report the results to the Presiding Member who shall then declare the result to the House.

CHAPTER VIII - FINANCIAL PROCEDURES

83

Financial matters

- (a) The Minister of Finance shall cause to be prepared and lay upon the Table, at least one month before the end of the financial year, a Bill containing estimates of the revenues and expenditures of the Government for the next financial year.
- (b) This Bill shall be the Appropriation Bill and shall be debated in the same stages as outlined in Rule 32 and each Vote shall, during the Committee stage of the Bill be motivated by the Member responsible for the Ministry or Agency; provided that the Prime Minister or any other Minister so designated shall motivate Vote 01 on behalf of the Office of the President, and the Speaker shall motivate Vote 03 of the National Assembly, Vote 11 on behalf of the National Council, Vote 28 on behalf of the Electoral Commission of Namibia or any other Vote so designated.
- (c) All estimates of expenditure shall, when laid upon the Table, stand referred to the Committee of the Whole House.
- (d) A proposal for the increase or amendment to an appropriation which would increase expenditure or taxation, or alter the destination of expenditure may only be moved by agreement with the Minister of Finance.
- (e) The time limits imposed by Rule 26 shall exclude the time taken by the Member moving the second and third reading, when he/she so moves, or when replying to debates on the second or third reading, or, in Committee of the Whole Assembly, by Members of the Cabinet, provided that the motivation of the individual votes shall not include references to matters which should be contained in an Annual Report.

- (f) In respect of every vote in the schedule to the Appropriation Bill that is under consideration in Committee of the Whole Assembly, Members shall not be limited in regard to the number of times they may speak, provided that their contributions are relevant to the question before the Committee.

84

Procedure in Committee of Whole Assembly on Appropriation Bills

- (1) In Committee of the Whole Assembly on Appropriation Bills:
- (a) The schedule shall, notwithstanding the provisions of Rule 43(4) of the Standing Orders, be taken into consideration before the clauses;
 - (b) The question shall first be proposed from the Chair on the largest reduction if more than one reduction is moved in any clause, vote or head;
 - (c) On the motion of a Member of the Cabinet, to be decided without amendment or debate, precedence may be given to any vote or head in a schedule;
 - (d) No condition or expression of opinion shall be attached to a vote or head;
 - (e) The Committee may at any time, on the motion of a Member of the Cabinet, to be decided without amendment or debate, revert to any vote or head appearing in the schedule to the Bill and previously disposed of by the Committee;
 - (f) The rule of anticipation as set out in Rule 116(b) shall not apply.
- (2) At the conclusion of proceedings in Committee on the Appropriation Bill on any day, the Deputy Speaker may take the Chair in place of the Speaker, and a Deputy Chairperson of the Whole House may report progress, or may report the Bill, in place of the Chairperson of the Whole House.

Procedure for Motivation of National Assembly, National Council and Electoral Commission of Namibia's Votes

- (a) The Speaker shall, in accordance with Rule 83, motivate the budgetary allocations of National Assembly, National Council and Electoral Commission of Namibia or any other vote so designated during the Committee stage of the Appropriation Bill.
- (b) The Speaker shall leave the Chair and the Chairperson of the Whole House shall preside.
- (c) The Speaker shall present his motivation from a bench provided for him in the Chamber for this purpose, and shall remain in this chair to reply to questions put on these Votes.
- (d) When Votes 03, 11 and 28 has been finalised, the Speaker shall leave the Chamber through the Members' entrance.

CHAPTER IX - NON-LEGISLATIVE PROCEDURES

QUESTIONS

Nature of Questions

Any private Member may address a question to a Minister relating to a public matter for which he/she is responsible, either seeking information on such matter, or asking for official action with regard to it.

Notice of Questions

- (a) A question shall not be asked without notice unless it is of an urgent character or relates to the business of the day and the Member has obtained the leave of the Speaker to ask it.
- (b) Notice of a question may be handed by a Member to the Secretary during the period known as Question Time.

- (c) Every such notice shall be signed by the Member giving it, and shall be presented on the form as set out in Rule 25(b).

88

General Rules for Questions

The right to ask a question shall be subject to the following general rules, the interpretation of which the Speaker shall be the sole judge:

- (a) The proper object of a question is to obtain information on a question of fact within the official cognisance of the Minister to whom it is addressed, or to ask for official action.
- (b) A question shall not include the names of persons, or any statement of fact, unless they be necessary to render the question intelligible and can be authenticated.
- (c) Not more than one subject shall be referred to in one question, and a question shall not be of excessive length.
- (d) A question shall not contain arguments, inferences opinions, imputations, epithets, or hypothetical cases.
- (e) A question shall not be asked:
 - (i) which raises an issue already decided in the Assembly or which has been answered fully during the current session;
 - (ii) regarding proceedings in a Committee which have not been placed before the Assembly by a report from the Committee;
 - (iii) which deals with matters referred to a Commission of Enquiry or within the jurisdiction of the Chairperson of a Standing/Select Committee;
 - (iv) as to the character or conduct of any person except in his/her official or public capacity;
 - (v) reflecting on the character or conduct of any person whose conduct can only be challenged on substantive motion;
 - (vi) soliciting the expression of an opinion or the solution of a strict legal question or of a hypothetical proposition.

Amendments of Questions

If the Speaker is of the opinion that any question of which a Member has given notice to the Secretary infringes the provisions of any Standing Order or is in any way an abuse of the right of questioning, he/she may direct:

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

Manner of asking and answering Questions

- (a) At Question Time the Speaker shall call in turn each Member in whose name a question stands upon the Order Paper, in the order in which the questions are printed or in any such other order as the Speaker may on any particular occasion (by leave of the Assembly) determine.
- (b) Each Member so called shall rise in his/her place and ask the question by reference to its number on the Order Paper and Minister questioned shall give his/her reply, or shall take the necessary steps to have the reply furnished.
- (c) After the answer to a question has been given, supplementary questions may, at the discretion of the Speaker, be put for the sole purpose of elucidating the answer given, but the Speaker may refuse any such question which in his/her opinion introduces matters not relevant to the original question or which infringes any provisions of these Standing Orders, and may in that case direct that such question be not reported in the Official Report.
- (d) When all the questions for which an oral answer is required have been called, the Speaker if the time permits shall call again any question which has not been asked by reason of absence of the Member in whose name it stands; in which case another Member may, if deputised by the absent Member on his/her behalf either ask the question or request its postponement.

- (e) The Speaker shall also call again any questions which have not been answered by reason of the absence of the Minister to whom it is addressed.
- (f) A Minister may, with the leave of the Assembly, defer answering a question.
- (g) A Minister may with the consent of the Speaker and the Member asking the question reply earlier than the day for which the question has been set down.

91

Urgent Questions

- (a) After answers to questions on notice, the Speaker shall allow time for urgent questions to Ministers.
- (b) Urgent questions shall be:
 - (i) asked without notice,
 - (ii) short and to the point, and
 - (iii) answered immediately.
- (c) Subject to the discretion of the Speaker, supplementary questions may be asked to elucidate an answer.
- (d) The time allowed for urgent questions shall not exceed 20 minutes each day.
- (e) Urgent questions shall be subject to the same Rules as for questions requiring notice.

PETITIONS

92

Lodging and Form of Petition

Any person(s) or organisation(s) shall be competent to lodge a petition with the National Assembly in the form as prescribed in the Annexure.

Powers of Committee when dealing with Petitions

- (a) The Committee dealing with Petitions shall draw up rules governing the treatment of requests and complaints and shall use them as the basis for its decisions in each case.
- (b) The Committee dealing with Petitions shall have the right to dismiss a petition on the following grounds:
 - (i) If it is a petition (other than a Private Bill) for which legal remedies have not been exhausted.
 - (ii) If it is a petition on a matter within the jurisdiction of the Ombudsman, and no application was made to the Ombudsman without good cause shown.
 - (iii) If it is a petition on the same matter as an earlier petition which was finally dealt with by the House during this term of the National Assembly, unless substantial and material evidence, not available when the earlier petition was considered, is now available.
 - iv) Any complaint made in the petition to matters that are irrelevant to the main issue raised.
- (c) The Committee may, depending on the nature of the matter being petitioned, recommend to the Standing Committee on Rules and Orders that such matter be referred to another Committee with authority to deal with such matters.

Language of Petition

- (a) A petition may be presented in any language provided it is accompanied by a translation in the English language, certified to be true and correct by the Member who presents the petition or by a sworn translator.
- (b) A petition shall be respectful, decorous and moderate in language and should not contain irrelevant statements.

95

Signing of Petition

- (a) Unless the Speaker otherwise decides, every petition shall be signed by the petitioners themselves.
- (b) Persons unable to write shall make their marks on the petition in the presence of two witnesses who shall sign the petition in this capacity.
- (c) In case of persons incapacitated, persons signing on their behalf must state the fact alongside the signature.
- (d) A petition from a company must be signed by a duly authorised officer of the company and shall be issued under the company's common seal.
- (e) Any erasures or corrections made on the petition must be authenticated by a signature or initialled at each end of the erasure or correction by the person or persons signing the petition.

96

Presentation

- (a) A petition shall be presented to the Assembly by the Speaker or a Member on behalf of Petitioner(s).
- (b) It shall not be competent for a Member to present a petition on his/her own behalf, but such a petition may be presented by another Member.

97

Depositing with Secretary

- (a) A petition shall be deposited with the Secretary in the prescribed form and if the Secretary is satisfied that such petition complies with these Standing Orders he/she shall submit it to the Committee for consideration forthwith.
- (b) Subject to Rule 93(c) the Committee shall once it has considered the petition, submit a report to the Standing Committee on Rules and Orders with its recommendations.

- (c) The Standing Committee on Rules and Orders shall upon receipt of the report have the power to:
 - i) table the report as submitted to the House;
 - ii) table the report with amendments;
 - iii) refer it back for additional information.
- (d) No letters, affidavits or other documents may be attached to the petition. Such documents should be retained by the petitioner(s) as evidence in support of the petition when it is considered by the Committee.

STATEMENTS

98

Statements by Ministers

- (a) A Minister who wishes to make a statement on some public matter for which he/she is responsible shall inform the Speaker of his/her wish before the beginning of the sitting at which he/she wishes to make the statement.
- (b) No debate may arise on such statement but the Speaker may in his/her discretion allow short questions to be put to the Minister making the statement for the purpose of elucidating it.

CHAPTER X - ADJOURNMENT AND CLOSURE

99

Automatic adjournment

- (a) Subject to these Standing Orders the business under consideration at the time determined for the adjournment of the Assembly on any sitting day shall be interrupted by the Speaker (or if the Assembly is in Committee, by the Chairperson of the Whole House, who reports progress and asks leave to sit again), and the Speaker thereupon adjourns the Assembly without the question being put.
- (b) When business is interrupted by this Rule, dilatory motions, if any, shall lapse.

- (c) If, at the time of the adjournment proceedings under the closure are in progress, the Presiding Member shall not interrupt business until the proceedings under the closure and, if the closure is agreed to, until the question and any amendments thereto, have been completed.
 - (i) If at the time for the adjournment a division is in progress the Presiding Member shall interrupt business after the result of the division has been declared.
 - (ii) If the division is on an amendment, the Presiding Member shall, after the result of the division has been declared, proceed to put all the questions which have already been proposed from the Chair.
- (d) If the Assembly for any unforeseen reason does not meet on the day appointed it stands adjourned to the next sitting day.
- (e) If the Committee of the Whole Assembly has reported progress, or has reported a Bill, the Presiding Member in the Committee (even if not the Chairperson of the Whole House) may then take the Chair and adjourn the Assembly without putting the question.

100

Adjournment on Resolution

- (a) Except in the circumstances mentioned in Rules 99 and 103 (Automatic adjournment), Rules 60 and 17 (no quorum) and Rule 50 (disorder) when the Speaker adjourns the Assembly without putting the question, the Assembly can only be adjourned on its own resolution, and in case no time or date be fixed, such adjournment shall be until 14h30 of the next sitting day, except if the next sitting day is a Friday in which case the adjournment shall be until 09h00, unless the Assembly resolves to adjourn until such time the same day as the Speaker may decide and summon Members by having the bells rung.
- (b) A substantive motion for the immediate adjournment of the Assembly may be made at any time when the Speaker is in the Chair, but discussion thereof and amendments thereto shall be confined to the time and date for the next sitting.

Adjournment for Matters of Urgent Public Importance

- (a) No motion for the adjournment of the Assembly for a definite matter of urgent public interest shall be moved, unless a Member at the beginning of the public business (that is to say after questions and before motions or orders of the day, depending) shall rise and say that he/she ask leave to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance.
- (b) The Member shall then declare what the matter is and hand over to the Speaker a written setting-out of the subject he/she wishes to have discussed. If the Speaker is convinced that the motion falls within the provisions of this Rule, he/she shall request the Members who support the motion to rise. If at least five (5) Members support the motion, the Speaker permits the Member to move the motion.
- (c) Motions moved under this Rule are subject to the following restrictions:
 - i) not more than one such motion may be made during one sitting day;
 - ii) not more than one matter can be discussed under the same motion;
 - iii) the motion may not revive matters already debated during the last session;
 - iv) the motion must not anticipate matters under notice for discussion or standing as an Order of the day;
 - v) the motion must not raise a question of privilege;
 - vi) the motion must not raise any matter (such as for example a personal accusation) which can only be debated on a substantive motion after notice.
- (d) A matter submitted in pursuance of this Rule which fails to obtain the necessary support cannot within two months be again brought forward under this Rule.

- (e) A Member intending to move the adjournment of the House under the provisions of this Order shall on any other day than Friday give notice to the Speaker by 12h00 if the urgency of the matter is known at that hour. On a Friday, the requisite notice shall be given at 07h30.
- (f) If the urgency is not so known the Member shall give notice as soon thereafter as is practicable.

102

Right of Proposer and Seconder for Adjournment to speak again

A Member having moved or seconded a motion for the adjournment of a debate without discussing the main question shall, whether the adjournment be carried or not, be entitled to speak on the main question.

103

Proposal that Proceedings not be Interrupted

- (a) Notwithstanding the provisions of Rule 99(a) a Member may, at the commencement of public business, without notice make a proposal which must be decided without amendment of debate, namely “That the proceedings on (naming the motion or the order of the day) be, in accordance with Rule 99 not interrupted if it is still under consideration at 17h45 (or 12h30, respectively).
- (b) If such motion is agreed to and the specified business is still under discussion after 17h45 (or 12h30, depending) no other opposed business is treated on the sitting day, but the Speaker then adjourns the Assembly.
- (c) Unopposed business may however be treated without discussion before adjournment.

104

Adjournment of Debate

- (a) When a motion is made for the adjournment of a debate or of the Assembly during a debate, or that the Chairperson of the Whole House report progress and ask leave to sit again, or do leave the Chair, the debate thereon shall be confined to the matter of such motion, and no Member having moved or seconded any such motion shall be entitled to

move or second any similar motion during the same debate on the same sitting day.

- (b) If the Presiding Member is of opinion that any such motion is a misuse of the Standing Orders or infringes on the rights of the minority, he/she may decline to put the question in connection therewith.

105

Order at Adjournment

When the Assembly adjourns, Members must rise and remain in their places until the Speaker has left the Assembly Hall.

106

Closing debate

- (a) After a question has been put during the debate by the Presiding Member, a Member may demand to move “That the Question be now put to close the debate.”.
- (b) Unless the Presiding Member is of the opinion that such a motion is a misuse of the Standing Orders or infringes on the rights of the minority, the closure is put forthwith without amendment or debate.
- (c) If amendments to a question have been moved and the closure approved, amendments as well as the main question are put forthwith without amendment or debate.
- (d) When the closure has been approved by the Assembly, the Presiding Member must, prior to putting them in question, notwithstanding the provisions of sub-rule (c), enquire from the Member charged with the relevant business whether or not he/she wishes to reply.
- (e) A motion under this Rule shall be moved only when the Speaker or Deputy Speaker and the Chairperson of the Whole House are in the Chair.
- (f) The closure has been approved by the Assembly when it is supported by a simple majority.
- (g) If the motion for closure fails to obtain a simple majority, the motion lapses.

CHAPTER XI - CONDUCT OF MEMBERS

107

General Conduct of Members

Every Member should be properly attired in accordance with the dress code of the National Assembly at all times when conducting official business and shall bow to the Chair in passing to or from his/her seat.

108

Members may not be interrupted

No Member shall interrupt another Member whilst speaking, except:

- (a) to call attention to a point of order or a question of privilege which arises from the proceedings then before the Assembly;
- (b) to call attention to the absence of a quorum;
- (c) to call attention to the presence of strangers; or
- (d) to move the closure.

109

Precedence of Presiding Member

Whenever the Presiding Member rises during a debate, the Member who is then speaking and all other Members shall resume their seats, remain seated, and the Presiding Member shall be heard without interruption.

110

Unsuitability or Repetition

After the Presiding Member has called the attention to the conduct of a Member who persists in irrelevance or in repeating arguments, he/she may direct the Member to discontinue his/her speech.

111

Member directed to leave Assembly Hall

The Presiding Member shall order a Member whose conduct is grossly improper to withdraw immediately from the Assembly Chamber for the remaining period of the sitting day in question.

112

Suspension of Member

If the Presiding Member deems the powers conferred by Rule 111 inadequate, the Speaker may report it to the Standing Committee on Standing Rules and Orders and Internal Arrangements and that Committee may recommend that the Member concerned be suspended for seven days, on the second occasion for fourteen days, and on a third occasion for twenty-one days.

113

Member to withdraw from Precincts of Assembly

- (a) A Member who is suspended in terms of Rule 112 or instructed in terms of Rule 111 to leave the Assembly Chamber shall forthwith withdraw from the precincts of the Assembly.
- (b) Any Member who fails to withdraw from the Chamber when instructed in terms of Rule 111 by the Presiding Member, shall be escorted from the Chamber by the Serjeant-at-Arms.

114

Expression of Regret

- (a) A Member suspended under Rule 112 may submit to the Speaker a written expression of regret, and if the Speaker approves of such expression of regret, he/she shall lay it before the Assembly, whereupon a motion shall be moved forthwith for the discharge of the suspension, the question being put without debate or amendment.
- (b) An expression of regret laid before the Assembly in terms of sub-rule (a) shall be recorded in the Minutes of Proceedings.

115

Grave Disturbance, Powers of Speaker

In the event of grave disorder as a whole the Speaker may adjourn the Assembly without the question put, or suspend any sitting for a period to be stated by him/her.

116

General Restrictions

A Member may not:

- (a) speak against or reflect upon any decision or Act of the Assembly except for the purpose of moving that it be rescinded;
- (b) anticipate the discussion on any other subject which appears on the Order Paper;
- (c) use the name of the President or Acting President in a disrespectful manner during a debate or to influence the Assembly in its deliberations;
- (d) call another Member directly by his/her name, but may refer to him/her as "The Honourable Member or Comrade (then stating his/her name)" or as the Honourable Member or Comrade sitting in a particular part of the Assembly, or as the Honourable Member or Comrade who spoke at a certain period of the debate;
- (e) use offensive or unbecoming words against the Presiding Member, the Assembly or proceedings or in reference to any Member thereof;
- (f) in any motion, debate or question, including a supplementary question, refer to matters awaiting or under adjudication in any Court of Justice;
- (g) refer to the names of persons, or any statements of fact, unless they be necessary to render the question intelligible and can be authenticated;
- (h) bring into the Chamber any weapon or other strange object other than necessary documents and objects required by Members in the execution of their parliamentary duties;
- (i) eat, smoke or drink substances, other than water, inside the Chamber;

- (j) converse aloud or read newspapers or any other paper not connected with the business under consideration;
- (k) pass between the Chair and the Member who is speaking, nor stand in the gangways or on the floor of the Chamber; or
- (l) distribute any document(s) unless it has been submitted to the Secretary for approval by the Speaker.

CHAPTER XII - GENERAL PROVISIONS

117

Application of Rules

Save where otherwise provided in these Rules, the provisions in respect of the procedure and order of the Assembly set out in the Constitution shall be applicable.

118

Application to President

- (a) When the President of the Republic takes his/her seat in the Assembly, these Rules shall apply to him/her.
- (b) The Speaker shall not allow that the President be addressed in a disrespectful manner and neither shall he/she allow disrespectful remarks towards the President.
- (c) For the purposes of sub-rule (b) “disrespectful remarks” do not include constructive criticism.

119

Suspension

Any Rule of the Standing Orders may be suspended upon a motion made, provided such a suspension is limited in its operation to the particular purpose for which it has been sought.

120

Language

- (a) The language of the Assembly shall be English.
- (b) The Presiding Member shall authorise the use of any other language in the proceedings of the Assembly if adequate provision has been made for the translation thereof into English.

121

Acting for Absent Member

A Member may, if so authorised by another Member not then present, give notice on his/her behalf of a question or a motion; and he/she may then similarly be authorised to take charge of a question, motion or an order of the day in the absence of the Member in charge thereof.

122

Points of Order

- (a) When a point of order is raised, the Member called to order shall discontinue his/her speech, and after the point of order has been stated to the Presiding Member by the Member who raised it, the Presiding Member shall give his/her ruling or decision thereon either forthwith or subsequently.
- (b) A point of order may be raised:
 - i) when any of these Rules and Orders is alleged to have been infringed;
 - ii) as soon as an irregularity occurs in the customary proceedings;
 - iii) to give an explanation in terms of Rule 123; and
 - iv) to seek clarification on a procedural matter.
- (c) A Member who raises a point of order alleging an infringement of any of these Rules must specify the Rule concerned.
- (d) If the Presiding Member considers that a point of order is spurious or frivolous, the Presiding Member may direct the Member who raised it to resume his/her seat.

- (e) A Member must not abuse the right to raise a point of order so as to obstruct the business in the Chamber.
- (f) A Member may raise a point of order at any time, whether he/she has previously spoken or not.

123

Explanations

- (a) An explanation is allowed during a debate only when a material part of a Member's speech has been misquoted or misunderstood, but such a Member shall not be permitted to introduce any new matter, and no debate shall be allowed upon such explanation.
- (b) A Member may with the prior consent of the Speaker also explain matters of a personal nature, although there is no question before the Assembly, but such matters may not be debated, and the Member shall confine him/herself strictly to the vindication of his/her own conduct.

124

Unforeseen Circumstances

- (a) In any matter for which these Standing Orders do not provide or that is not provided for by a Sessional Order or other Order, the decision of the Speaker or the Chairperson of the Whole House, as the case may be, shall be final, and in arriving at such decision he/she may take as his/her guide the relevant practices in other jurisdictions.
- (b) A ruling framed by the Speaker shall remain in force until it is set aside on recommendation of the Standing Committee on Standing Rules and Orders and Internal Arrangements.

125

Addressing the Assembly

Only a Member of the National Assembly or the President shall be competent to address the House, provided that the Speaker may permit visiting Heads of State and Government, and Speakers or their designated representative(s) or any eminent persons to address the Assembly on a specific day.

MINUTES OF PROCEEDINGS, REGISTERS AND CUSTODY

126

Minutes

The Minutes of Proceedings of the National Assembly shall be noted by the Secretary and shall, after being perused by the Speaker, be supplied to Members.

127

Register of Attendance

A register of attendance of Members shall be kept by the Secretary in respect of each sitting day.

128

Register of Declaration of Interests

A register of disclosure of interest shall be kept by the Secretary in respect of all Members in terms of Section 22(3) of the Powers, Privileges and Immunities of Parliament Act, 1996 (Act 17 of 1996).

129

Custody of Records and Documents

The Secretary shall have custody of all the records and other documents belonging to the Assembly and shall neither take nor permit to be taken any such records or other documents from the Chamber or offices of the Assembly without the express leave of the Assembly.

STRANGERS

130

Admission of Strangers

- (a) The power to admit strangers to the precincts of the Assembly, the places set aside for them in the Assembly Hall or the portion which is set aside for Members, shall vest in the Speaker.

- (b) The Presiding Member may at any time, or after his/her attention has been called to the presence of strangers, at his/her discretion or in accordance with a decision of the Assembly, on the motion of a Member which may happen without notice and be resolved without debate, order any strangers to withdraw from any part of the Assembly.
- (c) If a sitting is held in terms of Article 61(2) of the Constitution, the Speaker shall order the public to withdraw, failing which he/she shall cause them to be removed.
- (d) While the House or the Committee of the Whole House is sitting no Member may bring any stranger into any part of the Chamber or that part of the room where the main Committee is meeting which is reserved for Members.
- (e) No strangers shall be admitted to the Members lounge, or work areas reserved for use by officials of the Assembly while the House or the Committee of the Whole House is sitting.
- (f) On the instruction of the Speaker, the Serjeant-at-Arms shall take or deliver into custody, any stranger who causes a disturbance in any part of the Chamber, or the galleries and lobbies.
- (g) When a stranger has been taken into custody by the Serjeant-at-Arms, such an arrest shall be reported to the House by the Speaker without delay, and the House shall fix the time for such stranger to be brought to a designated area, to be dealt with by the House.
- (h) When a stranger is brought before the House pursuant to an order made in terms of sub-rule (g) hereof, the House shall be competent to suspend such stranger from the precincts of Parliament for a period not exceeding 12 months.

131

Procedure for Withdrawal of Strangers

- (a) The Presiding Member may order the withdrawal of any stranger when his attention is drawn thereto.
- (b) Any stranger so ordered shall immediately withdraw from the Chamber.

- (c) If any stranger fails to withdraw from the Chamber, the Serjeant-at-Arms shall forthwith escort the stranger from the precincts of Parliament.
- (d) The Presiding Member may direct any stranger in any gallery to desist from any conduct, which is offensive to the dignity of the House.
- (e) The Presiding Member may instruct the Serjeant-at-Arms to remove any stranger from the precincts of Parliament.

132

Guests of the House

- (a) The Speaker shall have the power to admit guests of the Assembly, to be seated in the Speaker's gallery.
- (b) All other guests shall be admitted to the public gallery.

ADOPTED ON 15 OCTOBER 2015

FIRST AMENDED 10 NOVEMBER 2015

SECOND AMENDMENT 6 APRIL 2016

ANNEXURE

FORM OF PETITION

TO: The National Assembly

The humble petition (here insert the names or description of the Petitioner(s))

SHEWETH That (here set forth the case or circumstances to be brought to the notice of the National Assembly)

Wherefore your Petitioner(s) prays or pray that (here set forth the particular object of the petitioner or nature of relief asked for and further state action already taken to address concerns raised in the petition - such as: having submitted such complaints to the Ombudsman, having requested the Office/Ministry/Agency/State-Owned Enterprise/Parastatal concerned to review legislation/policy), having ascertained whether a similar issue was not brought before the National Assembly on a previous occasion and finally having ensured that no complaints on unconnected matters to those raised are contained in the petition.

And your Petitioner(s), as in duty bound, will ever pray, et cetera.

Signature(s) with address(es) to follow.