

SUBMISSION BY THE SUBCOMMITTEE ON THE REVIEW OF RULES, AS AT 28 JULY
INTERIM ARRANGEMENTS COVERING DISRUPTIONS DURING PROCEEDINGS OF
THE HOUSE

A. Background: National Assembly Rules

1. National Assembly Rule 51 provides that if the Presiding Officer is of the opinion that a member is deliberately contravening a provision of these Rules, or that a member is in contempt of or is disregarding the authority of the Chair, or that a member's conduct is grossly disorderly, he or she may order the member to withdraw immediately from the Chamber for the remainder of the day's sitting.
2. Rule 52 empowers the Speaker to suspend a member if a contravention is so serious a nature that the order to withdraw is inadequate or if it is another Presiding Officer in the chair, the Presiding Officer may name the member.
3. A member ordered to leave the Chamber or suspended or named should leave the Chamber and precincts immediately.
4. Rule 54 provides that the suspension of a member may on the first occasion during a suspension continue for 5 Parliamentary working days, on the second occasion for 10 Parliamentary working days, and on any subsequent occasion for 20 Parliamentary working days.

B. Proposed Rule Amendment

With the intention of strengthening and clarifying the procedures, a draft new rule 53A covering the removal of a member from the Chamber was discussed by the Rules Committee on 24 June 2015 and referred back to the Rules Subcommittee for adjustment and refinement. The following amended draft rule is proposed -

53A. Removal of member from Chamber

- (1) If a member refuses to leave the Chamber when ordered to do so by the presiding officer in terms of Rule 51, the presiding officer must instruct the Serjeant-at-Arms to

- remove the member from the Chamber and the precincts of Parliament forthwith.
- (2) If the Serjeant-at-Arms is unable in person to effect the removal of the member, the presiding officer may call upon the Parliamentary Protection Services to assist in removing the member from the Chamber and the precincts of Parliament.
 - (3) A member who is removed from the Chamber in terms of subrule (2), is thereby immediately automatically suspended for the period applicable as provided for in Rule 54, and may not enter the precincts for the duration of the suspension.
 - (4) If a member resists attempts to be removed from the Chamber in terms of subrules (1) or (2), the Serjeant-at-Arms and the Parliamentary Protection Services may use such force as may be reasonably necessary to overcome any resistance.
 - (5) No member may, in any manner whatsoever, physically intervene in, prevent, obstruct or hinder the removal of a member from the Chamber in terms of these Rules.
 - (6) Any member or members who contravene subrule (5) may, on the instruction of the presiding officer, also be summarily removed from the Chamber.
 - (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 officer.
 - (8) When entering the Chamber on the instruction of the Presiding Officer –
 - (a) Members of the Parliamentary Protection Services may not be armed; and
 - (b) Members Security Services may not be armed when entering the Chamber on the order of the presiding officer, except in extraordinary circumstances in terms of security policy.
 - (9) Wherever a member is physically removed from the Chamber in terms of this Rule, the circumstances of such removal must be referred by the Speaker, within 24 hours, to a multi-party committee for consideration.
 - (10) The House may approve Standard Operating Procedures, recommended by the

Rules Committee, for the exercise of this function, in particular in relation to the use of the Parliamentary Protection Services and members of the security services for this purpose.

B.2 Definitions Rule

"Parliamentary Protection Services" means any person authorised by Parliament to perform security and protection services within the precinct of Parliament, and includes:

1. **[Serjeant-at-Arms];**
2. all parliamentary staff members employed, appointed, assigned, delegated, contracted or seconded by Parliament to perform security and protection functions within the precinct of Parliament; and
3. as an interim arrangement, any member of the Security Services falling under Chapter 11 of the Constitution, assigned or seconded to perform any specific security and protection function within the precinct of Parliament, including the removal of a member in terms of Rule 53A, acting under the authority of the Presiding Officers of Parliament.

C. Draft Standard Operating Procedures: Member refusing to leave Chamber

1. If the member refuses to leave the Chamber, the presiding officer asks the Serjeant-at-Arms to remove the member from the Chamber.
2. The Serjeant-at-Arms approaches the member(s) to explain in a respectful manner that the instruction of the presiding officer must be complied with and that failure to do so can constitute a grave offence and have serious implications, including that the member(s) may need to be physically removed from the Chamber.
3. If the member still refuses to leave, the Serjeant-at-Arms indicates to the presiding officer that the member refuses to comply, whereupon the presiding officer informs the House that the Parliamentary Protection Services are to be called upon to assist.
4. The Parliamentary Protection Services personnel enter the Chamber upon the instruction of the presiding officer, and proceed to remove the member(s) concerned under the direction of the Serjeant-at-Arms.

5. Members who have been removed from the Chamber will be escorted off the precincts by Parliamentary Protection Services personnel and will not be allowed to enter the House or precincts of Parliament as the Rules prescribe.
 6. In the event of violence ensuing in the Chamber as a result of a member(s) resisting removal, the presiding officer may suspend proceedings, and members of the Security Services may be called upon by the presiding officer to assist with the removal of members in terms of Section 4(1) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act No 4 of 2004, or may intervene directly in terms of section 4(2) of the Act when there is immediate danger to the life or safety of any person or damage to any property.
 7. Members of the public in the gallery who participate in disorderly conduct, will be removed by the Security Services.
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