



National Assembly



STANDING RULES, ORDERS AND INTERNAL ARRANGEMENTS



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STANDING RULES, ORDERS AND INTERNAL ARRANGEMENTS of the National Assembly



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CHAPTER 1

INTRODUCTORY PROVISIONS

Definitions

1. In these Standing Rules, Orders and Internal Arrangements, unless the context otherwise indicates, a word or expression defined in the Constitution has that meaning, and -

“Affirmation” means the affirmation outlined in Schedule 3 of the Constitution and specified in **Appendix A**;

“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 referred to in Chapter 7 of the Namibian Constitution and where the context so indicates includes any Committee, subcommittee, group or body comprising Members or officers of the Assembly acting on its authority;

“Assembly Bill” means a Bill initiated by the Assembly or a Standing or Select Committee;

“Attendance” means presence of a Member at a sitting of the Assembly, or at a meeting of any Committee in excess of three-quarters of the time of that sitting or meeting;

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

“Closure” means the proceedings to terminate the debate on any issue before the House in terms of **Standing Rule 161**;

“Chairperson of the Committee of the Whole House” refers to the Deputy Speaker and includes a Deputy Chairperson of the Whole House when he or she acts as the Chairperson of the Committee of the Whole House;

“Chamber” means the building, hall, and adjoining offices and lobbies in which the Assembly ordinarily meets for the conduct of business;

“Committee” means a Standing or Select Committee of the Assembly;

“Committee of the Whole House” means the Committee comprising the Members of the Assembly when considering a Bill in Committee Stage;

“Committee Rules” means the Rules adopted by the House for the establishment, functioning and procedures of Committees of the Assembly made under Article 59(1) of the Constitution adopted by the Assembly on 10 July 2024;

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

“Deputy Chairperson of the Whole House” means a Member elected as Deputy Chairperson of the Whole House in terms of **Standing Rule 32**;

“Dilatory motion” means a motion to delay proceedings;

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

“Gallery” means the areas designated within the Chamber for the press, general public, and visitors or guests of the Assembly, including Members when required;

“Gavel” means the small ceremonial mallet commonly made of hardwood, typically fashioned with a handle which is a symbol of authority and right to act officially in the capacity of a Presiding Member;

“Gazette” means the Government Gazette of the Republic of Namibia;

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

“Government Chief Whip” means a Member appointed as Government Chief Whip under **Standing Rule 38**;

“Journal” means the official record of daily proceedings of the Assembly referred to in **Rule 54**;

“Leader of Government Business” means the Prime Minister who has 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 political party in the Assembly;

“Leave” or **“Leave of the House”** means permission granted by the Assembly;

“Mace” refers to the staff of office of the Assembly (ceremonial object) placed on the Table in the House when the Speaker is in the Chair as a symbol of the authority of the Assembly and the Speaker;

“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 with no appointed date for resumption;

“Member” means a Member of the Assembly who has been elected or appointed and duly declared a Member of the Assembly in terms of these Standing Rules and Chapters 7 of the Constitution but for purposes of any division of, voting in, or decision-making by, the House, excludes a Non-Voting Member;

“Misconduct” means the breach of any Standing Rules by a Member;

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

“Motion without notice” means a motion that is moved orally by a Member, without the need of any prior notice thereof;

“National Council” means the National Council established in terms of Article 68 of the Constitution;

“Non-voting Member” means a Member appointed by the President to the Assembly in terms of Article 46(1)(b) of the Constitution;

“Notice” means notification in writing as required in terms of these Standing Rules;

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

“Officer” in relation to the Assembly, means any officer contemplated in Article 52(3) of the Constitution and includes the Secretary and any member of the Namibian Police as defined in section 1 of the Police Act of 1990 (Act No. 19 of 1990), who is on duty within the Precincts of Parliament;

“Official Opposition Chief Whip” means a Member appointed as Official Opposition Chief Whip under **Standing Rule 39**;

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

“Order Paper” means the agenda for a sitting of the House;

“Parliament” means the Assembly and the National Council;

“Parliamentary security officer” means an officer contemplated in Article 52(3) of the Constitution appointed in accordance with applicable laws to perform security and protection services within the Precincts of Parliament and includes the Secretary and any member of the Namibian Police as defined in section 1 of the Police Act, 1990 (Act 19 of 1990), who is on duty within the Precincts of Parliament;

“Party Whip” means a Member appointed as Party Whip under **Standing Rule 40**;

“Petition” means the formal written request made to the Assembly often signed by many people appealing for specific course or action.

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

“Powers, Privileges and Immunities of Parliament Act” means the Powers, Privileges and Immunities of Parliament Act, 1996 (Act No. 17 of 1996);

“Precincts of Parliament” means the Chamber and every part of the building in which the Chamber is situated, the building, hall, and adjoining offices and lobbies in which the National Assembly and National Council ordinarily meets for the conduct of business and includes-

- (a) the offices or areas used principally in connection with any of the proceedings of Parliament;
- (b) any forecourt, yard, garden, enclosure or open space appurtenant thereto and used or provided for the purposes of the Assembly and the National Council;

“Presiding Member” means the Speaker, Acting Speaker, Deputy Speaker, or Chairperson or Deputy Chairpersons of the Whole House whenever he or she presides over any meeting or sitting of the Assembly;

“President” means the Head of State and of the Government elected in terms of Article 28 of the Constitution;

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

“Private Member’s Bill” means a Bill tabled by a Private Member;

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

“Public hearing” means a meeting of a Committee to which members of the public or an interest group or stakeholder is invited or subpoenaed to give evidence or information related to the business of such Committee;

“Reading” in relation to a Bill, means the reading of the title of a Bill;

“Recess” means the period between sessions of the Assembly during which the House stands adjourned and no business of the Assembly is conducted;

“Representative” means the person contemplated by **Standing Rule 40** who is required to perform all functions of a Whip when a political party occupies only one seat in the Assembly;

“Ruling” means a decision given on any matter by a Presiding Member;

“Secretary” means the person duly appointed or designated by the Speaker as the Secretary of the 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 Chamber and execute orders made by a 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 a Session, which is not provided for in these Standing Rules;

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

“Speaker”-

- (a) means the Member elected under Article 51(1) of the Constitution to be the Speaker of the Assembly; and
- (b) includes-
 - (i) the Member elected under that Article as Deputy-Speaker; or
 - (ii) any other Member of the Assembly referred to in Sub-Article (4) of that Article, when acting for the Speaker;

“Standing Committee” means a permanent or continuing Committee established in terms of these Standing Rules and Rules for establishing, functioning and procedures of Committees of the National Assembly or by resolution of the Assembly for the duration of the term of the Assembly;

“Standing Rules” means these Standing Rules and Orders and Internal Arrangements of the Assembly made in pursuance to Article 59(1) of the Constitution;

“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;

“Table Clerk” means the officer of the Assembly assisting the Secretary at the Table in the Assembly to discharge his or her duties and functions in the House;

“Term of the Assembly” means the duration of an elected Assembly as specified by Article 50 of the Constitution;

“Visitor” means any person who is not a Member or an official of the Assembly; and

“Whip” means the Government Chief Whip, Official Opposition Chief Whip, Party Whip and Representative collectively.

Constitutional authority

2. (1) These Standing Rules are made in terms of-
 - (a) Article 59(1) of the Constitution which provides that the Assembly may make rules of procedure for the conduct of its business and proceedings and formulate such standing orders, as may appear to it to be expedient or necessary.
 - (b) Article 59(2) of the Constitution which provides that the Assembly must in its rules of procedure make provision for such disclosure as may be considered to be appropriate in regard to the financial or business affairs of its Members.
- (2) No convention or practice may limit or impede any provision of these Standing Rules.

Source of procedure of National Assembly

3. These Standing Rules govern the conduct of business and proceedings in the House and must be read in conjunction with any Sessional Orders and the conventions and practices of the House.

Application of Standing Rules

4. These Standing Rules apply to all Members, the President whenever he or she takes a seat in the Assembly for any purpose specified herein or in the Constitution and guests of and visitors to the Assembly, as applicable.

Sessional Orders

5. The House may regard matters not provided for in these Standing Rules at any time during a Session adopt Sessional Orders that will have effect for the duration of the Session, unless a lesser or longer period is specified.

Rulings

6.
 - (1) The Speaker may make rulings in applying and interpreting these Standing Rules, Sessional Orders or any directives or guidelines approved by the Standing Committee on Standing Rules, Orders and Internal Arrangements.
 - (2) Any Presiding Member may make a ruling on a point of order in any matter before the House and, in so doing, he or she must explain the reasons for the ruling: Provided that he or she may instead submit the matter to the House for its decision.
 - (3) After the explanation referred to in subrule (2), Members must comply with the ruling made by a Presiding Members and no discussion of any such ruling must be allowed.

Conventions and practices

7.
 - (1) Established conventions and practices of the House may not be in conflict with the provisions of the Constitution, a statute, these Standing Rules or any Sessional Orders.
 - (2) Presiding Members may require Members to comply with established conventions and practices of the House.

Circumstances not provided for

8. (1) Where a statute, these Standing Rules, a Sessional Order or convention or practice of the House do not provide for a matter, the Speaker or the Chairperson of the Whole House may issue a ruling to determine the matter and may make reference to the rules, forms, conventions and practices of other Commonwealth Parliaments insofar as such rules, forms, conventions and practices can be applied to the proceedings of the Assembly.
- (2) A ruling framed by the Speaker or Chairperson of the Whole House under subrule (1) remains in force until it is set aside by the House, based on a recommendation of the Standing Committee on Standing Rules and Orders and Internal Arrangements

Conflict with statutory instrument

9. Where there is a conflict between these Standing Rules and a statute containing a procedure for the House to observe, the procedure contained in the statute must be followed.

Suspension or supplementation of Standing Rules and Sessional Orders

10. (1) The House may by motion carried by a majority of 75% of all Voting Members of the Assembly suspend or dispense with a Standing Rule or Sessional Order.
- (2) Suspension of a Standing Rule or Sessional Order is a procedure that the Assembly may use to pass a non-controversial Bill or to consider an urgent matter of national importance.
- (3) Rules which embody fundamental principles of parliamentary law, require a ballot vote or protecting a fundamental right of any person may not be suspended.
- (4) A suspension of a Standing Rule or a Sessional Order is limited in its operation to the particular purpose for which the suspension has been sought.

CHAPTER 2

SESSIONS AND OPENING OF ASSEMBLY

Part 1

Sessions and Opening

Place of sitting

11. (1) In accordance with Article 62(1) of the Constitution, the Assembly must sit at its usual place of sitting determined by the Assembly, unless the Speaker directs otherwise on the grounds of public interest, security or convenience.
- (2) The Secretary must place a Notice in the *Gazette* to notify the public of the place, date and time-
 - (a) for the official opening of the Assembly after its election; and
 - (b) of the commencement of each session of a calendar year.
- (3) In accordance with Article 62(3) of the Constitution, 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.

Annual sessions

12. (1) In accordance with Article 62(1) of the Constitution, the Assembly must sit for at least two sessions during each year.
- (2) The first session commences on the first Tuesday of February and terminates during the second week in July, provided that the House stands adjourned for the entire month of May.
- (3) The second session commences on the first Tuesday of September and terminates on the last Thursday day of November.
- (4) On the opening day of a session the Speaker may adjourn the House to next sitting day, provided the House has business to consider, failing which the Speaker may adjourn the House to another sitting day as agreed to by the House.
- (5) The Speaker may authorise the extension of any session of the Assembly on the grounds of public interest or convenience.

Extraordinary sessions

13. Notwithstanding the provisions of **Standing Rule 12**, the Assembly may convene an extraordinary session if the Speaker is convinced after consultation with the Whips that such a session is necessary, urgent or in the public interest.

Times and days of sitting

14. (1) Unless otherwise ordered by the Assembly, the times and days for a sitting of the Assembly are:
- (a) half past two o'clock p.m (14h30) to quarter to six o'clock p.m (17h45) on Tuesdays, Wednesdays and Thursdays; including Mondays during the consideration of the Appropriation Bill.
 - (b) nine o'clock a.m (09h00) to half past twelve o'clock p.m (12h30) on Fridays during the consideration of the Appropriation Bill.
- (2) The Assembly does not sit on public holidays.
- (3) Despite subrule (1), the Assembly on each sitting day which is a Tuesday, Wednesday or Thursday rises at 15h40 and resumes at 16h00 and on a sitting day which is a Friday, rises at 10h20 and resumes at 10h40.
- (4) If the Assembly rises on a sitting day which is a Friday, the Assembly stands adjourned, unless otherwise ordered, until the following Tuesday.

Routine of business at opening of Assembly after election

15. (1) Upon Members having taken their seats on the first day of the meeting of the Assembly after its election, the Secretary must read the Notice referred to in **Standing Rule 11(2)**.
- (2) At the first sitting of the Assembly after its election-
- (a) every Member must make and subscribe to the Oath or Solemn Affirmation before the Chief Justice, the Deputy-Chief Justice or a Judge designated by the Chief Justice for this purpose, as prescribed by Article 55 of the Constitution;
 - (b) the Speaker and Deputy Speaker must be elected in accordance with Article 51 of the Constitution.

Routine of business at annual opening of Parliament

16. (1) At the date and time determined for that purpose, the President must officially open Parliament.
- (2) The procedures for an official opening are as follows:

- (a) The official opening is a joint sitting of both the Assembly and the National Council.
 - (b) At a time appointed by the Speaker or the House, the Speaker is announced, reads the prayer and takes the Chair.
 - (c) At the appointed time, the President is announced and the Speaker introduces and gives the floor to the President.
 - (d) The President delivers an opening speech to a Joint Assembly of both Chambers, and no other business may be considered.
- (3) During the official opening of Parliament-
- (a) the President must be heard in silence when addressing Parliament;
 - (b) Members and all attendees must observe the utmost decorum and dignity during the President's address;
 - (c) a Member may not be disruptive through disorderly conduct.
- (4) No debate is allowed during and after the President's address.

Part 2

Virtual and hybrid sittings of Assembly

General

17. (1) This Part applies in exceptional circumstances where the House is necessitated to conduct its proceedings through virtual or hybrid sittings by means of a technological platform.
- (2) During exceptional circumstances the provisions of this Part prevail if such provisions conflict with or is inconsistent with the provision of any other Standing Rule.
- (3) This Part ceases to apply when the Speaker has made a ruling that the exceptional circumstances no longer prevail.
- (4) The following guidelines apply to virtual or hybrid sittings -
- (a) the Secretary together with authorized officials and technical teams are responsible for technical support to facilitate virtual or hybrid sittings;
 - (b) the Secretary must be given at least 3 days' notice of a virtual or hybrid sitting;
 - (c) testing of the applicable technological platform to be used for the sitting concerned must take place at least a day before the sitting;
 - (d) technical support must be available during a virtual or hybrid sitting;

- (e) the Secretary must ensure that the proceedings are recorded in the Journal and that all records pertaining to the sitting concerned are maintained; and
 - (f) the Secretary must maintain a system that is capable of verifying the votes cast electronically or verbally.
- (5) For purposes of this Part-
- (a) “exceptional circumstances” means an event or occurrence which prevents the Assembly from conducting a physical sitting;
 - (b) “hybrid sitting” means a sitting of the Assembly that combines a physical sitting with a virtual sitting;
 - (c) “physical sitting” means a sitting normally conducted by the Assembly in the Chamber;
 - (d) “technological platform” means a communication platform using videoconferencing tools suitable for conducting a virtual or hybrid sitting;
 - (e) “virtual sitting” means a sitting of the Assembly conducted by means of a technological platform.

Alternative sitting arrangements

18. (1) If exceptional circumstances prevail, the Speaker may invoke the provisions of this Part and permit the House to conduct -
- (a) hybrid sittings, where the House is partly precluded from conducting a physical sitting; or
 - (b) virtual sittings, where the House is wholly precluded from conducting a physical sitting.
- (2) If a hybrid sitting is permitted in terms of subrule (1)(a), the Presiding Member may limit the number of Members that may attend a physical sitting in accordance with the legal limits applicable to the exceptional circumstances.
- (3) Despite subrules (1) and (2), the Speaker may direct the House to conduct hybrid or virtual sittings on the grounds of public interest, security or convenience in accordance with **Standing Rule 11(1)**.

Notice and venue of meeting

19. (1) The Secretary must issue a notice and agenda for a virtual or hybrid sitting by email to every Member of all parties, which must include the date, technological platform, venue and time of the sitting.
- (2) The Secretary must, by e-mail or any other electronic platform as may be determined by the Secretary, send to every Member of all parties the

necessary links or log-in details to the technological platform at least 24 hours before the virtual or hybrid sitting to enable Members to connect to the technological platform.

- (3) The Secretary must prior to the virtual or hybrid sitting distribute all the required documents to be considered at such sitting to all Members by electronic or other means to which the Members have access.
- (4) A Member may, using their own electronic resources, virtually participate in a virtual or hybrid meeting from wherever that Member is located.

Privilege and proceedings in virtual or hybrid sitting

20. (1) In a virtual or hybrid sitting -
- (a) Members have the same powers, privileges and immunities which they ordinarily enjoy in parliamentary proceedings;
 - (b) where applicable, rules on order in public meetings and order in debate apply;
 - (c) the Secretary must ensure that the technological platform used for a virtual or hybrid sitting is available for Members to join at least 30 minutes before the sitting concerned is scheduled to commence;
 - (d) Members must -
 - (i) identify themselves by name and political party before they will be allowed to join the technological platform;
 - (ii) maintain a virtual background for the duration of the sitting, as may be directed by the Presiding Member;
 - (iii) maintain visual and audio contact to the technological platform throughout the sitting whenever present;
 - (iv) sign out of the technological platform upon any departure before adjournment;
 - (e) each Member is responsible for his or her audio and video connections to the technological platform and no decision of the House is invalidated on the grounds that the loss of, or poor quality of, a Member's individual connection prevented participation in the sitting concerned;
 - (f) the Presiding Member may cause or direct the disconnection or muting of a Member's connection if it is causing undue interference with the sitting;
 - (g) the Presiding Member's decision to disconnect a Member in terms of paragraph (f) is subject to an undebatable appeal that may be made by any Member and must be announced during the sitting and recorded in the Journal; and

- (h) to seek recognition by the Presiding Member, a Member shall raise his or her hand using the built-in hand-raising feature of the technological platform and the Presiding Member must clear the online queue of Members who had been seeking recognition by allowing each of those Members to address the House.
- (2) To claim preference in recognition, another Member who had been seeking recognition may promptly seek recognition again, and the Presiding Member must recognise the Member for the limited purpose of determining whether that Member is entitled to preference in recognition.
- (3) A Member who -
 - (a) intends to table a motion; or
 - (b) requests that under these Standing Rules he or she may interrupt a Member speaking, must use the designated feature referred to in subrule(1)(h) and must thereafter wait a reasonable time for the Presiding Member's instructions before attempting to audibly interrupt the Member speaking.

Powers of Presiding Member during virtual or hybrid sittings

21. In a virtual or hybrid sitting the Presiding Member -
- (a) has all the powers as provided for in these Standing Rules; and
 - (b) may permit a Member or any other person required to file, deliver or table any document under these Standing Rules or any written law to submit the document electronically for tabling.

Quorum for virtual or hybrid sitting

22. (1) In a virtual or hybrid sitting -
- (a) the quorum requirements shall be those as determined by Article 53 of the Constitution and **Standing Rule 114**;
 - (b) Members who have accessed the technological platform used for the sitting concerned via the secure link sent by the Secretary to their email addresses in terms of **Standing Rule 19(2)** are deemed present for the purposes of establishing a quorum, taking a decision or voting on a matter.
- (2) The presence of a quorum may be established by audible roll call at the beginning of the sitting concerned and thereafter, the continued presence of a quorum must be determined by the online list of participating Members, unless any Member demands a quorum count by audible roll call.

Voting during virtual or hybrid sitting

- 23.** In a virtual or hybrid sitting -
- (a) the procedure to be followed must be predetermined by the Presiding Member and he or she must announce directives for such procedure, if any, at the beginning of the sitting concerned;
 - (b) Members are entitled to cast their votes electronically or verbally;
 - (c) only Members who are present when a vote is called are permitted to vote; and
 - (d) the results of a vote must be announced and recorded in the Journal.

Attendance by public of virtual or hybrid sittings

- 24.** The Secretary must ensure that access by members of the public to virtual or hybrid sittings are facilitated in a manner consistent with participatory and representative democracy and wherever possible, a virtual or hybrid sitting must be livestreamed, subject to any confidentiality restrictions applicable in terms of these Standing Rules.

CHAPTER 3

GOVERNANCE, OFFICE-BEARERS AND SYMBOLS OF ASSEMBLY

Part 1

Presiding Members

Speaker

25. The Speaker is the representative of the House, its powers, rights and immunities and must preside over its proceedings and maintain order in the House and the Precincts of Parliament.

Election of Speaker

26. (1) An election for the Office of Speaker takes place-
- (a) when the Assembly meets for the first time after its election and the Members having made and subscribed in accordance with **Standing Rule 55** to the Oath or Solemn Affirmation referred to in Article 55 of the Constitution; or
 - (b) any time when the Office of Speaker is vacant.
- (2) During the election of the Speaker the Secretary acts as Chairperson and is vested with the powers ordinarily assigned to the Speaker for maintaining order.
- (3) As soon as 49 voting Members are present, a Member, having first ascertained that the Member to be proposed as Speaker is willing to serve if elected, may, rising in his or her place and addressing the Secretary propose that Member as Speaker and must move that such Member “do take the Chair of the National Assembly as Speaker”, provided that the proposed Member may not be a Minister, Deputy Minister or any Chief Whip.
- (4) Whenever the Office of the Speaker becomes vacant and a Speaker must be elected, a Member who is absent on the day of election of the Speaker may be nominated by another Member to be elected as Speaker, provided that the proposed Member’s consent in writing to being nominated is produced to the Secretary before the sitting.

- (5) If only one person is nominated and seconded as Speaker, he or she must be called forthwith or as soon as possible thereafter to the Chair of the Assembly by the Secretary without any question being put.
- (6) If more than one Member is nominated and seconded for the Office of Speaker, a vote by secret ballot must be conducted, provided that in the event of an equality of votes, the Secretary must call for fresh nominations, including those already nominated.
- (7) When voting for a Member to fill the Office of Speaker, no vote by proxy may be allowed.
- (8) At the conclusion of an election for Speaker, the Secretary must declare the successful Member to have been elected Speaker.
- (9) The successful Member must be conducted to the Chair and thereafter take the Chair as Speaker of the House.
- (10) A person appointed to the National Assembly by the President under Article 32(5)(c) of the Constitution is not eligible to be the Speaker.

Responsibilities of Speaker

27. (1) The Speaker must-
 - (a) maintain and preserve the order of and the proper decorum in the House and uphold the dignity and good name of the House;
 - (b) whenever possible, consult with relevant office-bearers and structures within the Assembly to achieve its efficient and effective functioning in a transparent and an accountable manner; and
 - (c) ensure the consistent and strict observance of the Standing Rules, Sessional Orders and other applicable legal provisions.
- (2) The Speaker must act fairly and impartially and apply the Standing Rules with due regard to ensuring the participation of all Members in a manner consistent with democracy.

Election of Deputy Speaker

28. (1) After the election of the Speaker, a Member having first ascertained that the Member to be proposed as Deputy Speaker is willing to serve if elected, may, rising in his or her place and addressing the Speaker, propose that Member as Deputy Speaker, provided that the Member being proposed may not be a Minister, Deputy Minister or Chief Whip.
- (2) If only one Member is proposed as Deputy Speaker, the Speaker must declare that Member to be declared elected without any question being put.

- (3) If more than one Member is proposed and seconded as Deputy Speaker the procedure prescribed in terms of **Standing Rule 26(6), (7) and (8)** must, with the changes necessitated by the context, be followed.

No debate allowed

29. No debate shall be allowed upon proposals for the filling of the Offices of Speaker and Deputy Speaker.

Presentation of Speaker and Deputy Speaker

30. The Speaker and Deputy Speaker, accompanied by their proposers and seconders and other Members of the House, must as soon as possible after their election present themselves to the President to inform him or her of their election and on their return to the House the Speaker must report their presentation.

Chairperson of Whole House

31. The Deputy Speaker is the Chairperson of the Whole House.

Deputy Chairpersons of the Whole House

32. (1) As soon as practical after the commencement of every Assembly, the Assembly must elect two of its Members to be Deputy Chairpersons of the Whole House.
- (2) The procedure for electing Deputy Chairpersons of the Whole House must be in accordance with the procedure prescribed in terms of **Standing Rule 28(1), (2) and (3)** with the changes necessitated by the context.
- (3) The Deputy Chairpersons of the Whole House are entitled to exercise all the powers of the Chairperson of the Whole House, excluding his or her powers as Deputy Speaker.

Absence or relief of Speaker

33. (1) Whenever the Speaker is absent, the Deputy Speaker acts as Speaker until the Assembly otherwise orders.
- (2) If the Secretary reports to the House that the Speaker's absence is likely to continue for a considerable time, the House must in accordance with the procedure for election prescribed by **Standing Rule 28** elect another Member to act as Deputy Speaker and Chairperson of the Whole House for the period that the Deputy Speaker acts as Speaker.

- (3) If the Speaker so requests during a session, the Deputy Speaker must take the Chair without any question being put.

Absence of Speaker and Deputy Speaker

34. If the Secretary reports to the House that both the Speaker and Deputy Speaker are absent, the House must immediately in accordance with the procedure for election prescribed by **Standing Rule 26** or **28** elect a Member to act as Speaker, and another Member to act as Deputy Speaker and Chairperson of the Whole House respectively during the period of such absences, or until the House orders otherwise.

Vacancy in office of Presiding Member

35. Whenever a vacancy arises in the office of any Presiding Member during the term of the Assembly through death, resignation or any other cause, the Secretary must report the vacancy to the House at the next sitting and the vacancy must be filled by following the procedure for election of the respective office-bearers prescribed by **Standing Rules 26, 28** or **32** as applicable.

Part 2

Office-bearers of the Assembly

Leader of Government Business in Parliament

36. In accordance with Article 36 of the Constitution, the Prime Minister is the Leader of Government Business in Parliament.

Leader of Official Opposition

37. (1) The leader of the largest opposition political party in the Assembly is designated as the Leader of the Official Opposition.
- (2) If two or more opposition parties qualify as the largest opposition political party in the House because they hold the same number of seats, the leader of the opposition political party that obtained the most votes in the last general election must be designated as the Leader of the Official Opposition.

Government Chief Whip

38. The ruling political party must appoint a Member as the Government Chief Whip from among its Members and may appoint a Government Deputy Chief Whip to assist the Government Chief Whip or to act as the Government Chief Whip in his or her absence.

Official Opposition Chief Whip

39. The official opposition political party must appoint a Member as the Official Opposition Chief Whip from among its Members and may appoint an Official Opposition Deputy Chief Whip to assist the Official Opposition Chief Whip or to act as the Official Opposition Chief Whip in his or her absence.

Party Whip and Representative

40. (1) The leadership of a political party having two or more seats in the Assembly must appoint at least one Member as a Party Whip from among its Members.
- (2) If a political party has only one seat in the Assembly, the Member occupying that seat must perform all the functions that a Whip should perform under these Rules and must represent that political party at all forums which require representation by a Whip.

Part 3

General roles and responsibilities of Parliamentary Office-bearers

Responsibility of Leader of Government Business

41. The Leader of Government Business has the overall responsibility for the business of Government in the Assembly and must-
- (a) liaise regularly with the Speaker and the Government Chief Whip on business of the House; and
 - (b) assist the Government Chief Whip to maintain the decorum of and discipline of the Members of their political party in the House.

Responsibility of Leader of Official Opposition

42. The Leader of the Official Opposition must-
- (a) liaise regularly with the Speaker and the Leader of Government Business on the business and proceedings of the House; and
 - (b) assist the Official Opposition Chief Whip to maintain the decorum of and discipline of the Members of their political party in the House.

Responsibility of Government Chief Whip

43. (1) The responsibility of the Government Chief Whip is to ensure due discipline, attendance, participation in proceedings and voting of Members of the ruling political party in the House.
- (2) The Government Chief Whip must perform the functions stipulated by **Standing Rule 46**.

Responsibility of Official Opposition Chief Whip

44. (1) The responsibility of the Official Opposition Chief Whip is to ensure due discipline, attendance, participation in proceedings and voting of Members of the official opposition political party in the House.
- (2) The Official Opposition Chief Whip must perform the functions stipulated by **Standing Rule 46**.

Responsibility of Party Whips

45. (1) All Party Whips are responsible for the organisation and discipline of Members belonging to their political party in the House.
- (2) All Party Whips and Representatives, where applicable must perform the functions stipulated by **Standing Rule 46**.

General duties and functions of all Whips

46. (1) All Whips must-
- (a) liaise regularly with the Speaker, Leader of Government Business and Leader of the Opposition on the business and proceedings of the House;
 - (b) ensure that there is a quorum in the House and especially its Committees at all times;
 - (c) ensure attendance and participation in the House by Members belonging to his or her political party;

- (d) ensure an adequate number of Members belonging to his or her political party is present during voting in the House;
 - (e) keep Members belonging to his or her political party informed of parliamentary business;
 - (f) ensure that parliamentary business is coordinated amongst all Whips;
 - (g) grant Members belonging to his or her political party permission to be absent from parliamentary business; and
 - (h) assist the Presiding Members to maintain discipline in the House.
- (2) If a Member is due to personal circumstances unable to apply for leave of absence from the House under **Standing Rule 76**, a Whip of that Member's political party may apply for such leave of absence on behalf of the Member.

Part 4

Secretary and other officials of Assembly

Responsibility of Secretary

47. (1) The Secretary is responsible for the daily management of the affairs of the Assembly under the direction and control of the Speaker.
- (2) The Secretary is the principal advisor to the House, Presiding Members and other Members on all aspects of the business, procedure, practice and privileges of the House.

Functions of Secretary

48. The Secretary must-
- (a) ensure the preparation and circulation to Members and other authorised persons of all documents to be used in the House or its Committees and regulation of all matters connected with the efficient conduct of business in the Assembly;
 - (b) ensure the production of the Journal;
 - (c) ensure the safekeeping of all documents and records of the House and its Committees; and
 - (d) perform all other duties he or she is required to perform under these Standing Rules or any other law.

Absence of Secretary

49. (1) Whenever the Secretary is absent, the Secretary's duties must be performed by the Deputy Secretary or if he or she is not appointed, by a staff member of the Assembly to whom the Secretary has delegated his or her powers and functions.
- (2) During any vacancy in the office of the Secretary all powers, functions, and duties of the Secretary must be exercised and performed by the Deputy Secretary or if he or she is not appointed, by a staff member appointed by the Speaker on such conditions determined by the Speaker.

Parliamentary security officers

50. (1) Subject to the laws governing the appointment of Parliamentary staff, the Secretary must appoint suitable security officers employed at Parliament to perform -
- (a) security and protection services within the Precincts of Parliament or at any forum where the House or any of its Committees meet for parliamentary business; and
- (b) all other duties they are required to perform under these Standing Rules or any other law.

Part 5

Symbols of Assembly

The Prayer and Affirmation

51. The Prayer and Affirmation is to be said at the commencement of a sitting of the House and is in the form prescribed in **Appendix A** to these Standing Rules.

The Mace

52. (1) The Mace is a symbol of the right conferred on the House by the Constitution for the House to assemble as elected representatives of the People of Namibia and carry out its constitutional functions.
- (2) On each day that the House sits, the Mace must be carried into the Chamber ahead of the Speaker's procession by the Serjeant-At-Arms and must be placed in the upper position at the Table.

- (3) A Member may not in any manner, tamper with the Mace at any time.
- (4) A Member who tampers with the Mace commits contempt of the House and must forthwith be suspended from the House in accordance with these Standing Rules.
- (5) For purposes of this Rule, “tampering” means attempting to remove or removing the mace from its place in the Chamber, attempting to damage or damaging the mace or doing anything else which in the opinion of a Presiding Member is designed to treat the mace with disrespect.

The Gavel

- 53.** (1) The Gavel is a symbol of the authority of the Speaker to maintain and preserve the order of and the proper decorum in the House and to uphold the dignity and good name of the House.
- (2) The Speaker may use the Gavel to attract the attention of the Members in the event that any disorder arises in the House or any Member disregards the authority of the Speaker or the Chair.

Journal of Proceedings of Assembly

- 54.** The Journal includes-
- (a) the official record of the proceedings of the House and its Committees and other forums; and
 - (b) any transcripts and recordings made by order of the House or any of its Committees or other forums.

CHAPTER 4

MEMBERS OF NATIONAL ASSEMBLY

Part 1

Membership of Assembly

Acquisition of membership

55. A person elected or appointed to be a Member of the Assembly in accordance with respectively Article 46(1)(a) or (b) of the Constitution acquires membership of the Assembly upon making and subscribing to the Oath or Solemn Affirmation of Allegiance as prescribed by Article 55 of the Constitution.

Vacation of Seats

56. A Member vacates his or her seat in the Assembly if -
- (a) the Member ceases to have the qualifications which rendered him or her eligible to be a Member of the Assembly;
 - (b) the political party which nominated that Member to sit in the Assembly informs the Speaker that such Member is no longer a member of that political party;
 - (c) the Member resigns his or her seat in writing addressed to the Speaker;
 - (d) the Member is removed as a Member by the Assembly in accordance with **Standing Rule 112(2)** for any misconduct as provided for in Article 48(1)(d) of the Constitution;
 - (e) the Member is absent during sittings of the National Assembly for 10 consecutive sitting days, without having obtained the special leave of the National Assembly on grounds specified in **Standing Rule 76** as provided for in Article 48(1)(e) of the Constitution;
 - (f) the Member dies;
 - (g) the Member is removed as a Member of the Assembly by reason of a physical or mental condition diagnosed by a suitably qualified medical practitioner, which renders the Member unable to discharge his or her duties as a Member;
- or

- (h) the Member becomes subject to any disqualification referred to in Article 47 of the Constitution.

Filling of vacant seats

57. (1) If the seat of a Member is vacated in terms of **Standing Rule 56**, the political party which nominated such Member to sit in the Assembly is entitled to fill the vacancy by nominating any person on the political party's election list compiled for the previous general election, or if there be no such person, by nominating any member of the political party concerned.
- (2) A person nominated in terms of subrule (1) must accept the nomination in writing, which acceptance must be submitted to the Speaker.
 - (3) Upon making and subscribing to the Oath or Solemn Affirmation of Allegiance as prescribed by Article 55 of the Constitution, the Speaker must declare in the House that such Member has duly acquired membership of the Assembly.

Members' roll

58. The Secretary must keep a Member's roll containing the following information:
- (a) The name of the Member;
 - (b) the political party to whom the Member belongs;
 - (c) the date the Member was elected;
 - (d) the date the Member made and subscribed to the Oath or Solemn Affirmation of Allegiance;
 - (e) the date the Member ceased to be a Member and the cause thereof.

Seating arrangement

59. (1) Subject to subrule (4), the seats to the right of the Speaker must be reserved for Members belonging to the ruling political party and Ministers and the seats to the left of the Speaker must be reserved for Members belonging to opposition parties.
- (2) The Speaker must ensure that Members from the same political party must as far as is possible be grouped or seated together.
 - (3) Subject to subrule (1), the Speaker must allocate a seat in the House for the exclusive use of the Leader of Government Business and another seat for the exclusive use of the Leader of the Official Opposition.
 - (4) If the seating arrangement contemplated by subrule (1) cannot be achieved due to space constraints within the House, the Speaker must, after consultation with the Whips determine an alternative seating arrangement.

Part 2

Code of Conduct

Definitions

60. For purposes of this Part-

“Committee” means the Committee of Privileges of the Assembly established by section 7(1)(a) of the Powers, Privileges and Immunities of Parliament Act;

“Dependant” in relation to a Member means-

(a) any person 18 years of age or younger, and includes a person older than 18 who is still attending an educational institution and is materially supported by the Member; or

(b) any pensioner or a person who is incapacitated, who is related to the Member by blood, law or otherwise and is supported financially or otherwise by the Member;

“equity value of a sole ownership” means the market value of the entity and the number of shares, if any, it holds in another business enterprise;

“financial interest” means the monetary value of a Member’s interest in any Company or close corporation as defined in the Companies Act, 2004 (Act No. 28 of 2004) and the Close Corporation Act, 1988 (Act No. 26 of 1988) respectively, and includes loans made to and dividends received from a business enterprise;

“nominal value of shares” means the current market value of the shares;

“pension” excludes a pension received or receivable from the Government of the Republic of Namibia;

“Register” means the Register of Members’ Interests contemplated after the disclosure as referred to in Section 12(a) of the Powers, Privileges and Immunities of Parliament Act and these Standing Rules;

“Registrar” means the Secretary of the Assembly or a staff member so designated serving as the Registrar of Members’ Interests;

“remuneration” means any income received by virtue of any outside employment and excludes the income a Member receives by virtue of membership of the House or a Ministerial Office;

“sponsorship” means financial contributions or assistance to a Member individually or to his or her spouse or dependant;

“spouse” means a person who is the wife or husband of a Member and includes a wife or husband of a Member in a marriage under customary law or a person with whom the Member is cohabiting in a relationship akin to a marriage.

Purpose and application of Code of Conduct

61. (1) The purpose of the Code of Conduct contained in this Part is to provide a framework for the ethical behaviour expected of Members in the discharge of their duties. The Code emphasises general principles that the Assembly expects of all Members as democratically elected representatives of the People of Namibia.
- (2) In complying with the principles of this Code, Members actively contribute to and strengthen the transparency and accountability which may motivate the People of Namibia to place their trust and confidence in the Assembly as an institution which at all times act in the best interests of the People.
- (3) The Code is fundamentally intended to move Members to aspire to the highest ethical standards.
- (4) The duties imposed in this Code are in accordance with Article 59(2) of the Constitution which requires the Assembly to make provision in these Standing Rules for such disclosure as may be considered to be appropriate in regard to the financial or business affairs of its Members. The provisions of this Part must be read together with the Powers, Privileges and Immunities of Parliament Act.
- (5) This Code of Conduct is applicable to all Members, who are by law entitled to participate in the proceedings of the National Assembly.

Fundamental principles

62. Members must-

- (a) conduct themselves in a manner which will uphold and strengthen the trust and confidence of the People of Namibia in the integrity of Parliament and avoid any action which may diminish its standing, authority or dignity;
- (b) make decisions solely in terms of the public interest and in this regard, Members have a continuing duty to declare any private interests relating to their public duties as they arise, and to take steps to avoid, resolve or disclose any conflicts arising in a way that protects the public interest;

- (c) not place themselves under any financial obligation to outside individuals or organisations, that might influence them in the discharge of their duties and responsibilities;
- (d) not misuse any confidential or personal information which they obtain in the course of their duties to the detriment of other or in the furtherance of their personal gain;
- (e) treat members of the public, officers and employees of the Assembly and other public officials with courtesy, honesty and fairness, and with proper regard for their rights, obligations cultural differences, safety, health and welfare and in particular, Members must not use abusive, obscene or threatening language (either oral or written) or behaviour towards any officer, employee or member of the public;
- (f) declare to the Registrar his or her financial interests; and
- (g) promote and support the aforementioned principles through exemplary leadership.

Conflict of interest

- 63.** (1) A Member is responsible for preventing conflicts of interest and must arrange his or her private affairs to prevent such conflicts of interest from arising.
- (2) A Member whose material, personal or financial interests give rise to a conflict with his or her official duties must take all reasonable and necessary steps to resolve that conflict.
- (3) A conflict of interest exists where a Member participates in or makes a decision in the execution of his or her official duties when he or she knows or reasonably should know that it -
- (a) will further or has the potential to further his or her material, personal or financial interest or improperly or dishonestly further another person's financial interest, directly or indirectly; or
 - (b) may improperly influence his or her conduct when discharging his or her responsibilities.
- (4) A conflict of interest does not exist where a Member or other person benefits only as a member of the general public or as a member of a broad class of persons.
- (5) Where a possible conflict of interest arises, the Member involved must inform the Presiding Member, or any other person may so inform the Presiding Member, and the Member must then either withdraw from the discussions and voting on the matter, or if the Member is of the view that there is no conflict of interest, apply for condonation from the Committee on the grounds that such

interest does not in any way conflict with the matter being discussed or voted upon.

Interests to be declared

- 64.** (1) The following kinds of financial interests must be declared with the Registrar:
- (a) Shares and other Financial Interests in companies and other corporate entities;
 - (b) Remunerated employment outside of Parliament;
 - (c) Directorships, partnerships and board memberships;
 - (d) Consultancies and Retainerships;
 - (e) Sponsorships in excess of N\$10 000;
 - (f) Gifts and hospitality (including services and discounts);
 - (g) Benefit of material nature;
 - (h) Travel and travel discounts;
 - (i) Ownership in land and property (including land and property outside Namibia);
 - (j) Pensions;
 - (k) Details of all business and financial interests of a Member's spouse, where married in community of property and dependants of Members, to the extent that business and financial interests directly or indirectly benefit the Member; and
 - (l) Trusts of which Members are beneficiaries, provided that Members are not required to declare the net worth of the Trusts, only the name of the Trust and what they benefit therefrom.
- (2) The following details must be furnished for all registrable interests in respect of-
- (a) Shares and other Financial Interests in companies and other corporate entities:
 - (i) the name of the company or other corporate entity;
 - (ii) the number, nature and nominal value of shares of any type in any public or private company held for longer than thirty (30) days;
 - (iii) the nature and value of any other financial interests held in any other corporate entity.
 - (b) Remunerated employment outside of the Assembly:
 - (i) the type of employment;
 - (ii) the name, and type of business activity of the employer; and

- (iii) the amount of remuneration received for such employment.
- (c) Directorships, partnerships, and board memberships:
 - (i) the name, and type of business activity of the corporate entity, partnership or organisation; and
 - (ii) the size and value of any financial interest or the amount of any remuneration received.
- (d) Consultancies or Retainerships:
 - (i) the nature of the consultancy of any kind or advice or professional services that the company provides;
 - (ii) the name and type of business activity of the client concerned; and
 - (iii) the amount of remuneration and any other benefits received for the consultancy or retainership.
- (e) Sponsorships:
 - (i) the source and description of direct financial contribution or assistance in excess of N\$10 000 to defray the expenses of a Member, his or her spouse or any dependant; and
 - (ii) the monetary value of the direct financial contribution or assistance in excess of N\$10 000 to defray the expenses of a Member, his or her spouse or any dependant.
- (f) Gifts and hospitality (including services and discounts) from a source other than a family member provided that it does not create a conflict of interest for the Member:
 - (i) the description, value and source of any gift or hospitality over the value of N\$10 000; and
 - (ii) the description and value of gifts or hospitality having a cumulative value over N\$10 000 received from a single source during the reporting period.
- (g) Any other benefit of a substantial nature:
 - (i) the nature of the benefit;
 - (ii) the source of the benefit; and
- (h) Travel and travel discounts in connection with a Member's private travel arrangements:
 - (i) the date of travel and destination;
 - (ii) the duration of stay;
 - (iii) the value of travel and stay (including any discounts received); and
 - (iv) the name of the sponsor and amount paid by the sponsor.

- (i) Ownership of Land and Property (including land and property outside Namibia):
 - (i) a description of the property;
 - (ii) the location of the property; and
 - (iii) the nature and value of the interest in the property.
- (j) Pensions:
 - (i) the source and type of pension, but it excludes a pension received or receivable from the Government of the Republic of Namibia whether the national pension or from a retirement pension fund;
 - (ii) the value of the pension, excluding a pension received or receivable from the Government of the Republic of Namibia whether the national pension or from a retirement pension fund.
- (k) Trusts:
 - (i) details of the trust;
 - (ii) details all benefits accruing from the trust; and
 - (iii) all other direct and indirect benefits received from a trust.
- (l) All business and financial interests of his or her spouse and dependants of which the Member is aware; and
- (m) All the financial details that a Member must disclose in respect of paragraphs (a) to (l).

Functions of Committee of Privileges in administration of Code of Conduct

65. The Committee of Privileges must-

- (a) enforce and administer this Code of Conduct;
- (b) adopt a standard format for the declaration of interests and the reporting requirements with regard thereto; and
- (c) perform such other functions as may be determined in this Code.

Functions of Secretary in administration of Code of Conduct

66. (1) The Secretary is the Registrar of Members' Interests.

- (2) The Secretary may designate a staff member to assist him or her in the execution of his or her duties.
- (3) The Secretary must-
 - (a) open and keep a Register for the purposes of this Code, called the Register of Members' Interests;

- (b) record in the Register particulars of Members' registrable interests provided to him or her by Members;
- (c) amend any entry in the Register when particulars of Members' registrable interests change;
- (d) present the Register to the Committee on an annual basis to update and evaluate the entries therein;
- (e) perform any other duties in connection with the implementation and administration of this Code of Conduct as required by the Committee; and
- (f) perform his or her functions in accordance with the directions of the Committee.

Declaration of registrable interests

67. (1) All Members of the Assembly, upon being sworn in as Members, must declare their financial interest as required in this Code of Conduct and are obliged to adopt the principles of the Code by signing the Declaration of Members' Financial Interests attached hereto as **Appendix D**.
- (2) A Member must declare to the Registrar, in the prescribed form, the details of all registrable interest as stipulated in **Standing Rule 64**.
- (3) Subject to **Standing Rule 65**, the first declaration must be made within 30 days of being sworn in as a Member of Parliament.
- (4) After the first declaration, Members must annually declare particulars of their registrable interests on or before 30 April each year, unless the Committee decides otherwise.
- (5) Members must, during the reporting period, declare any change in their registrable interests within 60 days of the change occurring.
- (6) If a Member has no registrable interests a "nil return" must be furnished.

Public and confidential part of Register

68. (1) The Register must:
- (a) have a confidential and a public part;
 - (b) contain information regarding the Members' registrable interests as determined by the Code of Conduct; and
 - (c) be in a format approved by the Committee.
- (2) Information declared with regard to spouses and dependants is kept in the confidential part of the Register unless a Member at his or her own discretion decides otherwise.

- (3) The Secretary must record the following in the confidential section of the Register:
 - (a) The value of financial interests in an entity other than a private or public company or a close corporation;
 - (b) The amount of any remuneration for any directorship, partnership or any other board membership;
 - (c) The amount of any remuneration for any employment outside the Assembly;
 - (d) The value of the interest in immovable property and the location and value of residential properties;
 - (e) The details of foreign travel only when the nature of the travel or visit requires those details to be confidential;
 - (f) The amount of any remuneration for a consultancy;
 - (g) The value of a pension; and
 - (h) The details of all financial interests of a Member's spouse or dependants, to the extent that the Member is aware of those financial interests.
- (4) Where any doubt exists as to whether any financial interests must be disclosed, the Member concerned must act in good faith.
- (5) Notwithstanding subrule (3), the Committee may, upon showing good cause, instruct the Secretary to record any other details of a Member's registrable interests in the confidential part of the register.
- (6) Only a Committee Member, the Secretary and the staff assigned to the Committee may have access to the confidential part of the Register.
- (7) No person who has access to the confidential part of the Register may declare particulars of an entry in the confidential part to anyone other than the Member concerned or another person who is authorised to have access thereto, except when so ordered in terms of an order of the High Court.
- (8) A Committee Member who contravenes subrule (7)-
 - (a) is subject to the penalties prescribed under **Standing Rule 70(1) (b), (c) or (d)** of this Code; and
 - (b) is ineligible to continue as a Committee Member.
- (9) The Secretary or a staff member who contravenes subrule (7) is subject to disciplinary action applicable to Parliamentary staff, including dismissal.
- (10) The Secretary must record all details of registrable interests in the public part of the Register, except for the details that will be recorded in the confidential part of the Register.

- (11) The public part of the Register can be accessed by any person, on a working day, during office hours at an office so designated by the Secretary, but that person may not copy or reproduce the Register.
- (12) The Secretary must publish the public section of the Register within 60 days of the date set for annual declaration in a manner determined by the Committee.

Breach and enforcement of Code

69. (1) A Member breaches this Code of Conduct if he or she -
 - (a) contravenes or fails to comply with a provision of this Code;
 - (b) negligently, recklessly or intentionally provides the Secretary with incorrect or misleading information, when disclosing registrable interests.
- (2) The Committee may receive a complaint from any resident or citizen of Namibia alleging a breach of the Code by any Member.
- (3) The complaint must be:
 - (a) in writing;
 - (b) factual; and
 - (c) a clear detailed description of the alleged breach of the Code.
- (4) A Member may file a complaint directly or may forward a complaint received from any person to the Committee.
- (5) The Secretary must ensure that provision is made for the filing of a complaint anonymously.
- (6) Frivolous, vexatious or offensive complaints must be rejected.
- (7) The Committee may of its own accord investigate an alleged breach of this Code by a Member.
- (8) The Committee, when carrying out any investigations, must act in accordance with the Powers, Privileges and Immunities of Parliament Act.
- (9) The Committee, in conjunction with the Office of the Secretary, must investigate any complaint of an alleged breach of this Code by a Member.
- (10) The Committee must at all times adhere to the rules of natural justice during an investigation.
- (11) At the conclusion of its investigation, the Committee must make a finding, supported by evidence, on the alleged breach of this Code.
- (12) The Committee must provide reasons for its findings.
- (13) A Member may be found guilty of a breach if such breach has been proven on a balance of probabilities.

- (14) If circumstances permit, the Member must be afforded the opportunity to rectify the breach of which the Member has been found guilty.

Penalties for breach

- 70.** (1) Where the Committee finds that a Member has breached a provision of this Code, the Committee must recommend to the House the imposition of any of the following penalties:
- (a) a reprimand;
 - (b) a fine not exceeding the value of a month's salary or twice the value of the unethically derived benefit, whichever is the greater;
 - (c) a reduction of salary or allowances for a period not exceeding 15 days; or
 - (d) the suspension of a Member's privileges or right to a seat in the House or on any Committee for a period not exceeding 15 days.
- (2) The following guidelines apply in determining which penalty must be imposed on a Member under subrule (1):
- (a) such penalty must be commensurate with the severity of the Member's breach of the Code of Conduct;
 - (b) the duration of the breach;
 - (c) the gravity of the infringement, in particular with reference to nature of the breach and factors that may justify a higher or lesser penalty;
 - (d) the presence of mitigating or aggravating circumstances; or
 - (e) whether the Member concerned is a repeat offender.

Report to Assembly

- 71.** (1) Within 7 days of making a finding, the Committee must submit a report on its finding and recommended penalties, if any, to the House in terms of section 12(d) of the Powers, Privileges and Immunities of Parliament Act.
- (2) If the House accepts the Committee's recommendation, the Speaker must act on such decision forthwith.

Part 3

Conduct of Members

General conduct rules

- 72.** (1) Members are expected to act in good faith at all times and may not misuse or abuse the powers, rights and privileges granted by the Constitution and these Standing Rules, as well as the conventions and practices of the Assembly.
- (2) Members are expected to act in the interests of the Namibian people and the Assembly.
- (3) Members must-
- (a) uphold the law and act at all times in conformity with these Standing Rules and the conventions and practices of the Assembly;
 - (b) be accessible to members of the public to serve and represent their interests conscientiously;
 - (c) avoid behaviour that may compromise their standing in the public arena, such as criminal behaviour, sexual harassment, insolvency, gender-based violence and dishonesty; and
 - (d) strive for national unity and reconciliation in the presentation of any issue before the House and may not misrepresent any facts to the House or to any Committee.

Parliamentary decorum

- 73.** (1) Members must always keep the order and decorum of the House and treat each other, visitors, guests, Presiding Members and staff of the Assembly with respect and dignity.
- (2) Without limiting subrule (1)-
- (a) Members must stop any conversation and unless physically impossible due to a disability or serious illness or injury, rise in their place as soon as the Speaker's procession enters the Chamber;
 - (b) a Member who enters the Chamber when the Speaker's procession is entering, must wait silently in his or her place until the Speaker has taken the Chair;
 - (c) Members may not bring weapons of any kind nor dangerous or threatening articles or objects nor replicas of any such articles or objects

- into the Chamber, excluding cultural objects with the prior approval of the Speaker;
- (d) after adjournment of the House, a Member must rise unless physically impossible due to a disability and remain standing in his or her place until the last person in the Speaker's procession has completely left the Chamber;
 - (e) Members must in accordance with subrule (4) be properly attired in accordance with the dress code of the Assembly when visiting the Precincts of Parliament, attending the Chamber or conducting official business on behalf of the Assembly;
 - (f) Members may never tear in the House an official document related to the business of the House or to the other Organs of the State;
 - (g) Members may not speak disrespectfully of, or use offensive words against the Speaker, the President, either House of Parliament, or any Member thereof or any former Speaker, President or Member.
- (3) During a sitting, Members -
- (a) must bow to the Chair on entering or leaving the Chamber;
 - (b) may not move around unnecessarily in the Chamber;
 - (c) may not during proceedings pass between the Chair and a Member speaking, nor between the Chair and the Table, nor stand in any of the aisles or cross aisles, nor cross the floor of the House in front of the benches;
 - (d) must listen in silence to debates unless called to speak and may not make noise or other disorderly expressions in order to interrupt another Member while speaking;
 - (e) if it is necessary to speak to another Member, the Member must do so in a manner that does not disturb the proceedings of the House;
 - (f) may not interrupt another Member's maiden speech, provided that the Speaker may do so in circumstances which the Speaker deems necessary;
 - (g) may not utter political party slogans or display political flags, emblems or any such articles or wear clothing displaying such slogans, political party colours, flags, emblems or other political party insignia, except on special occasions agreed to by the Speaker;
 - (h) may not take photographs or video footages during proceedings, speak on a cell phone, eat, read newspapers or other documents not connected to the business of the House under consideration or in any other way conduct themselves in a manner not befitting the dignity and decorum of the House.

- (4) For purposes of subrule (2)(e), being properly attired-
 - (a) for a male Member, means-
 - (i) a formal executive suit, or a pair of long trousers, a shirt, with or without a necktie and jacket;
 - (ii) traditional attire; or
 - (iii) a safari suit, with long or short sleeve.
 - (b) for a female Member, means-
 - (i) a formal dress, formal executive suit; or
 - (ii) traditional attire such as a formal outfit with long or short sleeves.
- (5) For purposes of this Rule, “traditional attire” refers to the collection of garments, jewellery and accessories rooted in the past worn by an identifiable group of people.
- (6) A Member who breaches any of the rules specified in this Standing Rule may after a warning by the Presiding Member be sent out of the House by the Presiding Member for the remainder of the sitting day.

Duty of attendance of proceedings of Assembly or Standing Committee

74. (1) Every Member, being a democratic representative of the people who elected them to the Assembly, is duty-bound to attend the sittings of the House and its Committees of which he or she is a Member, unless he or she obtained leave of absence from the Assembly in terms of **Standing Rule 76**.
- (2) With the changes necessitated by the context, subrule (1) applies to every Member appointed by the President under Article 32(5)(c) of the Constitution.
- (3) A Member who fails to attend as contemplated by subrule (1) may be charged with contempt of the House in terms of these Standing Rules.

Attendance register

75. (1) The Secretary must keep a register of attendance of Members in respect of each sitting day.
- (2) A Member’s name may be entered into the register of attendance of Members referred to in subrule (1) only if the Member has been present at any sitting of the Assembly in excess of three-quarters of the time of that sitting.
- (3) If a Member has not been present at any sitting of the Assembly in excess of three-quarters of the time of that sitting Whips must ensure that such Member’s name is not entered into the register of attendance.

Leave of absence from sittings of Assembly

76. (1) The Assembly may grant a Member leave of absence if-
- (a) that Member's illness renders the Member unable to comply with his or her duties and functions;
 - (b) the Member's close family member contracted a serious illness or died;
 - (c) the Member must attend to urgent matters;
 - (d) the Member must attend to parliamentary activities and functions or must go on public or official business; or
 - (e) the Member is excused by the Assembly for any other reasonable cause; and
 - (f) the Member's Chief Whip or Party Whip agrees.
- (2) If a Member has leave of absence, he or she is excused from service in the House or in of its Committees.
- (3) Leave of absence may only be granted by the House on motion without notice stating the cause and the period of absence.
- (4) (a) A Member forfeits his or her leave of absence if he or she attends the sitting of the House or any of its Committees or accompanies any trip on behalf of the House before the expiration of such leave.
- (b) A Member does not forfeit his or her leave of absence if an urgent special session of the Assembly is convened by Proclamation by the President in accordance with Article 62(1)(c) or if the Member is requested by the Speaker to perform any function relating to parliamentary business.
- (5) For purposes of subrule (1)(c), a matter will be regarded urgent if the Member will be severely prejudiced if the Member does not attend to the matter or the matter concerns a pressing necessity which the Member must attend to, provided that the House may decide that a matter is not urgent.

Extended absence from sittings or meetings

77. (1) If during the period of February to November of a parliamentary year a Member is absent for three consecutive sittings of the House without leave of absence as provided for in **Standing Rule 76**, the House must report the matter to the Committee on Privileges for hearing and determination.
- (2) If the Committee on Privileges finds that the Member has offered a satisfactory explanation for the Member's absence from sittings of the Assembly or meetings of a Committee as contemplated by subrule (1), there will be no further proceedings on the matter.
- (3) If the Committee on Privileges finds that the Member has not offered a satisfactory explanation for the Member's absence from sittings of the

Assembly or meetings of a Committee as contemplated by subrule (1), the Committee on Privileges must, through the Speaker, recommend to the House appropriate disciplinary action to be taken against the Member.

- (4) A Member who absents himself or herself for 10 or more consecutive sitting days of the Assembly without leave of absence as provided for in **Standing Rule 76**, loses his or her membership of the National Assembly in accordance with Article 48(1)(e) of the Constitution.
- (5) The Speaker must without delay inform a Member and the Member's political party of the Member's loss of his or her membership of the Assembly in terms of this subrule (4).
- (6) If a Member cannot attend sittings of the Assembly or meetings of a Committee due to continued ill-health, the relevant Whip of the political party of the Member must report the matter to the Speaker as soon as possible.
- (7) The Speaker must forthwith discuss the Member's continued ill-health with the leadership of the Member's political party to determine if the Member is able to continue to serve as such.

Appeal against sanctions imposed

78. (1) A Member who is aggrieved by his or her loss of membership of the Assembly in terms of **Standing Rule 77(4)** may lodge an appeal with the Speaker.
- (2) The Speaker must immediately refer the appeal to the Standing Committee of Privileges, which must hear the appeal and report its findings to the House for a decision: Provided that the Speaker may not act as the chairperson of that Committee and instead the vice chairperson or the acting chairperson in the absence of the vice-chairperson, referred to in section 9 of the Powers, Privileges and Immunities of Parliament Act.
- (3) If a Member has appealed his or her loss of membership of the House, he or she remains a Member until the House has made a decision referred to in subrule (2).

Part 4

Rules of debate

Order maintained by Presiding Member

79. (1) The Presiding Member must maintain order and decorum in the House.

- (2) The Presiding Member must, in discharging his or her duties in terms of subrule (1), act fairly and impartially and may not in any manner speak in an insulting or derogatory manner to a Member or staff member.

Precedence of Presiding Member

80. (1) Whenever the Presiding Member rises during a debate, the Member who is then speaking and all other Members must resume their seats, remain seated, and the Presiding Member must be heard without interruption.
- (2) When the Presiding Member is putting a question, no Member may walk out of or across the Chamber.

Members to address Presiding Member

81. (1) Every Member desiring to speak must signal his or her intention via electronic or other acceptable means and address the Presiding Member.
- (2) If more than one Member signals his or her intention to speak, the Presiding Member must call upon the Member who, in the Presiding Member's opinion, signalled first.
- (3) The Speaker and Deputy Speaker must be referred to as "Honourable Speaker", or "Honourable Deputy Speaker", or "Mister Speaker" or "Madam Speaker" or "Mister Deputy Speaker" or "Madam Deputy Speaker", as the case may be.
- (4) Any other Presiding Member must be referred to as "Honourable Chairperson" or "Honourable Deputy Chairperson", as the case may be.

Reference to Members

82. (1) Members must refer to each other in respectful terms.
- (2) No Member may call another Member directly by his or her name but may refer to him or her-
 - (a) as "the Honourable Member";
 - (b) with reference to his or her ministerial office, for example "Right Honourable Prime Minister", "Honourable Minister responsible for finance", etc.; or
 - (c) with reference to the Member's parliamentary office, for example "Honourable Leader of Government Business", "Honourable Leader of the Official Opposition", "Honourable Government Chief Whip", etc.

When Member may speak

- 83.** (1) A Member may speak on-
- (a) a question before the House or a Committee of the Whole House;
 - (b) amendments proposed to such question;
 - (c) a question or amendment which he or she has moved or is going to move; and
 - (d) a question on a point of order or a question of privilege.
- (2) If an amendment to a question is moved after a Member has spoken, he or she may again address the House on such amendment, provided that a Member speaking on the question for the first time after an amendment has been moved, is given only one opportunity to speak, which may cover the main question and the amendment thereto.
- (3) A reply must 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 -
- (a) an amendment;
 - (b) an adjournment during a debate;
 - (c) an instruction to a Committee; or
 - (d) a motion for leave to introduce a Bill.
- (4) A Member who has moved an order of the day or has moved or seconded a motion without speaking on it, may address the House on the subject of such order or motion at any subsequent period of the debate.
- (5) A Member in charge of a motion or an order of the day, including a ministerial statement, is allowed to reply.
- (6) A reply to a debate closes the debate.

When Member may no longer speak

- 84.** (1) No Member may speak more than once on a question before the Assembly, except in explanation or reply or in Committee of the Whole House.
- (2) Despite subrule (1), a Member may speak twice on a matter in explanation only where a material part of the Member's speech has been misquoted or misunderstood, provided that the Member may not introduce any new matter or debate in the explanation.

- (3) A Member may not address a Committee of the Whole House more than three times on a question, including amendments thereto, provided that the Member charged with the business before the Committee, is not bound by such restriction.
- (4) When a debate on any matter being considered by the House is concluded, the Presiding Member must put the question.
- (5) A Member may not speak to a question once it has been put by the Speaker and decided.
- (6) No Member may speak on any matter once it is referred to a Standing Committee.

Time limits for debates and speeches

85. (1) The maximum period for which a Member may speak on any subject indicated in this Standing Rule, and debate, may not, unless otherwise ordered, exceed the period and frequency specified in the following Table:

Subject	Time limit	Frequency
All Bills except Appropriation Bill: First Reading		
All Bills except Appropriation Bill: Second Reading		
Member charged with the business	30 minutes	Once
Leader of Government Business	20 minutes	Once
Leader of Official Opposition	20 minutes	Once
Other Members	15 minutes	Once
Member in charge of business at conclusion of debate	15 minutes	Once
All Bills except Appropriation Bill: Committee of the Whole House		
All Members	5 minutes	Thrice
All Bills except Appropriation Bill: Third Reading		
Member charged with the business	5 minutes	Once
Leader of Government Business	5 minutes	Once
Leader of Official Opposition	5 minutes	Once
Other Members	5 minutes	Once
Member in charge of business at conclusion of debate	5 minutes	Once
Appropriation Bill: Second Reading		
Minister of Finance	Unlimited	Once
Leader of Official Opposition	Unlimited	Once
All Members	10 minutes	Once

Subject	Time limit	Frequency
Minister of Finance in reply	20 minutes	Once
Appropriation Bill: Committee of the Whole House		
Mover of a vote	15 minutes	Twice
All Members	5 minutes	Thrice
Motions		
Mover	15 minutes	Once
Leader of Government Business	10 minutes	Once
Leader of Official Opposition	10 minutes	Once
Other Members	5 minutes	Once
Mover at conclusion of debate	5 minutes	Once
Questions		
Mover	3 minutes per question	Once
Member in answer to question	5 minutes	Once
Mover in reply to answer	2 minutes	Once
Ministerial Statements		
Minister	10 minutes	Once
Member	3 minutes	Once
Minister in reply	5 minutes	Once
Committee reports		
Mover	20 minutes	Once
Any other Member	10 minutes	Once
Mover in reply	10 minutes	Once
Other matters— not otherwise provided for		
Mover	10 minutes	Once
Any other Member	3 minutes	Once
Mover in reply	2 minutes	Once

- (2) 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.
- (3) A Presiding Member has the discretion to extend the time limit allocated to any matter being considered by the House by not more than an additional 5 minutes.

Personal explanation

86. (1) A Presiding Member may grant permission to a Member to explain matters of a personal nature without debate or a question being put, provided that the Member is confined strictly to the vindication of his or her own conduct.
- (2) A personal explanation may not exceed five minutes.

Member unable to stand may speak sitting

87. A Member unable conveniently to stand because of sickness or disability, is permitted to speak sitting.

Member with speech or hearing disability

88. (1) A Member with a speech or hearing disability must be assisted by an interpreter able to accurately convey the Member's views to the House.
- (2) An interpreter referred to in subrule (1) must be approved by the Speaker.

Member may speak to new question

89. A Member who has spoken to a question may speak to any other new question which may arise upon the debate being resumed.

Members may not be interrupted except in certain circumstances

90. When a Member is speaking, no other Member may interrupt him or her except to call attention to the want of a quorum or to a point of order or to an issue of privilege.

Maiden speech

91. (1) A Member elected to the Assembly for the first time may not debate in the House until he or she has made his or her maiden speech.
- (2) A Member making a maiden speech may not be interrupted for any reason by another Member including on a point of order.
- (3) In making a maiden speech, a Member may not speak for more than 15 minutes and such maiden speech must not contain provocative and controversial statements.

Points of order

92. (1) A Member may raise a point of order at any time during the proceedings of the House by stating that he or she is raising on a point of order.

- (2) When a point of order is raised, the Member being called to order must discontinue his or her speech and take his or her seat.
- (3) The Member raising the point of order must commence by quoting the Standing Rule concerned, or at least the principle or subject matter, upon which the point of order is based.
- (4) If the Member does not quote the Standing Rule concerned, or at least the principle or subject matter, upon which the point of order is based, the Presiding Member may insist on him or her doing so, and if he or she fails or does not adequately do so, the Presiding Member may summarily rule that it does not amount to a point of order or that the point raised is out of order.
- (5) A point of order may be raised-
 - (a) when any of these Rules and Orders is alleged to have been infringed;
 - (b) as soon as an irregularity occurs in the customary proceedings of the House;
 - (c) to give an explanation in terms of **Standing Rule 86**; or
 - (d) to seek clarification on a procedural matter.
- (6) 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 or her seat.
- (7) The Presiding Member may hear the opinion of any other Member on the point of order.
- (8) After the point of order has been stated to the Presiding Member by the Member who raised it, the Presiding Member must give his or her ruling or decision thereon either immediately or defer the decision for a considered ruling to the earliest opportunity thereafter.
- (9) A Member may not abuse the right to raise a point of order so as to obstruct the business in the Chamber.
- (10) A Member may raise a point of order at any time, whether or not he or she has previously spoken on the matter being considered by the House.
- (11) The Presiding Member's ruling on a point of order is final and binding and may not be challenged or questioned in the House.
- (12) A Member may not raise another point of order before the Presiding Member has ruled on a prior point of order.

Sub judice rule

- 93.** (1) A Member may not refer to any matter on which a judicial decision in a court of law is pending in such a way as may in the opinion of the Speaker, prejudice the interest of any party to the pending matter.

- (2) Subrule (1) ceases to have effect in any case where a verdict has been arrived at or judgment given or where an appeal has been lodged, when the appeal has been decided.
- (3) A Member must avoid making comments inside the House which would be regarded as contempt of court outside the House.

Irrelevance or unnecessary repetition

94. (1) A Member may not refer to matters irrelevant to the subject of a debate or engage in tedious repetition during debate.
- (2) Having called the attention of the House to the conduct of a Member who persists in irrelevance or tedious repetition, the Presiding Member may direct the Member to cease speaking.
- (3) The Member directed to cease speaking under subrule (2) may require the Presiding Member to put the question that they be further heard and such question must be put without amendment or debate.

Quarrels not permitted

95. A Member may not at any time quarrel or fight with another Member during proceedings of the House.

Unacceptable undignified language

96. A Member may not use defamatory, offensive, provocative, abusive, insulting, disrespectful, unbecoming or unparliamentary words or language, nor offensive, unbecoming or threatening gestures during proceedings of the House.

Personal attacks on others

97. (1) Imputations of improper motives and all personal reflections on a Member's integrity or dignity, are highly disorderly.
- (2) A Member may not use unbecoming or offensive words in reference to-
 - (a) the President or any former President;
 - (b) a Presiding Member, the Assembly or its proceedings;
 - (c) another Member of the House;
 - (d) Judges; or
 - (e) generally any other person.
- (3) If an offended Member or the Presiding Member objects to words used, the offending Member must withdraw the words without qualification or further comment.

- (4) The offended Member must take objection to words used by another Member at the time they are spoken.
- (5) A Member who is called to order must resume his or her seat but may again rise to withdraw his or her words and then continue his or her speech.

Rule of anticipation

98. (1) A Member may not anticipate the discussion of any subject which appears on the Order Paper.
- (2) The Presiding Member when determining whether a discussion is out of order on the ground of anticipation, must consider to the probability of the matter anticipated being brought before the House within a reasonable time and the degree to which debate of that matter is likely to be anticipated.

Whistle-blowers

99. Members should exercise care to avoid saying anything inside the House about a disclosure made by a whistle-blower which would lead to the identification of that person, or which may interfere in an investigation of such disclosure or cause unnecessary damage to the reputation of persons before the investigation of the disclosure has been completed.

Apologies and retractions

100. (1) A Member required under these Standing Rules, or pursuant to any other order of the House or the Presiding Member, to make an apology or retraction in the House must make an unreserved and unqualified apology or retraction.
- (2) An apology or retraction is not unreserved or unqualified if it is phrased in a manner that does not accept that the words were offensive, un-parliamentary or disorderly.

Part 5

Enforcement of Order in Chamber

Grossly improper conduct

101. Members may not engage in grossly improper conduct in the House and its forums by-
 - (a) deliberately creating grave disorder or disruption;

- (b) in any manner whatsoever physically intervening, preventing, obstructing or hindering the removal of a Member from the House who has been ordered to leave the House;
- (c) repeatedly undermining the authority of the Presiding Member or repeatedly refusing to obey rulings of the Presiding Member or repeatedly disrespecting and interrupting the Presiding Member while the latter is addressing the House;
- (d) persisting in making serious allegations against a Member without adequate substantiation or following the correct procedure;
- (e) using or threatening violence against a Member, official or any other person; or
- (f) acting in any other way to the serious detriment of the dignity, decorum or orderly procedure of the House.

Powers of Presiding Member during grave disorder

- 102.** In the event of a Member engaging in grossly improper conduct contemplated by **Standing Rule 101** during a sitting, the Presiding Member may adjourn the Assembly without putting the question or suspend any sitting for a period to be stated by him or her.

Wilful disobedience

- 103.** (1) A Member who wilfully disobeys any order of the House and continues to do so despite a warning by the Presiding Member to desist from such wilful disobedience may be ordered by the Presiding Member to attend a sitting to answer for their conduct.
- (2) If a Member fails to attend despite an order referred to in subrule (1), or if their explanation for failing to attend is deemed unsatisfactory by the House, the Presiding Member may commence an investigation into the Member's conduct to determine if the Member must be charged for contempt of the House under Part 6 of this Chapter.

Member directed to leave the Chamber

- 104.** (1) If the Presiding Member is of the opinion that a Member is deliberately contravening a provision of these Standing Rules, or that a Member is disregarding the authority of the Chair, or that a Member's conduct is grossly improper as contemplated by **Standing Rule 101**, the Presiding Member may if the Member's conduct continues despite the Presiding Member's warning, and after hearing the Member regarding the reasons for his or her conduct,

order the Member to leave the Chamber immediately for the remainder of the day's sitting.

- (2) A Member ordered to leave the Chamber must immediately withdraw from the Chamber.
- (3) If a Presiding Member is of the opinion that a contravention a Member committed in terms of subrule (1) is of so serious a nature that an order to leave the Chamber for the remainder of the day's sitting is inadequate, the Presiding Member may-
 - (a) if he or she is the Speaker, after hearing the Member on the reason for his or her conduct referred to in subrule (1), and if not satisfied with such explanation, suspend the Member for a period provided for in **Standing Rule 108** and order him or her to leave the Chamber immediately; or
 - (b) if he or she is not the Speaker, and after hearing the Member on the reason for his or her conduct referred to in subrule (1), and if not satisfied with such explanation, name the Member under **Standing Rule 105** and order him or her to leave the Chamber immediately and not participate in any parliamentary activities until the Speaker, after consultation with the Presiding Member concerned, has announced what action is to be taken against the Member in terms of these Standing Rules, including whether such Member will be suspended for a period provided for in **Standing Rule 108**, provided that the Speaker's decision must be announced within five working days after the Member has been named.

Naming of Member

105. (1) A Presiding Member is vested with the authority to maintain order by naming a Member who persistently disregards the Presiding Member's requests to bring his or her behaviour into line with the rules and practices of the House.
- (2) Naming a Member means to address the Member by his or her name rather than by any honorary title as is the usual practice, and to order his or her withdrawal from the Chamber.

Removal of Member from Chamber and Precincts of Parliament

106. (1) If a Member refuses to leave the Chamber when ordered to do so by the Presiding Member in terms of **Standing Rule 104** or **105**, the Presiding Member must instruct the Serjeant-at-Arms to immediately escort the Member from the Chamber and the Precincts of Parliament.
- (2) If the Serjeant-at-Arms is unable in person to escort the Member, the Presiding Member may subject to the Standard Operating Procedures referred to in **Standing Rule 236** call upon Parliamentary security officers

to assist in removing the Member from the Chamber and the Precincts of Parliament.

- (3) Unless already suspended in terms of **Standing Rule 104(3)(a)**, a Member who is removed from the Chamber in terms of subrule (2) is thereby immediately automatically suspended for the applicable period as provided for in **Standing Rule 108** and may not enter the Chamber or the Precincts of Parliament for the duration of the suspension.
- (4) If a Member resist attempts to be escorted from the Chamber in terms of subrule (1) or (2), the Serjeant-at-Arms and Parliamentary security officers may subject to the Standard Operating Procedures referred to in **Standing Rule 236** reasonable force to physically remove such Member, where necessary.
- (5) No Member may, in any manner whatsoever, physically intervene in, prevent, obstruct or hinder the escorting of a Member from the Chamber in terms of these Standing Rules.
- (6) A Member who contravenes subrule (5) may, on the instruction of the Presiding Member, also be removed from the Chamber and the Precincts of Parliament forthwith.
- (7) If proceedings are suspended for the purposes of removing a Member or Members, all other Members must remain seated or resume their seats, unless otherwise directed by the Presiding Member.
- (8) When entering the Chamber on the instruction of the relevant Presiding Member Parliamentary security officers must not be armed.
- (9) Members who have been removed from the Chamber will be escorted off the Precincts of Parliament by Parliamentary security officers and will not be allowed to enter the Chambers or Precincts of Parliament.
- (10) If, after having been removed from the Chamber, a Member offers resistance to being removed from the Precincts of Parliament, members of the Namibian Police may be called upon to assist with such removal.
- (11) In the event of violence ensuing in the Chamber as a result of a Member or Members resisting removal, the Presiding Member may suspend proceedings, and any member of the Namibian police as defined in section 1 of the Police Act. 1990 (Act No. 19 of 1990), who is on duty within the Precincts of Parliament may be called upon by the Speaker during such period of suspended proceedings to assist with the removal of a Member or Members from the Chamber and the Precincts of Parliament forthwith, provided that members of the Namibian police may intervene directly anywhere in the Precincts of Parliament or in the Chamber when there is immediate danger to the life or safety of any person or damage to any property.

- (12) Whenever a Member is physically removed from the Chamber in terms of this Standing Rule, the circumstances of such removal must be referred by the Speaker, as soon as possible thereafter, for consideration to Committee on Privileges in terms of the Powers, Privileges and Immunities of Parliament Act, 1996 (Act No. 17 of 1996).

House to be informed of action against Member

- 107.** The House must be notified of any action taken against a Member by the Speaker under **Standing Rules 105 and 106**.

Period of suspension

- 108.** A Member is suspended in accordance with **Standing Rule 104(3)** or **Standing Rule 106(3)**-
- (a) for the first time during a session, for seven (7) parliamentary working days;
 - (b) for the second time during the same session, such suspension continues for fourteen (14) parliamentary working days;
 - (c) for three or more times during the same session, such suspension continues for twenty-one (21) parliamentary working days.

Expression of apology

- 109.** (1) A Member of the House who has been suspended or named in terms of these Standing Rules may submit to the Speaker a written expression of apology, and if the Speaker approves such apology, he or she may discharge the suspension or other action taken against the Member, or reduce the severity of any such action, and the Speaker must inform the House accordingly.
- (2) An expression of apology approved by the Speaker must be recorded in the Journal.
- (3) If a Member is aggrieved by the utterance or action of the Speaker or Presiding Member, the Member so aggrieved may move a motion without notice for the Presiding Member to retract the utterance or to apologise.

Part 6

Contempt of House

Conduct constituting contempt

- 110.** (1) A Member who wilfully fails or refuses to obey any rule, order or resolution of the House may be found guilty of contempt of the House.
- (2) Any person who obstructs or impedes the House, its Members or officers in the discharge of their duties through an act, omission or any conduct commits any act of contempt.
- (3) Without limiting the generality of subrules (1) or (2), the acts, omissions or conduct prescribed in **Appendix B** may constitute contempt.

Procedures for investigating contempt

- 111.** (1) If a complaint is made that a Member committed contempt of the House, the House must, if reasonably satisfied that the Member committed such contempt, refer the complaint to the Committee of Privileges who, in accordance with the provisions of the Powers, Privileges and Immunities of Parliament Act must investigate the complaint and report and make recommendations to the House regarding its findings on such investigation.
- (2) If a complaint is made that person other than a Member committed contempt of the House, the House must, if reasonably satisfied that the person committed such contempt, refer the complaint to a Select Committee who must investigate the complaint and report and make recommendations to the House regarding its findings on such investigation.
- (3) The Select Committee referred to in subrule (2) has with the changes necessitated by the context all the powers and must perform all the functions given to the Committee of Privileges in terms of the Powers, Privileges and Immunities of Parliament Act in investigating a complaint of contempt against the person concerned.
- (4) The fact that the Committee of Privileges or a Select Committee is enquiring into a matter or that the House has taken disciplinary action against a Member or any other person does not preclude criminal investigation or proceedings against the Member or that person in connection with the matter concerned.

Powers of House with regards to report of Committee of Privileges or Select Committee

- 112.** (1) The House must consider a report furnished to it in terms of **Standing Rule 77(3)** or **Standing Rule 111** and any recommendations made in such report.
- (2) When the House finds a Member or any other person guilty of contempt based on a recommendation in the report referred to in subrule (1), the House may, impose any of the following:
- (a) A formal warning;
 - (b) a reprimand;
 - (c) an order to apologise to Parliament or to the Assembly or to any person, in a manner determined by the House;
 - (d) the removal, or the suspension for a specified period, of the Member from any parliamentary position occupied by the Member;
 - (e) an order that the person other than a Member is prohibited from being in the Precincts of Parliament for a specified period;
 - (f) the suspension of the Member, with or without remuneration, for a period not exceeding 30 days, whether or not the House or any of its Committees is scheduled to meet during that period; or
 - (g) removal as Member of the Assembly for good and sufficient reasons in accordance with Article 48(1)(d) of the Constitution.
- (3) The provisions of **Standing Rule 70(2)** apply with the changes necessitated by the context in determining the penalty to be imposed in accordance with subrule (2).
- (4) A Member may not be suspended or removed as a Member under subrules (2)(g) or (h) unless the House has found that-
- (a) the Member is guilty of serious or repeated contempt; and
 - (b) none of the other penalties set out in subrule (2) will be sufficient.
- (5) A Member who has been suspended or removed as a Member under subrules (2)(g) or (h) or a person referred to in subrule (2)(f) must leave the Precincts of Parliament, and may not without the written permission of the Speaker -
- (a) enter the Precincts of Parliament for whatever purpose; or
 - (b) in the case of a Member, participate in any activity of the Assembly or any Committee.

CHAPTER 5

CONDUCT OF BUSINESS OF ASSEMBLY

Part 1

General conduct of business

Prayer and affirmation

- 113.** (1) The Speaker must take the Chair to commence a sitting day and thereupon must read the Prayers and the Affirmation.
- (2) When the Speaker takes the Chair, the Mace is placed in the upper position on the Table.

Quorum

- 114.** (1) In accordance with Article 53 of the Constitution the quorum for a sitting of the Assembly where voting is required consists of 49 Members entitled to vote, excluding the Speaker or the Presiding Member and when no voting is required consists of at least 26 Members, entitled to vote, excluding the Speaker or the Presiding Member.
- (2) The Presiding Member must take the Chair as soon as the Secretary determines that a quorum is present after the hour appointed for the meeting of the Assembly.

Absence of quorum after commencement of business

- 115.** (1) If, after half an hour after the hour appointed for the commencement of the Assembly there is no quorum present, the Presiding Member must take the Chair and adjourn the Assembly to the next sitting day.
- (2) If it appears, after a Member has drawn the Presiding Member'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 must be rung, there is still no quorum, the Speaker must adjourn the Assembly without putting the question until the next sitting day, and if a quorum of Members has not voted in a division, the Assembly has not made a decision on the question.
- (3) The Member who draws the attention of the Presiding Member to the absence of a quorum must be present at the counting of the Assembly.

- (4) When the Assembly is adjourned because there is no quorum, the time of such adjournment and the names of the Members present must be recorded in the Journal.
- (5) A quorum call is only allowed once during the same sitting and a Member may not leave the Chamber when the bells are rung for lack of a quorum.
- (6) The Speaker must refuse mischievous quorum calls.

Questions put by Presiding Member to be decided by majority vote

- 116.** (1) Unless otherwise provided in the Constitution, all questions put in the Assembly must be determined by a majority of the votes of Members, excluding the Speaker or other Presiding Member.
- (2) Despite subrule (1), in the event of an equality of votes the Speaker or other Presiding Member has and may exercise a casting vote.
 - (3) Except in case of a division, when the Presiding Member puts a question he or she must ask for an indication of-
 - (a) Members in favour of the question;
 - (b) the Members against the question; and
 - (c) the Members abstaining.

Routine of business

- 117.** Unless these Standing Rules otherwise permit, the daily routine of business must 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 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 House and consequential proceedings;
 - (k) Orders of the day; and
 - (l) Adjournment.

Date for consideration of orders of the day

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

Arrangement of Order Paper

- 119.** (1) The Secretary, in consultation with the Speaker, may arrange proceedings on the Order Paper in whatever order the Secretary deems fit.
- (2) On Thursdays notices of questions have precedence over notices of motions and orders of the day and notices of motions of Private Members have precedence over other notices of motions and orders of the day.
- (3) 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.

Forms and Notices

- 120.** (1) A Member who gives notice of a question or a motion must read it aloud and deliver at the Table a fair copy of such notice with the date (which, if a question, must at least be four days later) proposed for bringing on such a question or motion.
- (2) All notices referred to in subrule (1) must be presented in the form set out in the following table:

Form	Colour of first page
Notice of motion	Pink
Notice of question	Light Blue
Amendment	Yellow
Notice of Proxy	White
Petition	Light Green

- (3) No question may be asked or motion moved on the same day on which notice thereof is given.
- (4) A question or motion must be set down on the Order Paper for any day earlier than fourteen consecutive sitting days of the Assembly following the day upon which notice in terms of subrule (3) is given.
- (5) A Member desiring to change the day for setting down a motion may have the notice placed on the Order Paper for any day later but not earlier than the fourteen consecutive sitting days referred to in subrule (4).

- (6) Any notice which contains unbecoming expressions or offends against any Standing Rule of the Assembly must be ruled out of order or amended by the Speaker before it appears on the Order Paper.

Business undisposed of

121. (1) Business undisposed of at the adjournment of a sitting of the Assembly, must be postponed to the next sitting day without a motion to that effect, and must, subject to **Standing Rule 118**, be placed on the Order Paper for that sitting day.
- (2) All business undisposed of at the last sitting day of a session does not lapse and should be placed on the Order Paper for the first sitting day of the next session.

Part 2

Motions

Actions of Assembly on motion

122. (1) Any motion before the Assembly-
 - (a) must be debated;
 - (b) may be referred to a Committee;
 - (c) may be amended;
 - (d) may be superseded;
 - (e) may be adopted;
 - (f) may be rejected; or
 - (g) may be withdrawn.
- (2) Whenever a motion is referred to a Committee, its chairperson must, within the period determined by the House, report to the House on the progress the Committee made in discharging its responsibilities in connection with the motion.
- (3) No motion or amendment to a motion may be moved which is substantially the same as any motion or amendment which during the preceding 30 days has been determined in the affirmative or the negative, unless the order, resolution or vote on such motion or amendment has in the meantime been repealed.

- (4) The Secretary must ensure that a database is kept of all motions moved in the House together with the resolutions taken by the House on such motions.
- (5) When the House considers a motion similar to one recorded in the database, the House must determine if its resolutions in connection with the motion recorded in the database have been implemented, and if not, determine the reasons why such resolutions have not been implemented.
- (6) The House may approve the motion being considered, subject to directions in connection with the implementation of all resolutions not previously implemented.

Motions to be on notice

- 123.** (1) Subject to **Standing Rule 124**, a Member must not move a motion unless the Member-
- (a) has given notice of the motion and the notice appears on the Order Paper; or
 - (b) has leave of the House.
- (2) When notice is required for a motion to be moved, the terms in which a motion is moved must be the same as the terms of the notice, unless amended.

Motions where notice is not required

- 124.** Motions that do not require notice include a motion-
- (a) for the amendment of a question already put by the Presiding Member;
 - (b) for the adjournment of the Assembly or of a debate;
 - (c) in Committee of the Whole House;
 - (d) raising a question of privilege;
 - (e) discharging a Member from attendance of a Committee;
 - (f) for the postponement or discharge of an order of the day;
 - (g) which is expressly excluded by these Standing Rules;
 - (h) to grant leave of absence to a Member;
 - (i) regarding 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 House;
 - (k) for a secret ballot; and
 - (l) any other motion which does not require notice in terms of these Standing Rules.

Motions not seconded

125. A motion or amendment not seconded lapses forthwith.

Withdrawal of motions

- 126.** (1) A Member who has moved a motion may withdraw it with the concurrence of the Assembly.
- (2) A motion which is withdrawn may again be moved after notice thereof has been given.
- (3) The withdrawal of a motion shall be in writing and handed by the mover to the Clerk at the Table.

Lapsing of motions

- 127.** (1) If a Member is absent when called upon to move a motion standing in his or her name, or if he or she fails to rise and move such motion when called upon by the Speaker, the motion lapses, unless another Member, acting at the request of the Member in whose name the motion stands, defers it to a later day.

Amendment of motions

- 128.** An amendment to any motion before the Assembly or a Committee of the Whole House must be in writing and handed by the proposer to the Secretary.

Part 3

Questions

Nature of questions

- 129.** (1) A Member may address a question to a Minister relating to a public matter for which the Minister is responsible.
- (2) A question to a Minister may either seeking information on such matter, or asking for official action with regard to it: Provided that a questioner may not ask a Minister-
- (a) for an expression of opinion, including a legal opinion; or
- (b) to announce government policy but may seek an explanation about the policy and its application, and may ask the Leader of Government

Business whether a Minister's statement in the House represents government policy.

- (3) A Member may also address a question-
 - (a) without notice to another Member or the Chairperson of a Committee relating to any Bill or motion on the Order Paper of which the Member or Chairperson has charge;
 - (b) on notice to the Chairperson of a Committee relating to the activities of that Committee.

Questions to be on notice

130. (1) A question may not be asked without notice except as otherwise provided in **Standing Rule 129(3)(a)**, or unless it is of an urgent character or relates to the business of the day and the Member has obtained the leave of the Speaker to ask it.
- (2) Notice of a question may be handed by a Member to the Secretary during the period known as Question Time.
- (3) Every notice of a question must be signed by the Member giving it and must be presented on the form as set out in **Standing Rule 120(2)**.

General rules for questions

131. (1) The right to ask a question is subject to the following general rules, the interpretation of which the Presiding Member is 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 person to whom it is addressed, or to ask for official action;
 - (b) a question may not include the names of persons unless that is necessary to render the question intelligible and can be authenticated;
 - (c) not more than one subject may be referred to in one question, and a question may not be of excessive length;
 - (d) a question may not contain arguments, inferences, opinions, imputations, epithets, or hypothetical matters.
- (2) A question may not be asked-
 - (a) if it raises an issue already decided in the Assembly or which has been answered fully during the current session;
 - (b) to a Chairperson of a Committee which attempt to interfere with the Committee's work or anticipate its report;
 - (c) which deals with matters referred to a Commission of Enquiry;

- (d) as to the character or conduct of any person except in his or her official or public capacity;
 - (e) reflecting on the character or conduct of any person whose conduct can only be challenged on substantive motion;
 - (f) soliciting the expression of an opinion or the solution of a legal question or of a hypothetical proposition.
- (3) Questions may not refer to, or require the disclosure of, proceedings of a Committee not yet reported to the House.
 - (4) Questions may not be put to the Speaker.

General rules for answers

132. The following general rules apply to answers:

- (a) in answering a question, a Minister or Member must not debate the subject to which it refers; and
- (b) an answer must be relevant to the question.

Amendments of questions

- 133.** If the Presiding Member is of the opinion that any question of which a Member has given notice to the Secretary infringes the provisions of any Standing Rule or is in any way an abuse of the right of questioning, the Presiding Member 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 Question Paper with such alterations that the Presiding Member may direct.

Procedure for asking and answering questions

- 134.** (1) At Question Time, the Presiding Member must call in turn each Member in whose name a question stands on the Question Paper, in the order in which the questions are printed or in any such other order as the Presiding Member may on any particular occasion by leave of the Assembly determine.
- (2) Each Member called must rise in his or her place and ask the question with reference to its number on the Question Paper and Minister or Member questioned must give his or her reply or must take the necessary steps to have the reply furnished.
- (3) After the answer to a question has been given, supplementary questions may, at the discretion of the Presiding Member, be put for the sole purpose of elucidating the answer given, but the Presiding Member may refuse any

such question which in his or her opinion introduces matters not relevant to the original question or which infringes any provisions of these Standing Rules, and may in that case direct that such question must not be reported in the Journal.

- (4) When all the questions for which an oral answer is required have been called, the Speaker, if the time permits, may 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, at the request of the absent Member either ask the question or request for its postponement.
- (5) The Presiding Member may also call again any questions which have not been answered by reason of the absence of the Minister or Member to whom it is addressed.
- (6) A Minister or a Member may, with the leave of the Assembly, defer answering a question.
- (7) A Minister or Member, as applicable may with the consent of the Presiding Member and the Member asking the question reply earlier than the day for which the question has been set down.

Urgent oral questions

135. (1) The Presiding Member may allow time for urgent questions to Ministers on any sitting day.
- (2) Urgent questions-
 - (a) may be asked without notice;
 - (b) must be short and to the point; and
 - (c) must as far as possible be answered immediately.
- (3) Subject to the discretion of the Presiding Member, supplementary questions may be asked to elucidate an answer.
- (4) The time allowed for urgent questions must not exceed 20 minutes each day.

Part 4

Statements

Ministerial statements

- 136.** (1) A Minister who wishes to make a statement on some public matter for which he or she is responsible must inform the Speaker of his or her wish before the beginning of the sitting at which he or she wishes to make the statement.
- (2) The Speaker may in his or her discretion allow short questions to be put to the Minister making the statement for the purpose of elucidating it.

Statements concerning deceased Members

- 137.** (1) In the event of the death of a former or current Member or his or her spouse, a dignitary from other countries, a former Head of State, or another eminent person and the House is then sitting-
- (a) the Speaker must announce the death of the person concerned at the next sitting day of the House and inform the House of the date on which the Leader of Government Business will move a Motion to place on record the House's regret and sympathies on the death of the person concerned; and
 - (b) immediately following the announcement under paragraph (1), the House will observe one minute of silence in honour and memory of the person concerned.
- (2) Where a person contemplated by subrule (1) dies and the House is on recess, the Speaker must announce the death of the person concerned at the next sitting day of the House following the death of that person and inform the House of the date on which the Leader of Government Business in the House will move a Motion to place on record the Assembly's regret and sympathies on the death of the person concerned.
- (3) Immediately following the announcement under subrule (2), the House must observe one minute of silence in honour and memory of the person concerned.

Part 5

Orders of the day

Disposal of orders of the day

- 138.** The orders of the day must be disposed of in the order in which they appear on the Order Paper.

Orders to be read without question put

- 139.** The Presiding Member must cause the Table Clerk to read the orders of the day, without any question being put.

Orders postponed

- 140.** An order of the day may be postponed on motion without notice, moved by a Member in charge of the order of the day, or in their absence, by another Member at their request.

Lapsed orders may be restored

- 141.** (1) A lapsed order of the day may be restored to the Order Paper by order of the House on motion without notice, to be decided without amendment or debate.
- (2) A lapsed order referred to in subrule (1) must enjoy precedence on the Order Paper at the next sitting following the sitting day on which the order lapsed.

Orders of the day not called on

- 142.** If, at the adjournment of the House, any orders of the day have not been called on, such orders of the day must be set down on the Order Paper for the next sitting day.

Order discharged

- 143.** (1) The House by order may discharge an order of the day.
- (2) The Member in charge of an order of the day, or in their absence another Member at their request, may move for its discharge, by motion without notice, when the order is reached.
- (3) A Minister or the Leader of Government Business may move the discharge of an order of the day concerning government business by motion without notice, at any time when the order is reached.

Part 6

Amendments

Forms of amendment

- 144.** A question or motion having been proposed, may be amended by omitting certain words, or omitting certain words to insert or add other words, or inserting or adding words.

Rules relating to amendments

- 145.** The following general rules apply in respect of amendments:
- (a) Unless otherwise provided in these Standing Rules, an amendment in the House or in consideration in detail of a Bill need not be seconded;
 - (b) unless otherwise provided in these Standing Rules, an amendment to any question or motion must be stated in the House and delivered in writing to the Secretary;
 - (c) every amendment must be relevant to the question or motion which it is proposed to amend;
 - (d) an amendment proposed must be disposed of before another amendment to the original question or motion may be moved;
 - (e) when several amendments have been proposed to be made to a question or a motion, they must be put individually, in the order in which, if agreed to, they would stand in the amended question or motion;
 - (f) an amendment may not be made to any words which the House has already agreed to, except by adding other words at the end;
 - (g) an amendment to a question or a motion may not be moved if it is the same as an amendment already determined in the negative or would have the effect of reversing an amendment already made.

Question to be put for amendments

- 146.** In respect of every amendment the Presiding Member must put the question “That the amendment be agreed to”, which must be resolved in the affirmative or negative.

Amendments to amendments

147. (1) Amendments may be proposed to a proposed amendment whenever it comes to a question whether the House must agree to such proposed amendment.
- (2) The question to be put in such a case must be: "That the amendment to the proposed amendment be agreed to" which must be resolved in the affirmative or negative.
- (3) Where the original amendment is to insert, add, or omit words, an amendment may be proposed to it without reference to the main question or motion, which will be dealt with when the amendments have been disposed of.

Withdrawal of amendments

148. (1) A Member who has moved an amendment may, by leave of the House, withdraw the amendment.
- (2) If a Member who moved an amendment is absent, at his or her request another Member may, by leave of the House, withdraw the amendment.

Part 7

Divisions

Demand for division

149. (1) After the Presiding Member has declared the result of a question put, any Member who has voiced his or her opinion with those who are according to such declaration in the minority, may demand a division of the Assembly, providing the reasons for the demand upon that question and a division without debate must forthwith take place.
- (2) Whenever a division is demanded, the Presiding Member, before instructing the division bells to be rung, must be satisfied that at least two Members support the demand for such division.
- (3) If fewer than two Members rise in support of such division, the Presiding Member shall forthwith declare the decision on the question.
- (4) The names of Members who arose in support of a division must be recorded in the Journal.

Recording of opposition

- 150.** Whenever a question is put by the Presiding Member, any Member may, instead of demanding a division, inform the Presiding Member that he or she wishes his or her opposition or that of the Member's political party, to be formally recorded in the Journal: Provided that the Presiding Member may order that a division must take place if three or more Members wish to record their individual opposition.

Procedure for division

- 151.** (1) When the requisite number of Members support the demand for a division, the division bells must be rung and the doors locked as soon after the lapse of two minutes, as the Presiding Member directs.
- (2) If further divisions are required to dispose of the question and divisions follow immediately upon the first division, the division bells must again be rung and the doors must be locked as soon after the lapse of 30 seconds as the Presiding Member directs.
- (3) National Council Members present in the House must, if ordered by the Presiding Member, withdraw from the Chamber.
- (4) After the doors have been locked the Presiding Member must again put the question whereupon the "Ayes" must rise and the "Noes" must remain seated.
- (5) The Secretary must then call out the names of the Members standing, and the Table Clerk must record the vote and name of each such Member.
- (6) After the names of the "Ayes" have been recorded and the Members so voting have resumed their seats the Presiding Member must call upon the "Noes" to rise and their votes must be recorded in the manner specified in subrule (5).
- (7) Following the recording of the votes of the "Noes" the Secretary must hand the division list to the Presiding Member, who must forthwith announce the result of the division.
- (8) A Member may not enter or leave the Chamber nor move from his or her seat until after the division has been taken and votes have been counted.
- (9) While the House is dividing, Members may speak, while standing, to a point of order arising out of or during the division and the Speaker must forthwith decide the point of order.
- (10) The lists of divisions, recording the names of all Members present, and the votes they cast, must be recorded in the Journal.
- (11) If it is found after a complaint has been made to the House that a division was inaccurately reported, the Speaker must cause the record to be corrected.

- (12) No Member is entitled to vote in any division upon a question in which he or she has a direct pecuniary interest.
- (13) The vote of a Member may not be challenged on the grounds specified in subrule (12) except on a substantive motion moved immediately after the division is completed, and the vote of a Member determined to be so interested must be disallowed.

Personal vote on matter of conscience

152. Where the majority of the Members present in the House consider a motion moved that the subject of a vote must be treated as a conscience issue, the Presiding Member must permit a personal vote to be held by depositing of individual secret ballots, which may be done electronically or manually.

Procedure for personal vote

153. (1) In a personal vote, the division bells are rung for 4 minutes, whereafter the doors are locked.
- (2) The Table Clerks must ensure that each Member is issued with a ballot paper and that the ballot box is placed upon the Table.
- (3) All Members that are present must vote.
- (4) The names of Members absent during a ballot vote must be recorded in the Journal.
- (5) The Presiding Member must direct Members to pass the ballot box in single file to cast their ballots.
- (6) The Table Clerks must count the Members' votes and must report the results to the Secretary whereupon the Secretary must verify the count and sign the vote lists.
- (7) The Secretary must report the results to the Presiding Member who must declare the result to the House.
- (8) The manner of voting specified in this Standing Rule may be done electronically in accordance with **Standing Rule 154**.

Procedures for electronic voting

154. (1) Unless the Presiding Member directs otherwise, if an electronic voting system is in operation in the Chamber, questions must be decided by the utilisation of such electronic voting system in accordance with a procedure predetermined by the Speaker and directives as announced by the Presiding Member.

- (2) Members may vote only from the seats allocated to them individually in the Chamber.
- (3) Members vote by pressing the “Yes”, “No” or “Abstain” button on the electronic consoles at their seats when directed by the Presiding Member to cast their votes.
- (4) A Member who is unable to cast his or her vote, must draw this to the attention of the Chair and may in person or through a relevant Whip of the Member’s political party inform the Table Clerk of his or her vote.
- (5) When all Members have cast their votes, the Presiding Member must immediately announce the result of the division.
- (6) Members’ names and votes must be printed in the Journal.

Part 8

Adjournment and closure

Automatic adjournment

155. (1) Subject to these Standing Rules the business under consideration at the time determined for the adjournment of the Assembly on any sitting day must be interrupted by the Presiding Member who must thereupon adjourn the Assembly without the question being put.
- (2) When business is interrupted by this Standing Rule, dilatory motions, if any, lapses.
- (3) If, at the time of the adjournment, proceedings for closure under **Standing Rule 161** are in progress, the Presiding Member may 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.
- (4) If at the time for the adjournment a division is in progress, the Presiding Member may only interrupt business after the result of the division has been declared.
- (5) If the division is on an amendment, the Presiding Member must, after the result of the division has been declared, proceed to put all the questions which have already been proposed from the Chair.
- (6) If the Assembly for any unforeseen reason does not meet on the day appointed, it stands adjourned to the next sitting day.
- (7) If the Committee of the Whole House 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.

Adjournment on resolution

- 156.** (1) Except in the circumstances mentioned in **Standing Rules 115, 155, 159** and **186** when the Presiding Member adjourns the Assembly without putting the question, the Assembly may only be adjourned on its own resolution, and in case no time or date is fixed, such adjournment must be until 14h30 of the next sitting day, except if the next sitting day is a Friday in which case the adjournment must be until 09h00, unless the Assembly resolves to adjourn until such time on the same day, as the Presiding Member may decide.
- (2) A substantive motion for the immediate adjournment of the Assembly may be made at any time when the Presiding Member is in the Chair, but discussion thereof and amendments thereto must be confined to the time and date for the next sitting.

Adjournment for matters of urgent public importance

- 157.** (1) No motion for the adjournment of the Assembly for a definite matter of urgent public interest may 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) rises and says that he or she asks permission to move the adjournment of the Assembly for the purpose of discussing a matter of urgent public importance.
- (2) (a) The Member must declare what the matter is and hand over to the Presiding Member a written description of the subject he or she wishes to have discussed.
- (b) If the Presiding Member is satisfied that the motion concerned falls within the provisions of this Standing Rule, he or she must request all Members who support the motion to rise.
- (c) If at least 5 Members support the motion, the Speaker must permit the Member to move the motion.
- (3) Motions moved under this Rule are subject to the following restrictions:
- (a) not more than one such motion may be made during a sitting day;
- (b) only one matter may be discussed under the same motion;
- (c) the motion may not revive matters already debated during the last session;
- (d) the motion must not anticipate matters under notice for discussion or standing as an order of the day;

- (e) the motion must not raise a question of privilege;
 - (f) the motion must not raise any matter which can only be debated on a substantive motion after notice.
- (4) A motion moved in pursuance of this Standing Rule which fails to obtain the necessary support, may not be moved again unless a period of at least two calendar months has passed.
- (5) (a) A Member intending to move the adjournment of the House under this Standing Rule must, on any other day than Friday, give notice to the Speaker by 12h00 if the urgency of the matter is known at that hour.
- (b) On a Friday, the requisite notice must be given by 08h00.
- (6) If the urgency is not so known, the Member must give notice as soon thereafter as is practicable.

Right of proposer and seconder for adjournment to speak again

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

Proposal that proceedings should not be interrupted

- 159.** (1) Notwithstanding the provisions of **Standing Rule 155(1)** a Member may, at the commencement of public business, without notice make a proposal which must be decided without amendment or debate, namely “That the proceedings on (naming the motion or the order of the day) be, in accordance with **Standing Rule 159(1)** not interrupted if it is still under consideration at” 17h45 (if the sitting is on a day other than a Friday), or 12h30 (if the sitting is on a Friday).
- (2) If such motion is agreed to and the specified business is still under discussion after 17h45 or 12h30, as the case may be, no other opposed business is considered on the sitting day, but the Presiding Member may not interrupt the business to adjourn the Assembly under **Standing Rule 155(1)**.
- (3) Unopposed business may be considered without discussion before the Presiding Member adjourns the Assembly.

Adjournment of debate

- 160.** (1) 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 must report progress and ask leave to sit again, or do leave the Chair, the debate thereon

must be confined to the matter of such motion, and no Member having moved or seconded any such motion is entitled to move or second any similar motion during the same debate on the same sitting day.

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

Closure of debate

161. (1) After the Presiding Member has put a question during a debate, a Member may demand to move "That the question be now put to close the debate."
- (2) Unless the Presiding Member is of the opinion that such a motion is a misuse of these Standing Rules or infringes on the rights of the minority, the closure is put forthwith without amendment or debate.
- (3) 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.
- (4) When the closure has been approved by the Assembly, the Presiding Member must, prior to putting the question, despite subrule (3), enquire from the Member charged with the relevant business whether or not he or she wishes to reply.
- (5) A motion under this Standing Rule must be moved only when the Speaker or Deputy Speaker is in the Chair.
- (6) The closure has been approved by the Assembly when it is supported by a simple majority.
- (7) If the motion for closure fails to obtain a simple majority, the motion lapses.

Part 9

Broadcasting of proceedings of the Assembly

Broadcasting of proceedings

162. (1) The proceedings of the House must be broadcast simultaneously in English and Namibian Sign Language.
- (2) Audio and visual digital footage of the proceedings form part of the Journal.

Rules for broadcasting proceedings

- 163.** (1) When filming and broadcasting the proceedings of the House for television or livestreaming over the Internet, the following rules apply-
- (a) the camera must focus on the Member recognised by the Presiding Member until the Member has finished speaking;
 - (b) group shots and cut-ways may be taken for purposes of showing the reaction of a group of Members to an issue on the floor;
 - (c) wide-angle shots of the Chamber may be used during voting and a division and no shot may be taken so as to show the manner in which a Member has voted;
 - (d) the Presiding Member must be shown whenever he or she rises;
 - (e) press and public galleries may not be shown except as part of a wide angle shot;
 - (f) no close-up shots of Members' papers or reference materials may be shown; and
 - (g) shots designed to embarrass a Member may not be shown.
- (2) When broadcasting the proceedings of the House for radio or audio streaming over the Internet, commentaries during a live broadcast must be limited to the introduction of a matter under debate and of the Member on the Floor.

Restrictions on use of Audio and Visual Recordings

- 164.** A Member or any person may not use recordings of the proceedings of the House or Committees for purposes of ridicule or any form of negative publicity.

External Media

- 165.** (1) External media may not broadcast proceedings of the House or a Committee except as received from the broadcast feed provided by the Assembly.
- (2) External media that receives a broadcast feed from the Assembly must broadcast it without any manipulation or distortion.
- (3) Only accredited journalists are allowed access to designated areas for purposes of following the proceedings of the House and taking notes and any journalist so allowed must adhere with the changes necessitated by the context to the Standing Rules set out in this Part.
- (4) For purposes of this Standing Rule "external media" means any media organisation or person that is not from the Assembly, duly accredited by the Ministry of Information and Communications Technology.

Breach of Standing Rules relating to broadcasting

- 166.** A person who fails to comply with the Standing Rules set out in this Part is liable to such punishment as the House may consider appropriate for contempt.

Application of Part

- 167.** The Standing Rules set out in this Part apply with the changes necessitated by the context to broadcasting of other proceedings or events of the Assembly.

CHAPTER 6

LEGISLATIVE PROCESS OF ASSEMBLY

Part 1

General

General provisions relating to Bills

- 168.** (1) Subject to **Standing Rule 189** and except with the unanimous concurrence of the Assembly, not more than one stage of a Bill may be taken on the same sitting day.
- (2) A Bill that has been given a second reading may be referred directly to the Committee of the Whole House instead of being referred to a Committee.
- (3) On the order for the first, second and third readings of a Bill the Secretary must only read the short title of the Bill.
- (4) The Member in charge of a Bill who seeks to amend an Act of Parliament must ensure that current copies of that Act are available in the Library of the Assembly.
- (5) No Bill may be tabled before the Assembly after 1 November each year, unless the Assembly decides to treat it as an urgent Bill in accordance with **Part 10** of this Chapter.
- (6) (a) For any Bill presented by a Minister, except an Appropriation Bill, the Minister must present a signed explanatory memorandum, which must include an explanation of the reasons for the Bill.
- (b) For other Bills, the Member presenting the Bill must present an explanatory memorandum.
- (7) If a Bill requires Regulations for implementation, a copy of the draft Regulations must accompany the Bill when it is tabled in the Assembly.

Different types of Bills

- 169.** The different types of Bills considered by the Assembly include-
- (a) Government Bills;
 - (b) Bills to amend Constitution;
 - (c) Bills of Private Members

- (d) Assembly Bills;
- (e) Financial Bills; and
- (f) Urgent Bills.

Stages that Bills must pass through

170. The stages that all Bills must pass through include-

- (a) Notice of motion for leave to introduce and place Bill on the Order Paper;
- (b) Preparation of a Bill by a Committee (if Bill is to be prepared on instructions of the House);
- (c) Tabling and First Reading;
- (d) Referral to a Standing or Select Committee after first reading, except for an Appropriation Bill;
- (e) Second reading;
- (f) Referral to and consideration by a Standing or Select Committee (except for an Appropriation Bill) or Committee of the Whole House;
- (g) Third reading and passage of Bill;
- (h) Referral of Bill to National Council;
- (i) Consideration and passage of Bill by the National Council and report to the Assembly;
- (j) Consideration of National Council report and passage by the Assembly;
- (k) Presidential Assent; and
- (l) Publication in *Gazette*.

Part 2

Tabling and First Reading

Notice of motion for leave to introduce the Bill

- 171.** (1) 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.
- (2) When notice has been given to introduce a Bill, the Secretary must provide each Member with a printed copy thereof, and the name of the Member who will introduce the Bill must appear on it.

Tabling of Bill

- 172.** (1) A notice of motion to table a Bill must be tabled with the question: “That leave be given to introduce a bill [*state long title of the Bill*]”.
- (2) Despite subrule (1), if a Bill is brought up by a Committee appointed to draft the Bill to give effect to a resolution of the Assembly, the Speaker must instruct the first reading without the introduction referred to in that subrule.

First reading

- 173.** If a Member has been granted leave to table a Bill, he or she must forthwith bring a fair copy thereof to the Table, whereupon the Bill must be read for the first time and a date fixed for its second reading.

Part 3

Referral to Standing or Select Committee after First Reading for Bills other than Appropriation Bills

Referral to Standing or Select Committee after first reading

- 174.** (1) A Bill that has been read a first time stands referred to a relevant Standing or Select Committee for enquiry and report, unless it is referred directly to the Committee of the Whole Assembly.
- (2) The motion of the House referring the Bill to a Committee must specify-
- (a) the Standing Committee or constitute the Select Committee to which the Bill must be referred; and
 - (b) the date by which the Standing or Select Committee must report to the House, provided that the House may extend the period upon motion without notice by the Chairperson of the Committee concerned.
- (3) The Standing or Select Committee must report to the House within the period stipulated by the House.
- (4) In taking evidence on the Bill the Standing or Select 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 procured by that Committee leads it to that conclusion.

- (5) 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 or Select Committee at which the Bill is considered.
- (6) Upon completion of its work, the Standing or Select Committee must report to the House in accordance with **Standing Rule 175**.
- (7) If, having considered a Bill referred to it for a report, the Committee concerned finds no issues requiring a formal report, the Chair or Deputy Chair may make a statement to the House to that effect and the statement, with the presentation of the relevant minutes of proceedings, discharges the Committee's obligation to report on the Bill.

Report by Standing or Select Committee on Bill and recommendations of amendments

- 175.** (1) The recommendations of a Standing or Select Committee after consideration and examination of a Bill under **Standing Rule 174** must be presented to the House in the form of a Committee Report.
- (2) The Committee Report, set out in the form determined by the Speaker, must be introduced by the Chairperson of the Committee or by another Member on the Chairperson's behalf.
 - (3) A Standing or Select 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 concerned Committee's recommendations.
 - (5) If a Standing or Select Committee recommends that a Bill should not be proceeded with and the Assembly accepts such recommendation, the Bill lapses.
 - (6) After a report has been presented by the Committee concerned and considered by the House, the Member in charge of the Bill may move a motion without notice to set a time for the Bill to be read a second time.

Part 4

Second Reading

Motion for second reading

- 176.** (1) The order of the day for a Bill being read, the Member who presented the Bill must move “That the Bill be now read a second time”.
- (2) The Member presenting a Bill must commence the second reading debate by introducing the Bill to the House.
- (3) Once the Member in charge of the Bill has finished his speech the House may resolve to adjourn the debate or proceed with the second reading stage.

Scope of second reading debate

- 177.** (1) During the second reading stage the principles, primary motivation and main objectives of the Bill are discussed.
- (2) The House must also consider the examination, Committee Report and any amendments recommended by the Standing or Select Committee to which the Bill has been referred in terms of **Standing Rule 174**.
- (3) At conclusion of the second reading debate the Member presenting the Bill must reply to questions and concerns raised by other Members during the debate.

Question put at conclusion of debate

- 178.** At the conclusion of the debate on the second reading of a Bill the Speaker puts the question “That the Bill be now read a second time”.

Part 5

Committee stage

Referral of Bill other than Appropriation Bill to Standing or Select Committee

- 179.** (1) A Bill other than an Appropriation Bill which has been read a second time may again be referred to a relevant Standing or Select Committee for enquiry and report if specific issues have been raised during the second reading debate which necessitate the consideration of those issues by such Committee.

- (2) The motion or determination of the House must specify-
 - (a) the reasons why the Bill is referred again to a Standing or Select Committee;
 - (b) the specific issues which the House require the Standing or Select Committee to examine and report on; and
 - (c) the date by which the Standing or Select Committee must report to the House, provided that the House may extend the period upon motion without notice by the Chairperson of the Committee concerned.

Examination of Bill other than Appropriation Bill by Standing or Select Committee

180. (1) The Standing or Select Committee to which a Bill has been referred must within the period determined or extended by the House in terms of **Standing Rule 179(2)(c)** report to the House on the Bill.
- (2) In taking evidence on the Bill, the Standing or Select Committee may only consider the issues which the House require the Committee concerned to examine, and it may report that a Bill should not be proceeded with if its consideration of the evidence procured by that Committee leads it to that conclusion.
- (3) 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 or Select Committee at which the Bill is considered.
- (4) Upon completion of its work the Standing or Select Committee must report to the House in accordance with **Standing Rule 175**, provided that after such report has been considered by the House, the Member in charge of the Bill may move a motion without notice to set a time for the Bill to be referred to the Committee of the Whole House.

Referral of Bill to Committee of the Whole House

181. (1) Upon conclusion of its second reading a Bill stands referred to the Committee of the Whole House.
- (2) A Committee of the Whole House is appointed by resolution "That the Assembly goes into Committee" on the matter referred to it.
- (3) When the House resolves to go into Committee the Speaker must put the question when the order of the day is read: "That I do now leave the Chair", and if agreed by the House, the Speaker accordingly must leave the Chair.
- (4) The Deputy Speaker as the Chairperson of the Whole House must seat himself or herself at the Table and serves as Chair of the proceedings.

- (5) In the absence of the Deputy Speaker, a Deputy Chairperson of the Whole House acts as Chairperson of the Whole House.

Procedure when Bill is referred to Committee of the Whole House

182. (1) These Standing Rules apply in the Committee of the Whole House, except that a motion does not need to be seconded.
- (2) On the order of the day being read for the Assembly to go into Committee of the Whole House on a Bill, the question: “That the Speaker leaves the Chair” must be decided without amendment or debate, unless an instruction is moved as provided for in subrule (3), in which case debate must be strictly confined to the matter of the instruction.
- (3) While a Bill is in Committee of the Whole House, an instruction to the Committee may be moved after notice.
- (4) (a) The Chairperson of the Whole House, upon seating himself or herself at the Table, must read the number of each clause of the Bill concerned in sequence.
- (b) The Title and the Preamble (if any) must be considered after clauses and the Schedules (if any) have been disposed of.

Quorum in Committee of the Whole House

183. (1) The quorum in Committee of the Whole House is the same as that required for the Assembly in terms of **Standing Rule 114**.
- (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 must, if after an interval of two minutes, during which period the division bells must be rung, a quorum is still not present, leave the Chair, and the Speaker must resume the Chair.
- (3) Upon the Speaker resuming the Chair, the Chairperson of the Whole House must report that a quorum is not present, whereupon the Speaker must, after the expiration of a further two minutes, during which the division bells must be rung, count the voting Members present, and-
 - (a) if a quorum is still not present, the Speaker must, without putting the question, adjourn the Assembly until the next sitting day, and the hour of adjournment must be entered in the Minutes of Proceedings; or
 - (b) if a quorum is present the Assembly must again resolve itself into Committee of the Whole House.

Determination of Questions by Committee of the Whole House

- 184.** Unless otherwise provided for in the Constitution, all questions in the Committee of the Whole House must be determined by a majority of votes of Members.

Amendments in Committee of the Whole House

- 185.** (1) The Chairperson of the Whole House may not allow an amendment to a Bill (including the addition of a new clause) which is substantially the same as one already decided in the negative by the Committee of the Whole House, or which is inconsistent with one that has already been agreed to by that Committee, unless the Bill is recommitted to that Committee in terms of **Standing Rule 191**.
- (2) The Chairperson of the Whole House may allow any amendment to a clause or the addition of any new clause to a Bill if such amendment or addition is relevant to the subject matter of the Bill, is pursuant to any instruction or is otherwise in conformity with these Standing Rules.
- (3) If an amendment to a Bill (including the addition of any new clause) is to be adopted which is relevant to the subject matter of the Bill but is not within the contemplation of the long title of the Bill, the Committee must amend the long title accordingly and specifically report such amendment to the Assembly.
- (4) No amendment to or the addition of a clause to a Bill may be moved which is in conflict with the principles of the Bill as read a second time.

Reporting progress

- 186.** (1) During the proceedings of a Committee of the Whole House a motion may be moved: "That the Chairperson of the Committee of the Whole House report progress and ask leave to sit again".
- (2) If the motion is agreed to, the Chairperson of the Committee of the Whole House must report progress to the Speaker and thereupon, in terms of **Standing Rule 118**, a day must be fixed on which the Committee is to resume.
- (3) The Chairperson of the Committee of the Whole House may report on the next sitting day, and if he or 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 of the Whole House is read, the Speaker must forthwith leave the Chair without putting the question.

Disorder in Committee of the Whole House

- 187.** (1) If any disorder arises in the Committee of the Whole House, the Speaker must resume the Chair without the question put.
- (2) When order is restored, the proceedings in the Committee of the Whole House must be resumed whereupon the Speaker must leave the Chair, unless the Assembly has adjourned.

Amendments made during Committee Stage to be certified

- 188.** (1) On instruction of a Standing or Select Committee or the Committee of the Whole House, as the case may be, the Minister of Justice must ensure that any amendment proposed by the Standing or Select Committee or the Committee of the Whole House to a Bill considered during Committee Stage must be drafted by the Chief Legal Drafter.
- (2) The Chief Legal Drafter must ensure that the text of any such amendment is submitted to the Attorney-General for certification before it is tabled.

Part 6

Reporting Stage

Report on Bill to Assembly by Committee of the Whole House

- 189.** (1) The Chairperson of the Committee of the Whole House must at the close of the proceedings on a Bill by that Committee, forthwith report the Bill with or without amendments to the Assembly.
- (2) The Chairperson of the Committee of the Whole House may report on the next sitting day.
- (3) If the Committee of the Whole House has amended the long title of the Bill, the Chairperson of the Whole House Committee must refer to that amendment when reporting the Bill.
- (4) (a) If the Bill is reported with amendments, a day must be appointed, subject to **Standing Rule 118**, for the third reading of the Bill.
- (b) The Bill must, if the Speaker so directs, 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.

Part 7

Third reading

Motion for third reading

- 190.** (1) When the House proceeds to the third reading of a Bill, the Speaker must put the question “That the Bill be now read a third time” unless a motion for recommittal is moved in terms of **Standing Rule 191**.
- (2) When amendments have been made to a Bill, the question for the third reading must be “That the Bill as amended be now read a third time”.
- (3) On the motion being made, and questions put either “That the Bill be now read a third time” or “That the Bill as amended be now read a third time” only verbal amendments or an amendment to the short title of the Bill may be moved.
- (4) A verbal amendment is an amendment that seeks to omit from the question the word “now” and add another time at which the Bill must be read a third time.
- (5) After the House has resolved in the affirmative that the Bill be read a third time, the Bill is deemed to have been duly passed by the Assembly and no further debate is allowed.

Recommittal of Bill

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

Part 8

Referral of Bill to National Council

Conduct of business between Assembly and National Council

- 192.** (1) Communication between the Assembly and the National Council must be by message, the text of which must be recorded in the Journal.
- (2) When a Bill has been read the third time a printed copy thereof must be transmitted to the National Council with the message informing the National

Council that the Bill has been passed by the Assembly and that the consideration and confirmation of the Bill by the National Council is sought in pursuance of Article 75 of the Constitution.

- (3) The Speaker must certify, on top of the first page of the Bill transmitted to the National Council as follows:

“This Bill has been passed by the National Assembly on
the _____ day of _____ 20 _____

Dated the _____ day of _____ 20 _____

Speaker”

- (4) If the Bill is a Financial Bill within the meaning of Article 75(8) of the Constitution the certificate by the Speaker must be endorsed at the end of the Bill as follows:

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

Dated the _____ day of _____ 20 _____

Speaker”

- (5) The transmission of any Bill to the National Council in terms of this Standing Rule and the text of any message which accompanies such Bill must be recorded in the Journal.
- (6) If the National Council in respect of a Bill transmitted by the Assembly-
- passes a Bill with amendments;
 - objects to the principle of a Bill; or
 - does not pass the Bill within three months or 30 days (in the case of a Financial Bill) of its receipt,
- the Speaker must communicate that fact to the Members and the Secretary must cause copies of the Bill to be supplied to them.
- (7) After the amendments to the Bill proposed by the National Council 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 Bill be reconsidered, and that the

amendments be considered by the Assembly in accordance with Article 75(4) of the Constitution.

- (8) (a) If a motion that the Bill be reconsidered, and that the amendments be considered is carried, such amendments must be considered by the Committee of the Whole House or may be referred to a Standing or a Select Committee.
- (b) An amendment to the Bill may be moved whether it is relevant to the subject matter of an amendment made by the National Council or consequential upon, or an alternative to, an amendment made by the National Council.
- (9) After all amendments made by the National Council and those moved under subrule (8) are disposed of, the Member charged with the business must move that the Bill as amended or as originally passed by the Assembly, as the case may be, be passed by the House.
- (10) (a) If a Bill transmitted by the Assembly is objected to in principle by a two-thirds majority of the National Council in pursuance of Article 75(5)(a) of the Constitution, the Member charged with the business must, unless the Speaker otherwise directs after giving one day's notice, move that the Bill be reconsidered.
- (b) If the motion that the Bill be reconsidered is carried, the Bill must be reconsidered by way of a general debate without reference to the details of the Bill.
- (c) If upon such reconsideration, the Assembly does not in accordance with Article 75(5)(b) obtain a majority of two-thirds of all its Members to reaffirm the principle of the Bill, the Bill lapses.

Part 9

Urgent Bills

Urgent Bills

- 193.** (1) On calling of a motion for leave to introduce a Bill or on consideration of amendments proposed by the National Council under Article 75 of the Constitution, a Minister may move "That the Bill be considered an urgent Bill".
- (2) A motion referred to in subrule (1) 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 these Standing Rules 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; and
 - (b) the time limits on speeches set out in **Standing Rule 85** apply to all stages of the Bill.

Part 10

Bills to amend Constitution

Bill to amend Constitution

- 194.** A Bill to amend or repeal a provision of the Constitution must comply strictly with the provisions of Chapter 19 of the Constitution.

Referral of Bill to amend Constitution to Standing Committee

- 195.** (1) Before a Bill to amend the Constitution is read a second time, it must be referred to the Standing Committee on Constitutional and Legal Affairs or any other relevant Committee.
- (2) The Committee referred to in subrule (1) must-
- (a) carry out an examination and obtain legal opinions if necessary, regarding the objects of Bill to amend the Constitution;
 - (b) specify the legal and long-term implications of the Bill to amend the Constitution;
 - (c) give an account of the financial implications for the State of the Bill to amend the Constitution;
 - (d) assess whether the Bill to amend the Constitution detract in any way from the entrenchment of the fundamental rights and freedoms contained and defined in Chapter 3 of the Constitution; and
 - (e) perform any other function in respect of the Bill to amend the Constitution that the House may impose.

Further stages of Bill to amend Constitution

- 196.** Subject to Article 132 of the Constitution, a Bill to amend the Constitution must pass through the same stages as any other Bill as specified in **Standing Rule 170**.

Part 11

Bills of Private Members and Assembly

Procedure for Private Member Bill

- 197.** (1) Any Private Member may move a Private Member's Bill provided that a Private Member may not introduce a Bill which has the effect of increasing taxation, increasing Government expenditure, or reducing Government income.
- (2) The Private Member moving a Private Member's Bill must be afforded reasonable assistance by the Office of the Speaker.
- (3) The Department of the Assembly responsible for Legal Services must afford the Private Member moving the Private Member's Bill professional assistance in the drafting of the Bill.
- (4) A Private Member's Bill is introduced by the Private Member by-
- informing the House of his or her intention to introduce a Bill and reading the long title thereof;
 - immediately tabling a copy of the Bill in the form and style complying with the legislative drafting practice of the Directorate: Legislative Drafting together with explanatory notes for the Bill and a certificate by the Head of Legal Services at the Assembly or a parliamentary legal adviser designated by him or her as being consistent with the Constitution and existing legislation;
 - nominating which Standing Committee should consider the Bill; and
 - delivering a speech explaining the Bill.
- (5) If the motion is supported by one-third of all Members in accordance with Article 60(2) of the Constitution, the printing and distribution of the Private Member's Bill for consideration by the House is the responsibility of the Secretary.
- (6) If the House agrees to the first reading of the Private Member's Bill, it must pass through the same stages as any other Bill as specified in **Standing Rule 170**.

Procedure for Bill drafted on resolution of Assembly

- 198.** (1) An Assembly Bill may be drafted if-
- a Committee of the Assembly seeking to initiate a Bill within its area of competence obtains a resolution from the Assembly that an Assembly Bill may be drafted;

- (b) the Assembly by resolution instruct a Committee to draft a Bill on behalf of the Assembly.
- (2) The resolution referred to in subrule (1) must formulate the principle and object of the Bill with sufficient particularity and if approved, the Bill must be referred for drafting to the Committee referred to in subrule (1)(a) or to an appropriate Standing or Select Committee referred to in subrule (1)(b).
- (3) The Committee concerned must table a report in the House containing the following:
 - (a) the draft Bill;
 - (b) the particulars of the proposed legislation;
 - (c) an explanation of the objects of the proposed legislation;
 - (d) a statement whether the proposed legislation will have financial implications for the State and, if so, include an account of those implications; and
 - (e) a statement setting out the views of the Executive on the objects of the proposed legislation.
- (4) The draft Bill attached to the Committee report must be in the form and style complying with the legislative drafting practice of the Directorate: Legislative Drafting together with explanatory notes for the Bill and a certificate by the Head of Legal Services at the Assembly or a parliamentary legal adviser designated by him or her as being consistent with the Constitution and existing legislation.
- (5) If the House agrees by simple majority to the first reading of the Assembly Bill, it must pass through the same stages as any other Bill as specified in **Standing Rule 170**.

Part 12

Appropriation Bills

President's State of the Nation Address

- 199.** (1) In accordance with Article 32(2) of the Constitution the President and the Cabinet must each year during the consideration of the official budget, attend Parliament and during such session the President must-
- (a) address Parliament on the State of the Nation and on the future policies of the Government;
 - (b) must report on the policies of the previous year; and
 - (c) be available to respond to questions from Members.

- (2) The Speaker must inform the House of the date and time for the President's annual State of the Nation Address.
- (3) The Speaker must publish the President's State of the Nation Address in the Journal.
- (4) The President must be heard in silence when delivering an address to the Assembly.
- (5) Members must observe utmost dignity and decorum during the President's address.
- (6) A Member must not disrupt or interrupt the President's address through disorderly conduct.

Procedure for passing Appropriation Bill

200. (1) The Minister of Finance must cause an Appropriation Bill containing estimates of the revenues and expenditures of the Government for the next financial year to be prepared and laid upon the Table of the Assembly, at least two months before the end of the financial year.
- (2) (a) The Appropriation Bill must be debated in the same stages as outlined in **Standing Rule 170**.
 - (b) During the Committee Stage of the Appropriation Bill, a Vote for a Ministry or Agency must be motivated by the Member responsible for that Ministry or Agency, provided that-
 - (i) a Minister so designated must motivate Vote 01 on behalf of the Office of the President; and
 - (ii) the Speaker must 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, Vote 30 on behalf of the Anti-Corruption Commission and any other Vote so designated.
 - (3) All estimates of expenditure when laid upon the Table, stand automatically referred to the Committee of the Whole House.
 - (4) 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 with the agreement of the Minister of Finance.
 - (5) The time limits imposed by **Standing Rule 85** must exclude the time taken by the Member moving the second and third reading, when he or she so moves, or when replying to debates on the second or third reading, or, in Committee of the Whole House, by Members of the Cabinet, provided that the motivation of the individual votes may not include references to matters which should be contained in an Annual Report.

- (6) In respect of every vote in the schedule to the Appropriation Bill that is under consideration in Committee of the Whole House, Members are limited in regard to the number of times they may speak, provided that their contributions are relevant to the question before the Committee of the Whole House.

Procedure in Committee of the Whole House on Appropriation Bills

- 201.** (1) When the Assembly is resolved into Committee of the Whole House on an Appropriation Bill-
- (a) the Schedule to the Appropriation Bill must, notwithstanding the provisions of **Standing Rule 181(4)** be taken into consideration before the clauses;
 - (b) the question must 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 may be attached to a vote or head;
 - (e) the Committee of the Whole House 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 Appropriation Bill and previously disposed of by the Committee; and
 - (f) the rule of anticipation as set out in **Standing Rule 98** does not apply.
- (2) At the conclusion of proceedings in Committee on the Appropriation Bill on any day, the Speaker or if not available the Deputy Speaker acting as Speaker, must take the Chair, and the Deputy Chairperson of the Whole House must report progress, or may report the Bill, in place of the Chairperson of the Whole House.

Procedure to motivate budget vote of National Assembly, National Council, Electoral Commission of Namibia and Anti-Corruption Commission

- 202.** (1) The Speaker must, in accordance with **Standing Rule 200**, motivate the budgetary allocations of the National Assembly, National Council, Electoral Commission of Namibia and the Anti-Corruption Commission or any other Vote so designated during the Committee Stage of the Appropriation Bill.

- (2) Before the Speaker commences the motivation of the Votes in terms of subrule (1), the Speaker must leave the Chair whereupon the Chairperson of the Whole House takes the Chair to preside over the proceedings.
- (3) The Speaker must present his or her motivation from a seat provided for him or her in the Chamber for this purpose and must remain in this seat to reply to questions put on the Votes referred to in subrule (1).
- (4) When Votes 03, 11, 28 and 30 have been finalised, the Speaker must leave the Chamber through the Members' entrance.

Part 13

Assent By President

Procedure for referring Bill to President

- 203.** (1) If a Bill which has been duly passed by the Assembly is confirmed by the National Council without amendment in accordance with Article 75(3) of the Constitution, the Speaker must refer an authenticated copy of the Bill signed by the Speaker to the President to enable the President to deal with it under Articles 56 and 64 of the Constitution, whether the House is sitting or not.
- (2) (a) When the Bill is again passed by the Assembly after consideration by the National Council in terms of Article 75 of the Constitution, with or without amendments proposed by the National Council, the Speaker must refer an authenticated copy of the Bill signed by the Speaker to the President to enable the President to deal with it under Articles 56 and 64 of the Constitution, whether the House is sitting or not:
 - (b) The Speaker must notify the President of the majority with which the Bill was passed by the National Assembly.

Part 14

Other procedural matters regarding Bills

Clerical errors or formal corrections to Bills

- 204.** (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.

Status of Bill at end of session or term

- 205.** (1) A Bill that has not reached its final stage at the last sitting day of a session does not lapse and should be placed on the Order Paper for the first sitting day of the next session.
- (2) All Bills before the Assembly or any Assembly Committee on the last sitting day of a term of the Assembly or when the Assembly is dissolved, lapse at the end of that day.

Withdrawal of Bills

- 206.** (1) The Member in charge of a Bill introduced in the Assembly may withdraw the Bill at any time before the Second Reading of the Bill is decided.
- (2) A Bill that has been withdrawn may be reintroduced in the same Session of the House by means of a substantive motion.

Reintroduction of Bill passed or rejected

- 207.** When a Bill has been passed or has been rejected during a Session in any year, no Bill of the same substance may be introduced in the Assembly in that year except by leave of the Assembly or where otherwise provided in these rules.

Consolidation of related Bills

- 208.** A Member may move without amendment or debate that the House consider several Bills at the same time for one or more of the following stages:
- (a) second reading;
 - (b) committee stage; and
 - (c) third reading.

Adjournment of debate on Bill

- 209.** (1) When a Member moves for the adjournment of the debate of a Bill, during any of its stages, the Presiding Member must put the question “That the debate on the Bill be now adjourned”.
- (2) If the question in subrule (1) is agreed to by the House, the resumption of the debate, at the stage at which it was adjourned, is deemed to be an order of the day for a later hour or day without a question being put.

CHAPTER 7

PROCEDURE OF ASSEMBLY ON INTERNATIONAL AGREEMENTS, PETITIONS AND OTHER INSTRUMENTS

Part 1

International Agreements

Submission of International Agreements to National Assembly

- 210.** (1) When the Assembly is required to agree to the ratification of or accession to international agreements in accordance with Article 63(2)(e) of the Constitution, a copy of the agreement may be submitted to the Speaker together with an explanatory memorandum, before the agreement is signed by the President under Article 32(3)(e) of the Constitution.
- (2) The explanatory memorandum must-
- (a) briefly set out the history, objectives and implications of the agreement;
 - (b) include a legal opinion by or on behalf of the Head of Legal Services at the Assembly or a parliamentary legal adviser designated by him or her as to whether the agreement is consistent with the domestic law of Namibia, including the Constitution, Namibia's international obligations and with international law in general;
 - (c) state whether the agreement contains any self-executing provision that will form part of the law of Namibia in terms of Article 144 of the Constitution upon the ratification of or accession to that agreement;
 - (d) give an account of the projected financial and other costs of the agreement for the State; and
 - (e) contain all other information needed by the Assembly in order to take an informed decision.

Tabling by relevant Minister

- 211.** (1) The Minister responsible for the international agreement concerned must table the agreement and explanatory memorandum in the House and may move without question or debate that the agreement be referred for

consideration and report to the Standing Committee under which the subject of the agreement falls or to a Select Committee constituted for that purpose.

- (2) A Standing or Select Committee to which an international agreement has been referred to in terms of subrule (1) must enquire into the international agreement and report thereon in accordance with **Standing Rule 212**.

Report by Standing or Select Committee to Assembly

- 212.** (1) The Committee to which the international agreement has been referred-
 - (a) must enquire into the subject of the agreement with a view to recommending approval or rejection thereof;
 - (b) may, or if ordered by the Speaker must, consult any other Committee that has a direct interest in the substance of the agreement; and
 - (c) must report to the Assembly within 60 sitting days of the referral of the agreement, unless that period is extended by the Assembly.
- (2) In its report the Committee concerned must state whether it recommends whether or not the Assembly must agree to the ratification of or accession to the international agreement concerned
- (3) The Committee's Report must be placed on the Order Paper for discussion and decision by the Assembly.
- (4) After the Assembly has agreed to the ratification or accession of an international agreement the Minister responsible for the agreement must report to the Assembly from time to time on the action taken by the Government to implement the agreement, and the appropriate Standing Committee must consider those reports.
- (5) A copy of every international agreement signed by the President under Article 32(3)(e) of the Constitution and which the Assembly agreed may be ratified or acceded to must be deposited with the Library of the Assembly.

Part 2

Petitions

Form of petitions

- 213.** Any person or organisation to lodge a petition with the Assembly must comply substantially with the form prescribed in the **Appendix C**.

General rules for petitions

214. Petitions must adhere to the following general rules, as applicable:

- (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 or defamatory statements.
- (c) The terms of the petition must not be illegal or promote illegal acts.
- (d) A petition must:
 - (i) be addressed to the Assembly;
 - (ii) refer to a matter on which the House has the power to act;
 - (iii) state the reasons for petitioning the House; and
 - (iv) contain a request for action by the House.
- (e) A person cannot sign or join the same petition more than once.
- (f) Letters, affidavits, or other documents may not be attached to a petition.
- (g) A petition from a corporation must be made under its common seal, otherwise it will be received as the petition of the individuals who signed it.

Signing of Petition

- 215.** (1) Unless the Speaker otherwise decides, every petition must be signed by the petitioners themselves.
- (2) Persons unable to write must make their marks on the petition in the presence of two witnesses who must sign the petition in this capacity.
- (3) In case of persons incapacitated, persons signing on their behalf must state the fact alongside the signature.
- (4) 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.

Lodging of petition and depositing with Secretary

- 216.** (1) A petition shall be deposited with the Secretary.
- (2) If the Secretary is satisfied that such petition complies with these Standing Rules, he or she must forthwith submit the petition to the Speaker for consideration.

Presentation to Assembly

- 217.** (1) A petition must be presented to the Assembly by the Speaker or a Member on behalf of the petitioner or petitioners.
- (2) After the petition has been presented, the Assembly must on motion without notice refer the petition to Standing Committee on Constitutional and Legal Affairs and Petitions established under the Committee Rules.

Powers of Committee dealing with petitions

- 218.** (1) A Committee dealing with a petition -
- (a) must draw up guidelines setting out the manner in which the Committee must deal with each petition and must use those guidelines as the basis for its decisions in each case; and
 - (b) may establish such subcommittees, as it deems necessary to deal with petitions on specialised topics.
- (2) (a) The Committee dealing with a petition may:
- (i) present a copy of the petition together with a request for a response from the Minister with jurisdiction in the subject matter of the petition;
 - (ii) refer the petition to an appropriate Government Office, Ministry or Agency with a request for documentation, information or responses thereto;
 - (iii) hold public hearings at which the Committee may seek further information from petitioners, government offices, ministries or agencies regarding the subject matter of the petition.
- (b) The Minister or Government Office, Ministry or Agency must respond within the number of days indicated in the request concerned.
- (3) The Committee dealing with a petition has the right to dismiss it if it is a petition-
- (a) for which legal remedies have not been exhausted;
 - (b) on a matter within the jurisdiction of the Ombudsman, and no application was made to the Ombudsman without good cause shown; or
 - (c) on the same matter as an earlier petition which was finally dealt with by the House during the term of the Assembly, unless substantial and material evidence, not available when the earlier petition was considered, has become available.
- (4) (a) The Committee dealing with a petition may recommend to the Standing Committee on Standing Rules, Orders and Internal Arrangements that due to the nature of the matter being petitioned the petition should be referred to another Committee with authority to deal with such matter.

- (b) The Standing Committee on Standing Rules, Orders and Internal Arrangements may assign the petition to a Standing Committee with the authority to deal with the matters raised by the petition.

Report of Committee on petition

- 219.** (1) The Standing Committee on Constitutional and Legal Affairs and Petitions established under the Committee Rules or any other Committee to which the petition is referred must consider the petition and compile a report thereon together with recommendations on the action that the Assembly must take on the petition.
- (2) The report referred to in subrule (1) must be submitted by the Committee concerned to the Standing Committee on Standing Rules, Orders and Internal Arrangements within 90 days from the date on which the petition was referred to the Committee.
 - (3) The Standing Committee on Standing Rules, Orders and Internal Arrangements must upon receipt of the report -
 - (a) table the report as submitted to the House;
 - (b) table the report with amendments;
 - (c) refer it back to the Committee to whom the petition was referred for additional information.

Abuse of the right to petition

- 220.** It is an abuse of the right to petition the Assembly, constituting contempt of the House if a petitioner-
- (a) frivolously, vexatiously, or maliciously lodges a petition containing false, scandalous or groundless allegations against any person, whether a Member of the House or not, or contriving, promoting or presenting such petitions;
 - (b) lodges a petition containing gross misrepresentations;
 - (c) induces other parties to sign a petition by false representations;
 - (d) threatens a Member that a petition would be submitted to the House unless he or she took certain action;
 - (e) tampers with a petition; or
 - (f) commits forgery or fraud in the preparation of a petition or in the signatures attached, or being privy to, or cognisant of, such forgery or fraud.

Progress reports and lapsing of petition

- 221.** (1) The Secretary must periodically report progress to a petitioner or petitioners on the status of their petition referred to a Committee.
- (2) Unless the House has disposed of a petition in accordance with these Standing Rules, or the petitioners withdraw a petition, all petitions before the Assembly or any Assembly Committee on the last sitting day of a term of the Assembly or when the Assembly is dissolved, lapse at the end of that day.

Part 3

Reports of statutory bodies

Reports of statutory bodies tabled in Assembly

- 222.** (1) Annual reports and audited financial statements of statutory bodies tabled in the Assembly in terms of their establishing law or document or the State Finance Act, 1991 (Act No. 31 of 1991) must be referred on motion without notice to-
- (a) the Standing Committee on Public Accounts for examination of the audited financial statements; or
 - (b) to an appropriate Standing Committee with jurisdiction over the statutory body for evaluation and examination of the annual report concerned.
- (2) Any compliance and performance report by the Auditor General regarding any State institution that is tabled in the Assembly must be referred to a Standing Committee with jurisdiction in matters pertaining to the State institution concerned.
- (3) For purposes of this Standing Rule-
- (a) “establishing law or document” means, in respect of-
 - (i) a body established by a law, that law;
 - (ii) a company, means its memorandum and articles; and
 - (iii) in relation to a public enterprise which is an unincorporated business, means the constitution, contract or other document under which the business was established and exists”
 - (b) “statutory body” means-
 - (i) a public enterprise as defined in section 1 of the Public Enterprises Governance Act, 2019 (Act No. 1 of 2019); or
 - (ii) an Office, Ministry or Agency as defined in section 1 of the Public Service Act, 1995 (Act No. 13 of 1995).

CHAPTER 8

VISITORS TO ASSEMBLY

Admission of visitors

- 223.** (1) The power to admit visitors to the places set apart for them in the Chamber or public galleries of the Chamber or in any other venue in which the House or a Committee of the House is meeting, or to regulate or limit any activity, access or movement of visitors whilst within the Precincts of Parliament or a venue utilised for parliamentary work, vests in the Speaker.
- (2) Unless the Speaker directs otherwise in respect of a particular visitor or group of visitors, all visitors must, in an appropriate manner, be subjected to a security check or screening before entering the Precincts of Parliament or the Chamber or any venue utilised for parliamentary work and, if reasonable cause exists, any visitor may at any time while within the Precincts of Parliament or a venue utilised for parliamentary work, be subjected to a security check or screening.
- (3) A visitor may be refused access to the Precincts of Parliament or a venue utilised for parliamentary work if the visitor -
- (a) refuses or fails in any manner whatsoever to comply with the procedures in subrules (1) or (2),
 - (b) is under the influence of alcohol or drugs;
 - (c) is unable to specify the reason for visiting the Assembly;
 - (d) fails or refuses to adhere to the Assembly's dress protocols.
- (4) A visitor who is refused access to the Precincts of Parliament or any venue utilised for parliamentary work may be removed from the Precincts of Parliament or such venue by parliamentary security officers, who may in exercising that duty be assisted by members of the Namibian Police acting on or in terms of the instruction of the Speaker.
- (5) While the House or the Committee of the Whole House is sitting no Member may bring any visitor into any part of the Chamber reserved for Members.
- (6) No visitor may 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.

Visiting dignitaries invited to address Assembly

- 224.** The Speaker may permit visiting Heads of State and Government, Speakers from other Parliaments or their designated representatives or any eminent person to address the Assembly on a specific day.

Guests of Assembly

- 225.** (1) The Speaker may admit guests of the Assembly to be seated in the Speaker's gallery.
- (2) All other visitors shall be admitted to the public gallery.

Conduct of visitors

- 226.** Visitors admitted in terms of **Standing Rule 223** may not disrupt the proceedings of the House or any of its Committees in any manner and must adhere to the directives of the Presiding Member, Parliamentary security officers or members of the Namibian Police.

Withdrawal of visitors

- 227.** (1) A Presiding Member may at any time, or after his or her attention has been called to the presence of visitors, at his or her discretion or in accordance with a decision of the Assembly on the motion of a Member without notice and debate, order any visitors to withdraw from any part of the Assembly.
- (2) If a sitting is held and the House adopts a motion in terms of Article 61(2) of the Constitution, the Presiding Member must order any visitors to withdraw from the Chamber, failing which the Presiding Member must cause them to be removed.

Removal of visitors by Serjeant-at-Arms

- 228.** (1) On the instruction of the Speaker, the Serjeant-at-Arms or Parliamentary security officers, where necessary must escort any visitor who causes a disturbance in any part of the Chamber, the galleries or lobbies outside the Precincts of Parliament.
- (2) When a visitor is escorted outside the Precincts of Parliament pursuant to subrule (1), the Secretary may after consultation with the Speaker and after having heard the visitor, suspend such visitor from the Precincts of Parliament, for a period not exceeding 12 calendar months.

CHAPTER 9

GENERAL PROVISIONS

Report of Assembly Delegation

- 229.** (1) A leader of an Assembly delegation or a Member of the delegation on behalf of the leader of the delegation must table a report on the activities or international conference of the delegation attended abroad.
- (2) If the House is then sitting, the report must be laid on the Table within 30 days of the delegation's return from abroad.
- (3) If the House is on recess, the report shall be laid on the Table within ten days of the resumption of next sitting of the House following the delegation's return from abroad.
- (4) The leader of the delegation or a Member of the delegation, on behalf of the leader of the delegation, must sign the report concerned.
- (5) On a day determined by the Speaker, the leader of the delegation or a Member of the delegation, on behalf of the leader of the delegation, must by motion present an executive summary of the report, highlighting the key recommendations contained in the report.
- (6) Upon the report being adopted, the Speaker must refer the recommendations in the report to an appropriate Standing Committee for follow up action.
- (7) For purposes of this Standing Rule-
- (a) "abroad" includes an international conference or activity held outside Namibia; and
- (b) "international conference" means a conference organised by an international organisation and includes other activities outside Namibia.

Language of Assembly

- 230.** (1) The language of the Assembly is English.
- (2) Upon request of a Member, a Presiding Member must authorise the use by that Member of a language other than English, including Namibian Sign Language during proceedings of the Assembly.
- (3) A Member wishing to express himself or herself in a language other than English, including Namibian Sign Language must inform the Secretary well in advance thereof and must arrange for the translation of his or her speech into English while the Member is speaking.

Addressing the Assembly

- 231.** Subject to **Standing Rule 224** only a Member or the President may address the House.

Acting for Absent Member

- 232.** A Member may, if so authorised by another Member not then present give notice on the last-mentioned Member's behalf of a question or a motion.

Distribution of Journal

- 233.** The Journal must be noted by the Secretary and after being perused by the Speaker, must be distributed to the Members.

Register of attendance

- 234.** A register of attendance of Members must be kept by the Secretary in respect of each sitting day.

Custody of records and documents

- 235.** The Secretary must have custody of all the records and other documents of the Assembly and may neither take nor permit any other person to take any such records or other documents from the Chamber or offices of the Assembly without the express permission of the Secretary.

Standard Operating Procedures in relation to the Security at Parliament

- 236.** The Speaker may after consultation with the Standing Committee on Standing Rules and Orders make Standard Operating Procedures -
- (a) regarding the annual opening of Parliament and any address of the House by the President;
 - (b) regulating the relationship between Parliamentary security officers, security personnel responsible for the safety and security of the President, the Judiciary and Namibian Police on the Precincts of Parliament;
 - (c) for the removal of a Member from the Chamber or the Precincts of Parliament, in particular in relation to the use of Parliamentary security officers and members of the Namibian Police.
 - (d) regarding the dress and grooming of visitors at the Assembly;
 - (e) in connection with the liaison between security officials at the entrance of the Assembly building and members of the public;

- (f) regarding the planning and execution of the business of Committees;
- (g) in the resolution of grievances that may arise in the working relationships between Members and staff of the Assembly; and
- (h) in relation to or with respect to any matter necessary or expedient to give effect to these Standing Rules.

Periodic review of Standing Rules, Orders and Internal Arrangements

- 237.** (1) The Standing Committee on Standing Rules, Orders and Internal Arrangements must, if need be, not later than six months before the end of the term of the Assembly, review these Standing Rules and submit a report to the House for consideration and adoption.
- (2) Despite paragraph (1), these Standing Rules may be amended at any time.

APPENDIX A

(Standing Rule 51)

PRAYER AND AFFIRMATION

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.

THE 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.

APPENDIX B

(Standing Rule 110(3))

EXAMPLES OF CONTEMPT

Without limiting the power of the House, it may treat as a contempt any of the following-

1. breaching or interfering with any of the powers, rights and immunities of the House;
2. deliberately misleading the House or a Committee (by way of submission, statement, evidence or petition);
3. serving legal process or causing legal process to be served within the Precincts of Parliament, without the authority of the House or the Speaker;
4. removing, without authority, any documents or records belonging to the House;
5. falsifying or altering any documents or records belonging to the House;
6. as a Member, receiving or soliciting a bribe to influence the Member's conduct in respect of proceedings in the House or a Committee;
7. as a Member, accepting fees for professional services rendered by the Member in connection with proceedings in the House or a Committee;
8. offering or attempting to bribe a Member to influence the Member's conduct in respect of proceedings in the House or a Committee;
9. assaulting, threatening or intimidating a Member or an officer of the House acting in the discharge of the Member's or the Officer's duty;
10. obstructing or harassing a Member or an officer of the House in the discharge of the Member's or the officer's duty;
11. misconducting oneself when attending the proceedings of the House or a Committee;
12. divulging the proceedings or the report of a Committee or a subcommittee contrary to the Standing Rules;
13. publishing a false or misleading account of proceedings before the House or a Committee;
14. failing to attend before the House or a Committee after being summoned to do so by the House or the Committee;
15. intimidating, preventing or hindering a witness from giving evidence or giving evidence in full to the House or a Committee;
16. refusing to answer a question or provide information required by the House or a Committee except as permitted by the Standing Rules or a statute;
17. assaulting, threatening or disadvantaging a Member on account of the Member's conduct in the House or a Committee;

18. assaulting, threatening or disadvantaging a person on account of evidence given by that person to the House or a Committee;
19. assaulting, obstructing or insulting a Member coming to or going from the House or a Committee proceeding;
20. sending to a Member a threatening letter on account of the Member's conduct in the House or a Committee;
21. sending a challenge to fight a Member;
22. wilfully disobeying an order of the House or disrupting the orderly conduct of the business of the House or a Committee;
23. except by a substantive motion of censure, commenting or reflecting on the decisions or actions of a Presiding Member, whether relating to actions inside the House or the character of the Presiding Member in general;
24. a Member or officer involving themselves in planning or executing a disruption of a proceeding of the Assembly or any of its Committees; or
25. making public statements (either orally or in writing) inciting or encouraging disruption of the Assembly;
26. bringing the proper proceedings of the Assembly or its Committees into disrepute.

APPENDIX C

(Standing Rule 213)

FORM OF PETITION

GENERAL FORM OF A PUBLIC PETITION

I/We, the undersigned,

(Here, identify in general terms, who the petitioner or petitioners are, for example, citizens of Namibia, residents of Zambezi region, workers of industry, etc.)

DRAW the attention of the House to the following:

(Here, briefly state the reasons underlying the request for the intervention of the House by outlining the grievances or problems by summarizing the facts which the petitioner or petitioners wish the House to consider.)

THAT,

[Here confirm that efforts have been made to have the matter addressed by the relevant body, and it failed to give satisfactory response.]

THAT, [Here confirm that the issues in respect of which the petition is made are not pending before any court of law]

WHEREFORE, the petitioner(s) pray that Parliament—

(Here, set out the prayer by stating in summary what action the petitioners wish Parliament to take or refrain from.)

Name of petitioner	Address	ID./ Passport No.	Signature/Thumb
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

(Subsequent Pages)

** This form may contain such variations as the circumstances of each case may require.*

APPENDIX D

FORM FOR DECLARATION OF MEMBERS' INTERESTS

PART A:

GENERAL INFORMATION

1. Purpose of the Declaration

- 1.1 The main purpose of the Declaration of Members' business and financial interests is two-fold:
 - a) to ensure that Namibia's elected leaders maintain the highest standards of propriety to ensure that their integrity and that of the political institutions that they serve are beyond reproach; and
 - b) to declare information on any business and financial interest or other material benefit a member receives which might reasonably be thought by others to influence his or her actions, speeches or votes in Parliament, or actions taken in his or her capacity as a Member of Parliament.
- 1.2 The Declaration of an interest does not in any way imply any wrongdoing, but it simply ensures transparency.

2. Confidentiality

All information in the confidential section of the Register will be kept in strict confidence. Only the Registrar and his/her designated staff and the Committee of Privileges, who are sworn to secrecy, have access to this information.

3. Queries and difficulties

- 3.1 All queries in regard to this form may be directed to:
The Secretary of the National Assembly
061-2882503, Office of the Secretary
Room 145, National Assembly

4. General Contents

- 4.1 Date of declaration in this form must reflect all registrable interest on the date of declaration.

- 4.2 Members are required to fully complete the declaration forms to ensure that the form reflects all the member's interests on the date of declaration.
- 4.3 Where a Member has declared an interest and such interest has been varied, such variation must be declared, and where subsequent to the date of declaration a Member acquires a registrable interest such interest must be declared in accordance with the Code.

PLEASE NOTE: **If the spaces provided are not sufficient please attach additional pages.**

INFORMATION SHEET

5. Note 1: Shares and Other Financial Interests

- 5.1 Members are required to declare in the Register of Declaration of Interests shares held longer than 30 days in any private or public company or any other corporate body recognized by law. For the purposes of this Declaration, a **share** is any investment that provides a dividend; including unit trusts, equities or government bonds. **Nature:** refers to ordinary or preference shares. **Nominal** values refer to the current market value of the shares. A private company consists of any two persons associated for any lawful purpose and must be registered in terms of Chapter 4 of the Companies Act, 2004 (Act 28 of 2004).
- 5.2 Please note that a person may also for a lawful purpose form a private company in terms of the same Act. A public company is registered in terms of the requirements of Chapter 4 of the Companies Act and must consist of seven members or more. A corporate body recognized by law consists of any two persons associated for any lawful purpose and must also be registered in terms of Part III of the Close Corporation Act, 1988 (Act 26 of 1988). A financial interest is any formal or informal investment that a member holds for the purposes of deriving a return. Shares and Financial Interests of the spouse and dependents must be disclosed in the confidential section.

6. Note 2: Remunerated Employment outside Parliament

- 6.1 Remuneration means the receipt of benefits in cash or kind for work done. The employment must not be incompatible with the Member's function as an elected representative. A member may not be in the service of the Public Service. Members must provide a sanction by his/her political party for remunerated employment outside Parliament.

7. Note 3: Directorships and Partnerships

- 7.1 All directorships/partnerships must be declared, including those directorships in dormant companies. Members are advised to personally ensure that the information kept by the Registrar of companies is correct. **Directorship:** includes any position occupying the position of director or alternate director, by whatever the name the position is designated. **Partnership:** is a legal relationship arising out of an agreement between two or more persons with the object of deriving some or other benefit.

8. Note 4: Consultancies/Retainerships

- 8.1 Members must declare any interest in any consulting business or enterprise that provides advice or professional services and provides any benefit from a retainerhip.

9. Note 5: Sponsorships

All financial contributions or assistance exceeding N\$ 10,000.00 made directly to a member's individual expenses must be declared.

10. Note 6: Gifts and Hospitality

Specify all gifts with a value and source in excess of N\$ 10 000 or gifts from a single source which cumulatively exceeds the value of N\$ 10 000 in any calendar year. Any hospitality intended as a gift in kind must be declared. All personal gifts within the family and hospitality of a specifically traditional or cultural nature **need not be declared**.

11. Note 7: Benefits

- 11.1 Members must declare any material advantage that he/she receives from any source. For example, any special discounts that is not available to the general public and all interest free loans.

12. Note 8: Travel

- 12.1 Visits not paid for by the Member, business visits unrelated to the Member's role as a public representative or formal visits paid for by the Member's political party or the government are **excluded from declaration**.

13. Note 9: Land and Property

- 13.1 All Land and Property must be declared, details of residential property must be declared in the confidential section.

14. Note 10: Pensions

- 14.1 Members are required to declare only the pensions that they are currently receiving. Members are not required to declare contributions to pension funds.

15. Note 11: Trusts

- 15.1 Members are required to declare Trusts of which they are beneficiaries. Members are not required to declare the net worth of the Trusts, only the name of the Trust and what they benefit from the said Trusts.

PLEASE WRITE LEGIBLY

PART B:

PUBLIC DECLARATION SECTION

NAME OF MEMBER _____

- 1. SHARES AND OTHER FINANCIAL INTERESTS (Family and other trusts).** See Information sheet Note 1

NUMBER OF SHARES	TYPE OF BUSINESS ACTIVITY	NAME OF COMPANY

- 2. REMUNERATED EMPLOYMENT OUTSIDE PARLIAMENT.** Must be sanctioned by your Political Party. See Information sheet Note 2

NAME OF EMPLOYER	TYPE OF BUSINESS ACTIVITY

3. DIRECTORSHIPS AND PARTNERSHIPS. See Information sheet Note 3.

DIRECTORSHIP AND PARTNERSHIP	TYPE OF BUSINESS ACTIVITY

4. CONSULTANCIES OR RETAINERSHIPS. See Information sheet Note 4

NAME OF ORGANISATION	TYPE OF BUSINESS ACTIVITY

5. SPONSORSHIPS. See Information sheet Note 5

SOURCE OF SPONSORSHIP	DESCRIPTION OF ASSISTANCE/ SPONSORSHIP

6. GIFTS AND HOSPITALITY. See Information sheet Note 6

DESCRIPTION	SOURCE

7. BENEFITS. See Information sheet Note 7

SOURCE	DESCRIPTION OF BENEFIT

8. TRAVEL. See Information sheet Note 8

SPONSOR	DESCRIPTION OF JOURNEY

9. LAND AND PROPERTY. See Information sheet Note 9

DESCRIPTION OF PROPERTY	EXTENT OF THE PROPERTY

10. PENSIONS. See Information sheet Note 10

SOURCE	PUBLIC/PRIVATE

11. Trusts See Information sheet Note 11

NAME OF TRUST	BENEFIT DERIVED FROM TRUST

SIGNATURE OF MEMBER _____ DATE _____

PART C

CONFIDENTIAL DECLARATION SECTION

- a) Information declared with regard to immediate family is kept in the confidential part of the Register, unless a Member at his own discretion decides otherwise.
- b) Interests of Spouse and Dependents: this declaration applies to a spouse or dependents of the Member to whom this declaration applies, to the extent that the Member is required to declare any registrable interest held by such spouses and dependents.

MEMBER’S NAME _____

SPOUSE’S NAME _____

1. SHARES AND OTHER FINANCIAL INTERESTS – Spouses and Dependents.
See Information sheet Note 1

NUMBER OF SHARES	NATURE	NAME OF COMPANY	NOMINAL VALUE

2. REMUNERATED EMPLOYMENT OUTSIDE PARLIAMENT – Member.

See Information sheet Note 2

NAME OF EMPLOYER	VALUE OF REMUNERATION

Signature of Whip _____ Party _____ Date _____

Name of Whip _____

3. REMUNERATION: DIRECTORSHIPS AND PARTNERSHIPS – Member.

See Information sheet Note 3

DIRECTORSHIP / PARTNERSHIPS	VALUE OF REMUNERATION

4. DIRECTORSHIPS AND PARTNERSHIPS – Spouses and Dependents.

See Information sheet Note 3

NAME OF ORGANISATION	TYPE OF BUSINESS ACTIVITY	VALUE OF ANY BENEFITS DERIVED

5. CONSULTANCIES OR RETAINERSHIPS – Spouses and Dependents.

See Information sheet Note 4

NAME OF ORGANISATION	TYPE OF BUSINESS ACTIVITY

6. SPONSORSHIPS – Spouses and Dependents. See Information sheet Note 5

SOURCE OF SPONSORSHIP	DESCRIPTION OF ASSISTANCE/ SPONSORSHIP

7. GIFTS AND HOSPITALITY – Spouses and Dependents.

See Information sheet Note 6

DESCRIPTION	SOURCE

8. Benefits of Member. See Information sheet Note 7

SOURCE	DESCRIPTION OF BENEFIT	VALUE

9. BENEFITS – Spouses and Dependents. See Information sheet Note 7

SOURCE	DESCRIPTION OF BENEFIT

10. TRAVEL – Member Only. See Information sheet Note 8

SPONSOR	DESCRIPTION OF BENEFIT	VALUE

11. TRAVEL – Spouses and Dependents. See Information sheet Note 8

SPONSOR	DESCRIPTION OF BENEFIT

12. LAND AND PROPERTY – Spouses and Dependents.

See Information sheet Note 9

DESCRIPTION OF PROPERTY	LOCATION-AREA

13. LAND AND PROPERTY. Member Only.

DESCRIPTION OF PROPERTY	LOCATION-AREA	EXTENT OF THE PROPERTY

14. VALUE OF PENSIONS – Member Only. See Information sheet Note 10

SOURCE	PUBLIC/PRIVATE	VALUE

15. Trusts. See Information sheet Note 11

NAME OF TRUST	BENEFIT DERIVED FROM TRUST	VALUE OF BENEFIT

SIGNATURE OF MEMBER _____ DATE _____



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Parliament Building
WINDHOEK

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Email: parliament@parliament.na

Website: www.parliament.na

Facebook: Parliament of the Republic of Namibia

Instagram: [parliament-namibia](https://www.instagram.com/parliament-namibia)

YouTube: Parliament of the Republic of Namibia

