



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



**RULES OF THE
NATIONAL ASSEMBLY**

7th EDITION

RULES OF THE NATIONAL ASSEMBLY

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203A – 203M	Rules for the implementation of the Money Bills Amendment Procedure and Related Matters Act, Act 9 of 2009: Rules for the establishment of the Standing Committee on Finance and Appropriations	22/06/11	New Rules
211	Functions and powers of Committee on Private Members' Legislative Proposals and Special Petitions	22/06/11	Substitution
235	Referral of proposals to Committee on Private Members' Legislative Proposals and Special Petitions	22/06/11	Substitution
235A	Criteria for consideration of proposals by Committee on Private Members' Legislative Proposals and Special Petitions	22/06/11	New Rule

RULES OF THE NATIONAL ASSEMBLY

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CHAPTER 1

APPLICATION, SUPPLEMENTING AND SUSPENSION OF RULES

1. Definitions

In these Rules, unless the context otherwise indicates—

“Act” means the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004;

[Definition inserted, 21 November 2008]

“Assembly” means the National Assembly;

“ATC” means the document entitled Announcements, Tablings and Committee Reports;

“Chief Whip” means the chief whip of the majority party;

“classification”, with reference to a bill, means the classification of a bill in terms of Joint Rule 160 (6) or the reclassification of a bill in terms of Joint Rule 163;

“constitutional institution” means —

- (a) any State institution mentioned in section 181 of the Constitution; or
- (b) any other institution established, or of which the establishment is required, in terms of a specific provision of the Constitution;

“constitution amendment bill” means a bill to which section 74 of the Constitution applies;

“Council” means the National Council of Provinces;

“document” means any written instrument, and includes any electronic or other device in or on which information, including visual material, is recorded, stored or kept;

“Gazette” means the national Government Gazette;

“JTM” means the Joint Tagging Mechanism established by Joint Rule 151;

“member” means a member of the Assembly;

“misconduct” means a breach of the standing rules of Parliament by a member, except a breach of the Code of Conduct contained in the Schedule to the Joint Rules or conduct amounting to contempt of Parliament as defined in the Act;

[Definition inserted, 21 November 2008]

“mixed section 75/76 bill” means a bill that contains provisions to which section 75 of the Constitution applies and provisions to which section 76 applies;

“money bill” means a bill that appropriates money or imposes taxes, levies or duties and to which section 77 of the Constitution applies;

“person in charge” —

- (a) with reference to a bill introduced by a Cabinet member, a Deputy Minister or an Assembly member, means that Cabinet member, Deputy Minister or Assembly member;
- (b) with reference to a bill introduced by an Assembly committee, means the chairperson or any other member of the committee designated by the committee;
- (c) with reference to a money bill, means the Minister of Finance or another Minister referred to in Rule 286;
- (d) with reference to a section 76(2) bill introduced on behalf of a Cabinet member or Deputy Minister in the Council, means that Cabinet member or Deputy Minister;
- (e) with reference to a section 76(2) bill introduced in the Council, other than bills referred to in paragraph (d), means the Assembly member designated in terms of Joint Rule 217(2);

“recess”, with reference to the Assembly, means a period determined as a recess by the Programme Committee, or by resolution of the Assembly, during which the business of the Assembly is interrupted;

“Secretary” means the Secretary to Parliament;

“section 75 bill” means a bill to which the procedure prescribed in section 75 of the Constitution applies;

“section 76(1) bill” means a section 76 bill introduced in the Assembly;

“section 76(2) bill” means a section 76 bill introduced in the Council;

“sitting day” means a day on which the Assembly sits;

“special petition” means a petition requesting a pension or other specific or personal relief from the State which is not authorised by law;

“tabling”, in relation to a document, the placing of a document on the Table of the Assembly;

“term”, in relation to the Assembly, means the period for which the Assembly is elected in terms of section 49(1) of the Constitution;

“working day” means any day of the week except —

- (a) Saturday and Sunday;
- (b) a public holiday in terms of the Public Holidays Act, 1994 (Act No 36 of 1994); and
- (c) a Monday following any of these public holidays that falls on a Sunday.

2. Unforeseen eventualities

- (1) The Speaker may give a ruling or frame a Rule in respect of any eventuality for which these Rules do not provide.

- (2) A Rule framed by the Speaker shall remain in force until a meeting of the Rules Committee has decided thereon.

3. Suspension

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

4. Non-diminution or non-limitation of Rules

No convention or Rule of practice shall limit or inhibit any provision of these Rules.

5. Application to President of the Republic

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

6. President of the Republic and other non-members

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

CHAPTER 2

PROCEEDINGS IN CONNECTION WITH COMMENCEMENT OF SESSION

7. Convening notice read, and oath or affirmation by members

- (1) At the commencement of the proceedings of this House on the first day of its first session the Secretary, or an officer of Parliament nominated by him or her, shall read the notice convening this House under section 51(1) of the Constitution.
- (2) Whenever necessary members shall be sworn or make affirmation [see section 48 of the Constitution].

8. Election of President of the Republic

At its first sitting this House shall elect one of its members as the President of the Republic [see section 86(1) and (2) of the Constitution].

9. Election of Speaker and Deputy Speaker

At its first sitting, after the election of the President of the Republic, this House shall proceed to the election of one of its members to be the Speaker of this House and another to be the Deputy Speaker of this House [see section 52 of the Constitution].

10. Opening of Parliament or annual session

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

11. Opening Address reported

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

12. Opening Address placed on Order Paper

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

CHAPTER 3

PRESIDING OFFICERS AND MEMBERS

Part 1: Presiding Officers

13. Election of Speaker and Deputy Speaker

- (1) Whenever it is necessary to elect a Speaker or a Deputy Speaker, the Secretary or an officer of Parliament nominated by him or her, shall inform this House accordingly, whereupon this House shall forthwith or at a time announced by the Secretary or such officer proceed to the election in terms of section 52 of the Constitution.
- (2) The member elected shall, from his or her place, express his or her sense of the honour conferred upon him or her.

14. Election of other presiding officers

- (1) This House must elect three members as House Chairpersons for the duration of the House.
- (2) The Speaker must allocate functions and responsibilities to the House Chairpersons and announce such allocations in the ATC.

[Rule 14 amended, 2 November 2006]

15. Relief of Speaker

The Deputy Speaker or a House Chairperson must preside during a sitting of the House whenever requested to do so by the Speaker.

[Rule 15 amended, 2 November 2006]

16. Absence of Speaker

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

- (2) Whenever both the Speaker and the Deputy Speaker are absent or unable to perform the functions of the Office of Speaker, the Speaker or, if the Speaker is not available, the Deputy Speaker, must designate one of the House Chairpersons to act as Speaker.

[Rule 16(2) amended, 2 November 2006]

17. Continued absence of Speaker and Deputy Speaker

Whenever this House has been informed of the likelihood of the continued absence of both the Speaker and the Deputy Speaker for longer than seven consecutive parliamentary working days, this House may appoint a member to act as House Chairperson while the House Chairperson so designated acts as Speaker, until the Speaker or the Deputy Speaker becomes available or this House decides otherwise.

[Rule 17 amended, 2 November 2006]

18. Absence of presiding officers

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

Part 2: Members

19. Oath or affirmation

- (1) When the convening notice has been read at the commencement of the proceedings of this House on the first day on which it meets after a general election at which members of this House were elected, members shall be sworn or shall make affirmation.
- (2) At all other times members may be introduced and conducted to the Table by not more than two members in order to be sworn or to make affirmation [see section 48 of the Constitution].

20. Leave of absence

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

[NOTE: This Subrule will have to be adapted in accordance with section 47(3)(b) of the Constitution.]

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

[NOTE: Application of reference to “Leader of the House” to be resolved.]

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

21. Leader of the Opposition

The leader of the largest opposition party in the Assembly must be recognised as the Leader of the Opposition.

[Rule 21 amended, 21 November 2008]

CHAPTER 4

SITTINGS OF THE ASSEMBLY

Part 1: General

22. Forums for public proceedings

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

- (a) at meetings of this House;
- (b) in extended public committees of this House; and
- (c) in appropriation committees of this House.

23. Sitting days and hours of sitting

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

Mondays to Thursdays:

14:00, or such later time as the Speaker determines, to adjournment

Fridays:

09:00, or such later time as the Speaker determines, to adjournment.

[Rule 23(2) substituted, 8 February 2000]

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

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

[NOTE: This Rule will need to be reviewed in view of the definition of "working day" in Chapter 1.]

24. Change of venue

Before directing under section 51(3) of the Constitution that this House shall sit at a place other than the Houses of Parliament in Cape Town, the Speaker shall consult the Leader of the House and the Chief Whip of each party represented in this House.

Part 2: Sittings in plenary

25. Quorum

- (1) The Assembly may proceed with its business irrespective of the number of members present, but may vote on a Bill or decide on any question only if a quorum is present in terms of subrule (2).
- (2) Except where the Constitution provides otherwise -
- (a) a majority of the members of the National Assembly must be present before a vote may be taken on a Bill or an amendment to a Bill;
 - (b) at least one third of the members must be present before a vote may be taken on any other question before the Assembly.

[Rule 25 substituted, September 2002]

26. Absence of quorum

If the attention of the presiding officer is called to the absence of the prescribed quorum when a question is put for decision and if after an interval of five minutes, during which time the bells must be rung, there is still no quorum, the presiding officer may suspend the proceedings or postpone the decision of the question.

[Rule 26 substituted, September 2002]

[Rule 27 deleted, September 2002]

28. Opportunity for prayer or meditation

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

29. Sequence of proceedings

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

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

30. Interruption, suspension or adjournment of proceedings

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

[NOTE: For application of reference to “Leader of this House”, see Rule 222 and section 91(4) of the Constitution].

Part 3: Extended public committees

31. Business of extended public committee

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

32. Members

An extended public committee in respect of a bill or any provision of a bill shall consist of the members of the portfolio committee under which the bill or provision falls, and all other members of this House who attend the proceedings of the extended public committee [see Rule 201(1)].

33. Chairperson of extended public committee

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

34. Relief of chairperson

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

Part 4: Appropriation committees

35. Referral of business to appropriation committee

This House may by resolution refer —

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

36. Members

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

37. Chairperson

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

[Rule 37 amended, 2 November 2006]

38. Relief of chairperson

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

39. Sitting days and times of meeting

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

[NOTE: For application of reference to “Leader of the House”, see Rule 222 and section 91(4) of the Constitution.]

Part 5: Public access

40. Admittance of strangers

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

41. Withdrawal of strangers

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

42. Serjeant-at-Arms to remove strangers

Subject to the provisions of Rule 43, the Serjeant-at-Arms shall remove, or cause to be removed, any stranger from any part of a Chamber which has been set apart for members only, and also any stranger who, having been admitted into any other part of the Chamber, misconducts himself or herself or does not withdraw when strangers are ordered to withdraw.

43. Visiting Heads of State

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

CHAPTER 5

ORDER IN PUBLIC MEETINGS AND RULES OF DEBATE

Part 1: Order in meetings

44. Freedom of speech and debate

- (1) In accordance with section 55(2) of the Constitution, 1993, there shall be freedom of speech and debate in or before this House and any committee thereof, or any joint committee of Parliament, subject only to the restrictions placed on such freedom in terms of or under the Constitution, any other law or these Rules.
- (2) In accordance with section 55(3) of the Constitution, 1993, and subject to these Rules, a member of this House shall not be liable to any civil or criminal proceedings, arrest, imprisonment or damages by reason of anything which he or she has said, produced or submitted in or before or to this House or any committee thereof, or any joint committee, or by reason of anything which may have been revealed as a result of what he or she has said, produced or submitted in or before or to this House or any such committee.

[NOTE: This Rule is based on the wording of the 1993 Constitution and will have to be adapted in line with the wording of sections 45(2) and 58 of the 1996 Constitution and section 6 of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act 4 of 2004.]

45. Conduct of members

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

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

46. Members not to converse aloud

During debate no member shall converse aloud.

47. Member not to be interrupted

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

48. Order at adjournment

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

49. Precedence of presiding officer

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

50. Irrelevance or repetition

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

51. Member ordered to withdraw

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.

52. Naming or suspension of member

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

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

53. Member to withdraw from precincts of Parliament

- (1) A member ordered to withdraw from the Chamber or suspended or named shall, subject to Subrule (2), forthwith withdraw from the precincts of Parliament.
- (2) If a presiding officer other than the Speaker orders a member of this House to withdraw from the Chamber and the member is a Minister or a Deputy Minister, the Speaker shall, after consultation with the presiding officer, order the member to withdraw from the precincts of Parliament or take such other action as the Speaker deems necessary.
- (3) The action taken against a member by the Speaker under Rule 52(b) or Subrule (1) of this Rule shall be announced in this House.
- (4) A member of this House who has been named shall not return to the precincts of Parliament before the action taken against him or her by the Speaker has been announced.

54. Period of suspension

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

55. Expression of regret

- (1) A member of this House who has been suspended or named may submit to the Speaker a written expression of regret, and if the Speaker approves such expression of regret, he or she may discharge the suspension or permit the member to take his or her seat, and the Speaker shall inform this House accordingly.
- (2) An expression of regret approved by the Speaker shall be recorded in the Minutes of Proceedings.

56. Grave disorder

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

57. Member to withdraw while his or her conduct is debated

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

Part 2: Rules of debate

58. Member to address Chair

- (1) Every member desiring to speak shall stand while addressing the Chair.
- (2) At a sitting in the Chamber of the National Assembly a member may only speak from the podium, except —
 - (a) to raise a point of order or a question of privilege; and
 - (b) to furnish an explanation in terms of Rule 69(1), when he or she may address the Chair from a microphone on the floor of the Chamber.

59. Calling of members

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

60. Time limits for speeches

Unless otherwise provided in these Rules, members shall be restricted, in regard to the length of time they may speak, to the times allocated to them in the list contemplated in Rule 59, and if or in so far as times have not been so allocated —

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

[Rule 60(a) amended, 21 November 2008]

61. Reference to member by name

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

62. Member not to read speech

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

63. Offensive language

No member shall use offensive or unbecoming language.

64. Reflections upon decisions of same session

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

65. Reflections upon statutes

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

66. Reflections upon judges, etc

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

67. Matters *sub judice*

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

68. Rule of anticipation

- (1) No member shall anticipate the discussion of a matter appearing on the Order Paper.
- (2) In determining whether a discussion is out of order on the ground of anticipation, the presiding officer shall have regard to the probability that the matter anticipated will be discussed in this House or at a joint sitting within a reasonable time.

69. Explanations

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

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

70. Points of order

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

71. Acting for absent member

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

72. Right of members to speak

A member may speak —

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

73. When reply allowed

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

74. Debate closed

A reply to a debate closes the debate.

CHAPTER 6

DECISION OF QUESTIONS

75. Decision of postponed questions

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

76. Decision of question postponed

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

77. Electronic voting system

- (1) At a sitting of this House held in a Chamber where an electronic voting system is in operation, questions may at the discretion of the presiding officer be decided by the utilisation of such system in accordance with a procedure determined by the Speaker.
- (2) Where no electronic voting system is in operation or where such a system is in operation but not utilised, questions shall be decided in accordance with the provisions of Rules 78 to 93.

78. Postponed question put without further debate

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

79. Question put again

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

80. Question fully put

- (1) No member, except a member who is permitted to make a declaration of vote, shall speak to any question after it has been fully put by the presiding officer.
- (2) A question shall be deemed to have been fully put when the voices of both the "Ayes" and the "Noes" have been given thereon.

81. Declaration of vote

- (1) The presiding officer may at any time after a question has been fully put permit one member of each political party to state on behalf of his or her party, in a speech not exceeding three minutes, the reasons why the party is in favour of or against the question.
- (2) A member addressing the Chair in terms of Subrule (1), may read out aloud a written formulation of his or her party's viewpoint, and deliver a signed copy thereof at the Table for inclusion in the Minutes of Proceedings.

82. Recording of opposition

- (1) Whenever a question is put by the presiding officer, any member may, instead of demanding a division, inform the presiding officer that he or she wishes his or her opposition or that of the party to which he or she belongs to be formally recorded in the Minutes of Proceedings.
- (2) The presiding officer may order that a division take place in the event of four or more members wishing to record their individual opposition.

83. Demand for division

After a question has been put and the presiding officer has indicated whether in his or her opinion the "Ayes" or the "Noes" have it, any member may demand a division, whereupon a division shall, subject to Rule 84, take place without debate.

84. Fewer than four members supporting demand for division

- (1) Whenever a division is demanded, the presiding officer shall, before ordering the division bells to be rung, satisfy himself or herself that at least four members support the demand for the division.
- (2) If fewer than four members rise in support thereof, the presiding officer shall forthwith declare the decision on the question.

85. Division bells rung and doors locked

- (1) If the required number of members support the demand for a division, the division bells shall be rung and the doors shall be locked as soon after the lapse of three minutes as the presiding officer may direct, but if further divisions are required to dispose of the question and such divisions follow immediately upon the first division, the division bells shall again be rung and the doors shall be locked as soon after the lapse of 15 seconds as the presiding officer may direct.
- (2) When the doors have been locked, no member shall enter or leave the Chamber until the result of the division has been declared.

86. Procedure after doors locked

- (1) Subject to Subrule (3), the presiding officer shall again put the question when the doors have been locked.
- (2) Thereupon the presiding officer shall indicate on which side of the Chair the "Ayes" and the "Noes" shall take their seats and he or she shall appoint tellers for each side.
- (3) After the lapse of the periods prescribed by Rule 85 the presiding officer may again put the question and may declare afresh whether in his or her opinion the "Ayes" or the "Noes" have it, in which case a division shall take place only if such fresh declaration is challenged.

87. Minority consisting of fewer than 15 members

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

88. Member calling for division to vote with minority

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

89. Members present shall vote

- (1) Every member present in the Chamber when the question is put with the doors locked shall vote.
- (2) The provisions of Subrule (1) do not apply to the President of the Republic or to a Minister who is not a member of this House [see section 91(3)(c) of the Constitution].

90. Points of order during division

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

91. Result to be declared

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

92. Confusion or error concerning division

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

93. Correction of Minutes

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

CHAPTER 7

MOTIONS

94. Nature of motions

A member may propose a subject for discussion, or a draft resolution for approval as a resolution of this House.

95. Same question Rule

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

96. No amendment to draft resolution

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

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

97. Motions without notice

Every motion requires notice, except a motion —

- (a) by way of amendment to a draft resolution permitted in terms of these Rules;
- (b) raising a point of order or a question of privilege;
- (c) for the postponement or discharge of, or giving precedence to, an order of the day;
- (d) referring a bill to a committee;

- (e) by the member in charge, proposing a draft resolution on the report of a committee immediately after the debate on the report has been concluded;
- (f) specially excepted by these Rules; or
- (g) in regard to which notice is dispensed with by the unanimous concurrence of all the members present.

98. Notice of motion

- (1) When giving notice of a motion a member shall —
 - (a) read it aloud and deliver at the Table a signed copy of the notice; or
 - (b) deliver to the Secretary a signed copy of the notice on any Parliamentary working day, for placing on the Order Paper.
- (2) Written notices of motion delivered to the Secretary after 12:00 on any Parliamentary working day may be placed on the Order Paper of the second sitting day thereafter and not earlier, unless in a particular case the Speaker determines otherwise.
- (3) Except with the unanimous concurrence of all the members present, no motion shall be moved on the day on which notice thereof is given.

99. Acting for absent member

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

100. Speaker may amend notices

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

101. Questions of privilege

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

102. Withdrawal and lapsing of motion

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

CHAPTER 8

DISCUSSION OF MATTERS OF PUBLIC IMPORTANCE

103. Matter of public importance

- (1) A private member may request the Speaker to place a matter of public importance on the Order Paper for discussion.
- (2) The member shall make the request to the Speaker before the adjournment of this House on the previous sitting day.
- (3) Such a discussion shall not exceed the time allocated for it by the Speaker after consultation with the Leader of the House.

[NOTE: For application of reference of “Leader of the House”, see Rule 222 and Section 91(4) of the Constitution.]

- (4) If 15 minutes before the expiration of the allocated time a member other than the responsible Minister is speaking, the presiding officer shall interrupt such member and shall ascertain from the Minister whether or not he or she wishes to reply.
- (5)
 - (a) Questions of privilege may not be discussed under this Rule.
 - (b) Matters already discussed by this House during the same session may not be discussed under this Rule.

104. Matter of urgent public importance

- (1) A private member may on any sitting day request the Speaker in writing to allow a matter of urgent public importance to be discussed by this House.
- (2) The request shall be made to the Speaker before 12:00 on days on which this House sits at 14:15 or at least one hour prior to an earlier or later time appointed for a sitting.

- (3) If the Speaker grants the request, the presiding officer shall announce it in this House, and debate on the matter shall stand over until the time appointed by the presiding officer.
- (4) Such a discussion shall not exceed the time allocated for it by the Speaker after consultation with the Leader of the House.

[NOTE: For application of reference of “Leader of the House”, see Rule 222 and Section 91(4) of the Constitution.]

- (5) If 15 minutes before the expiration of the allocated time a member other than the responsible Minister is speaking, the presiding officer shall interrupt such member and shall ascertain from the Minister whether or not he or she wishes to reply.
- (6)
 - (a) Questions of privilege may not be discussed under this Rule.
 - (b) Matters already discussed by this House during the same session may not be discussed under this Rule.
- (7) The Rule of anticipation shall not apply during such a debate.
- (8) Not more than one matter shall be discussed on the same day under this Rule.

CHAPTER 9

STATEMENTS BY CABINET MEMBERS AND ASSEMBLY MEMBERS

105. Statements by members

- (1) A member, other than the Deputy President, a Minister or a Deputy Minister, may be recognised by the presiding officer to make a statement on any matter for not more than one and a half minutes.
- (2) Members of each party are entitled to make a number of statements, minority parties being given an opportunity to participate in a manner consistent with democracy.
- (3) If a member, for whatever reason, during the sequence of proceedings, fails to utilise the opportunity to make a statement, the party to which that member belongs forfeits that opportunity.
- (4) Members of the various parties must be recognised in the order determined by the Rules Committee.
- (5) The process in Subrule (4) must continue until statements by members are exhausted or fourteen statements have been made, whichever occurs first.

[NOTE: In terms of a House decision on 25 October 2005 members statements have been increased to fifteen for a trail period – see ATC 20 October 2005, p 2353]

- (6) At the conclusion of statements by members, a Minister present may be given an opportunity to respond, for not more than two minutes, to any statement directed to that Minister or made in respect of that Minister's portfolio.

- (7) In the absence of a Minister who may respond to a statement as envisaged in Subrule (6), the relevant Deputy Minister or any other Minister must be given an opportunity to respond on behalf of the absent Minister.

[Rule 105(7) amended, 19 May 2005]

- (8) Ministerial responses must be taken in the following order of preference:
Minister as envisaged in Subrule (6), the relevant Deputy Minister, or a Minister responding on behalf of the absent Minister.

[Rule 105(8) amended, 19 May 2005]

- (9) A maximum of five Ministers may be given an opportunity to respond to members' statements.

[NOTE: In terms of a House decision on 25 October 2005 Ministerial responses have been increased to a maximum of six for a trial period – see ATC 20 October 2005, p 2353]

- (10) Statements are taken on Tuesdays and Thursdays, and Fridays when the Assembly sits on a Friday, unless the Programme Committee in respect of a particular day or days determines otherwise.

[Rule 105 substituted, 16 April 2003]

106. Executive statements

- (1) A Cabinet member may make a factual or policy statement relating to government policy, any executive action or other similar matter of which the Assembly should be informed.
- (2) The time allotted to a Cabinet member making an executive statement in terms of Subrule (1) may not exceed 20 minutes, except with the consent of the Assembly.
- (3) Whenever possible, a copy of an executive statement must be delivered to the leader of each party, or that leader's representative, at or before the time the statement is made in the Assembly.

- (4) After any executive statement has been made, the Cabinet member concerned must, if applicable, table a compendium of background information.
- (5) Following any executive statement, a member or members of each of the parties may comment on the executive statement for not more than three minutes per party, commencing with the official opposition and followed by other parties in the order of the size of their membership in the Assembly.

CHAPTER 10

QUESTIONS

Part 1: General

107. Notice and placing of questions

- (1) Except as otherwise provided in these Rules or with the prior consent of the Speaker –
 - (a) notice must be given of each question by placing it on the Question Paper;
 - (b) no question for oral reply may be asked on the day on which notice thereof is given.
- (2) A member who wants to give notice of a question must deliver to the Secretary, for placement on the Question Paper, a signed copy of the notice, indicating the day on which the question will be put.
- (3) Questions delivered to the Secretary before 12:00 on any working day may appear on the Question Paper on the second sitting day thereafter and not earlier.
- (4) Subject to Rules 108(7), 110(3) and 111, the Secretary must place the questions on the Question Paper in the order in which they are received.
- (5) No question may be addressed to any person other than a member of the Cabinet.
- (6) If a notice of a question offends against the practice or these Rules the Speaker may either amend the question or return it to the member who submitted it.
- (7) A member may give notice or take charge of a question on behalf of an absent member if the member has been authorised to do so by the absent member.

Part 2: Questions for oral reply

108. Form and arrangement of questions

- (1) A member who wants an oral reply to a question must write the words “for oral reply” on the copy of the notice of the question delivered to the Secretary in terms of Rule 107(2).
- (2) A question for oral reply may not contain more than five subdivisions.
- (3) If the Speaker is of the opinion that a question deals with a matter of a statistical nature, the Speaker may direct that the question be placed on the Question Paper for written reply.
- (4) Questions for oral reply are limited to two questions per member per question day.
- (5) The restrictions imposed by Subrule (4) and by Rules 109(5), 110(4) and 111 (5) do not apply to questions -
 - (a) approved as urgent questions in terms of Rule 112;
 - (b) standing over in terms of Rule 114(2)(a) or 115(1); or
 - (c) transferred from written to oral reply in terms of Rule 117.
- (6) A question that is submitted for oral reply must be placed on the Question Paper for reply at least six working days prior to the Question day on which it is to be replied to.
- (7) An authorised representative of a party may before 12:00 on the Wednesday before the question day on which questions put by members of that party are to be answered, notify the Secretary in writing of the order in which those questions are to be placed on the Question Paper.
- (8) Questions that cannot be placed on the Question Paper for oral reply because of quotas must be placed as questions for written reply.

- (9) The sequence of questions on the Question Paper rotates without interruption for the duration of an annual session according to the order in which members of the respective parties may put questions. That order is determined by the Chief Whips' Forum from time to time.

[NOTE: Appropriate amendment to Rule 221 (Functions and Powers of Chief Whips' Forum) requires consideration.]

109. Questions to Ministers

- (1) Questions for oral reply by Ministers must be dealt with in accordance with three clusters of portfolios of government affairs, as determined from time to time by the Chief Whips' Forum after consultation with the Leader of Government Business, and published in the ATC.

[NOTE: Appropriate amendment to Rule 221 (Functions and Powers of Chief Whips' Forum) requires consideration.]

- (2) The clusters rotate on a weekly basis, so that questions relating to each respective cluster are answered every third question day (subject to Subrules (3) and (4)).
- (3) If a Minister is absent on a day when questions relating to the relevant cluster are to be answered and those questions are not answered by another Cabinet Member or by the Deputy Minister concerned, the Speaker may, if requested to do so by the member in whose name a question to that Minister stands, and after consultation with the Leader of Government Business, direct that –
- (a) questions to that Minister be placed on the Question Paper for the first question session for Ministers following that day; and
 - (b) an additional 30 minutes be added to the question time for that session.
- (4) Questions to Ministers must not be scheduled for a day on which the President is scheduled to answer questions in the Assembly.

- (5) The number of questions to a Minister is limited to ten questions per question day in respect of any one department of state.
- (6) Where the order in which questions are put to Ministers according to Rule 108(9) is interrupted at the end of a question session, the next question session to Ministers starts from the point where the order was so interrupted.

110. Questions to Deputy President

- (1) Questions to the Deputy President must be scheduled for a question day once every second week.
- (2) If that day falls within a week in which -
 - (a) the President is scheduled to answer questions in the Assembly; or
 - (b) the Deputy President is scheduled to answer questions in the Council, questions to the Deputy President must not be scheduled for that week, but for the following week.
- (3) Questions to the Deputy President have precedence over questions to Ministers.
- (4) The number of questions to the Deputy President is limited to four questions per question day.
- (5) Where the order in which questions are put to the Deputy President according to Rule 108(9) is interrupted at the end of a question session to the Deputy President, the next question session to the Deputy President starts from the point where the order was so interrupted.
- (6) Notwithstanding Rule 107, questions to the Deputy President must be submitted by party representatives in prioritized order before 12:00 on the Monday 9 days before the Question day on which they are to be answered.

111. Questions to President

- (1) Questions to the President must be -
 - (a) scheduled for a question day at least once per term in accordance with the annual Parliamentary programme; and
 - (b) limited to matters of national and international importance.
- (2) All other questions relating to the Presidency must be directed to the Deputy President or the Minister in the Presidency.
- (3) Questions to the President must be submitted to the Secretary before 12:00 on the Monday, 16 days before the question day on which they are to be answered.
- (4) The Secretary must submit the questions to the Speaker for approval.
- (5) The number of questions to the President is limited to six questions per Question day.
- (6) Where the order in which questions are put to the President according to Rule 108(9) is interrupted at the end of a question session, the next question session to the President starts from the point where the order was so interrupted.

112. Urgent questions

- (1) A member may, with the permission of the Speaker, place an urgent question for oral reply on the Question Paper for a question day on which such a question would not normally be dealt with.
- (2) A member who wants to place an urgent question on the Question Paper must deliver a signed copy of the question to the Speaker before 12:00 on the Tuesday in the week preceding the week in which the question is to be answered, clearly indicating that it is an urgent question.
- (3) The Speaker must consult the Leader of Government Business before approving an urgent question.

- (4) If the Speaker approves an urgent question, it must appear on the Question Paper before or on the Friday of the week preceding the week in which the question is to be answered.

113. Times allotted and time limits

- (1) Questions for oral reply have precedence on Wednesdays.
- (2) The time allotted for questions is two hours.
- (3) The reply to a question is limited to three minutes but if the presiding officer is of the opinion that the matter is of sufficient importance an additional two minutes may be allowed.
- (4) In respect of each question, four supplementary questions may be asked.
- (5) The member in whose name a question stands or who takes charge of a question in terms of Rule 107(7), must be given the first opportunity to ask a supplementary question.
- (6) A member who asks a supplementary question may make a statement or express an opinion, but may not speak for more than one minute.
- (7) A supplementary question may not consist of more than one question.
- (8) The reply to a supplementary question is limited to two minutes.

114. Unanswered questions

- (1) Replies to questions for oral reply which have not been reached at the end of the time allotted on a question day must be submitted in writing to the Secretary for inclusion in the Official Report of the Debates of the Assembly.

- (2) If a reply to such a question is not received by the Secretary by 12:00 on the Thursday following the question day concerned -
 - (a) the question must be regarded as standing over; and
 - (b) in the case of a question that has stood over in terms of (a) or Rule 115(1) from a previous question day, the Question Paper must be endorsed to the effect that the question has not been replied to.
- (3) Subrule (1) does not apply where questions to a Minister are put on the Question Paper for the following question day in terms of a direction by the Speaker under Rule 109(3).

115. Questions standing over

- (1) A question for oral reply must stand over if the person to whom it is addressed -
 - (a) so requests, either in the Assembly when the question comes up for reply, or by notice in writing to the Secretary before the start of question time on the day for which it is on the Question Paper; or
 - (b) is not present in the Assembly when the question comes up for reply and the question is not replied to by someone else on his or her behalf.
- (2) Subject to a direction by the Speaker under Rule 109(3), a question that stands over in terms of Subrule (1) or Rule 114(2) must be -
 - (a) placed on the Question Paper for reply on the next question day on which the person to whom it is addressed is scheduled to reply to questions; and
 - (b) published at the end of the Question Paper, but may be prioritised in terms of Rule 108(7).
- (3) A question for oral reply may not stand over more than once.
- (4) If a question standing over is not answered, either orally or in terms of Rule 114(1) the Question Paper must be endorsed to the effect that the question has not been replied to.

Part 3: Questions for written reply

116. Form and placing of questions

- (1) A question for written reply –
 - (a) may be placed on the Question Paper for any working day
 - (b) must be delivered to the Secretary before 12:00 on the Tuesday of the week during which it is to be placed on the Question Paper for reply.
- (2) A question for written reply may not contain more than 15 subdivisions.
- (3) Questions for written reply are limited to three questions per member per week.
- (4) The restriction imposed by Subrule (3) does not apply to questions referred to in Rule 108(8).
- (5) If a question standing over is not answered, either orally or in terms of Rule 114(1), the Question Paper must be endorsed to the effect that the question has not been replied to.

117. Written reply not given

- (1) If the responsible Cabinet member has not replied in writing to a question within 10 working days of the day for which the question was set down for written reply, and the member in whose name the question stands, or who takes charge of a question in terms of Rule 107(7), so requests, the Secretary must place the question on the Question Paper for oral reply.
- (2) If a reply to a question placed on the Question Paper for oral reply in terms of Subrule (1) is submitted in writing to the Secretary not later than 12:00 on the Question day on which it is to be replied to, the question must not be called in the House.

[Rules 107 to 117, substituted, 26 June 2002]

CHAPTER 11

MESSAGES

118. Messages from Council

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

119. Messages to President of the Republic

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

120. Messages from President of the Republic

- (1) All communications from the President of the Republic to this House shall, if he or she does not take his or her seat in this House or in a joint sitting, be by message.
- (2) The message shall be presented to this House by the presiding officer, may in the discretion of the presiding officer be read out by him or her and shall be printed in the Minutes of Proceedings.
- (3) The consideration of the message may be placed on the Order Paper, or the presiding officer may interrupt business at the request of the Leader of the House in order that precedence may be given to the consideration of the message: Provided that a message whereby the President of the Republic calls a sitting of Parliament [see section 42(5) of the Constitution] shall not be considered.

[NOTE: For application of reference to “Leader of the House”, see Rule 222 and section 91(4) of the Constitution.]

CHAPTER 12

COMMITTEE SYSTEM

Part 1: Introduction

121. List of committees

- (1) The Assembly has the following committees:
 - (a) the Rules Committee established by Rule 158;
 - (b) the Programme Committee established by Rule 187;
 - (c) the Powers and Privileges Committee established by Rule 191;
 - (d) the Committee of Chairpersons established by Rule 195;
 - (e) the portfolio committees that must be established in terms of Rule 199;
 - (f) the Committee on Public Accounts established by Rule 204;
 - (g) the Committee on the Auditor-General established by Rule 208A;
 - (h) the Committee on Private Member's Legislative Proposals and Special Petitions established by Rule 209; and
 - (i) *ad hoc* committees that may be established in terms of Rule 214.
- (2) Other committees may be established but only by —
 - (a) resolution of the Assembly; or
 - (b) the Rules Committee.
- (3) If a proposal to establish a committee is contained in draft legislation before a portfolio committee, that committee must first refer the proposal to the Rules Committee for a report and recommendation before that committee considers the proposal.

122. Subcommittees

- (1) A committee —
 - (a) has such subcommittees as are established by these Rules; and
 - (b) may appoint a subcommittee only when —
 - (i) there is provision for such appointment in these Rules; or
 - (ii) authorised by the Rules Committee or by resolution of the Assembly.
- (2) Subrule (1) does not prevent a committee from assigning a task to one or more of its members for a purely internal or administrative purpose.
- (3) If a proposal to establish a subcommittee is contained in draft legislation before a portfolio committee, that committee must first refer the proposal to the Rules Committee for a report and recommendation before that committee considers the proposal.

123. Application of Rules to committees and subcommittees established in terms of legislation

These Rules also apply to a committee or subcommittee established in terms of legislation, and in such application the committee or subcommittee must be regarded as having been established in terms of these Rules.

Part 2: Rules applicable to committees generally

124. Application of this Part

The provisions of this Part apply to all committees established by or in terms of these Rules except in so far as any of these provisions is inconsistent with —

- (a) another provision of these Rules applicable in a specific case; or
- (b) a resolution of the Assembly.

125. Composition

- (1) Parties are entitled to be represented in committees in substantially the same proportion as the proportion in which they are represented in the Assembly, except where —
 - (a) these Rules prescribe the composition of the committee; or
 - (b) the number of members in the committee does not allow for all parties to be represented.
- (2) Subject to these Rules, the Joint Rules and decisions of the Rules Committee, and where practicably possible, each party is entitled to at least one representative in a committee.

[Subrule (2) substituted, 2 Sept 1999]

126. Appointment procedures

- (1) Unless these Rules provide otherwise the parties appoint the members of a committee and advise the Speaker accordingly.
- (2) The names of the members appointed must be published in the ATC without delay.

127. Alternates

- (1) Alternates may be appointed for one or more specific members of a committee.
- (2) An alternate acts as a member when the member for which the alternate was appointed —
 - (a) is absent; or
 - (b) has vacated office, until the vacancy is filled.

128. Term of office

- (1) Members of a committee and alternates for members are appointed until the Assembly's term expires or the Assembly is dissolved, whichever occurs first.

- (2) A member of a committee ceases to be a member and an alternate for a member ceases to be an alternate if a whip of the party to which that member or alternate belongs gives notice to the Speaker, in writing, that the member or alternate is to be replaced or withdrawn.

129. Chairpersons

- (1) A committee must elect one of its members as the chairperson of the committee.
- (2) The chairperson of a committee, subject to the other provisions of these Rules and the directions of the committee —
 - (a) presides at meetings of the committee;
 - (b) may act in any matter on behalf of and in the best interest of the committee when it is not practical to arrange a meeting of the committee to discuss that matter, if that matter concerns —
 - (i) a request by a person to give evidence or make oral representations to the committee;
 - (ii) any other request to the committee; and
 - (iii) the initiation of any steps or decisions necessary for the committee to perform its functions or exercise its powers;
 - (c) performs the functions, tasks and duties and exercise the powers that the committee, resolutions of the Assembly and legislation may assign to the chairperson;
 - (d) in the event of an equality of votes on any question before the committee, must exercise a casting vote in addition to the chairperson's vote as a member.
- (3) The chairperson must report to the committee on any steps taken in terms of Subrule (2)(b).

130. Acting chairpersons

- (1) If the chairperson of a committee is absent or unable to perform the functions of chairperson, the committee may elect another of its members as acting chairperson.

- (2) An acting chairperson performs the functions and may exercise the powers of the chairperson.

131. First meetings

- (1) The Secretary must call a meeting of a committee within five working days after the names of the members of the committee have been announced.
- (2) If the Assembly is in recess the Secretary must notify the members of the committee, the Chief Whip of the majority party and the most senior whip of each of the other parties, of the time and place of the meeting at least 14 days before the meeting.

132. Meetings

- (1) Committees meet whenever necessary and as determined in accordance with these Rules and the decisions, directives and guidelines of the Programme Committee.
- (2) A meeting of a committee may be called in terms of Subrule (1) —
 - (a) by the chairperson of the committee; or
 - (b) by resolution of the Assembly.

133. Quorum

- (1) A majority of the members of a committee constitutes a quorum, subject to Subrule (2).
- (2) A committee may proceed with business irrespective of the number of members present, but may decide a question only if a quorum is present.
- (3) When a committee has to decide a question and a quorum is not present, the member presiding may either suspend business until a quorum is present, or adjourn the meeting.

134. Co-option when members and alternates not available

If a member of a committee and that member's alternate are both absent from a meeting of the committee, the chairperson may co-opt any other Assembly member to act as a member of the committee until that committee member or the alternate member is no longer absent.

135. Interruption, suspension or adjournment

The member presiding at a meeting of a committee may interrupt or suspend the proceedings or adjourn the meeting, and may change the date for the resumption of business.

136. Charges against members

If any information charging an Assembly member comes before a committee, the committee may not proceed upon that information, but must report it to the Speaker without delay.

137. Reporting

- (1) A committee must report to the Assembly on a matter referred to the committee —
 - (a) when the Assembly is to decide the matter in terms of these Rules, the Joint Rules, a resolution of the Assembly or legislation;
 - (b) if the committee has taken a decision on the matter, whether or not the Assembly is to decide the matter as contemplated in paragraph (a); or
 - (c) if the committee is unable to decide a matter referred to it for a report.
- (2) A committee must report to the Assembly on —
 - (a) all other decisions taken by it, except those decisions concerning its internal business; and
 - (b) its activities at least once per year.
- (3) A report of a committee —
 - (a) must be submitted to the Assembly by the chairperson or another member of the committee designated by the committee; and

- (b) may request that the chairperson or another member of the committee designated by the committee introduces or explains the report in the Assembly.
- (4) A committee may not submit a minority report except where provided for in these Rules.
- (5) If a committee reports on a matter other than a matter mentioned in Subrule (1)(a) and is of the view that its report, or a specific matter mentioned in the report, should be considered by the Assembly, it may make a request to that effect in the report.

138. General powers

For the purposes of performing its functions a committee may, subject to the Constitution, legislation, the other provisions of these Rules and resolutions of the Assembly —

- (a) summon any person to appear before it to give evidence on oath or affirmation, or to produce documents;
- (b) receive petitions, representations or submissions from interested persons or institutions;
- (c) conduct public hearings;
- (d) permit oral evidence on petitions, representations, submissions and any other matter before the committee;
- (e) determine its own procedure;
- (f) meet at a venue determined by it, which may be a venue beyond the seat of Parliament;
- (g) meet on any day and at any time, including —
 - (i) on a day which is not a working day;
 - (ii) on a day on which the Assembly is not sitting;
 - (iii) at a time when the Assembly is sitting; or
 - (iv) during a recess;
- (h) exercise any other powers assigned to it by the Constitution, legislation, the other provisions of these Rules or resolutions of the Assembly.

138A. Prior to a witness giving evidence before a House or committee, the member presiding shall inform the witness as follows:

“Please be informed that by law you are required to answer fully and satisfactorily all the questions lawfully put to you, or to produce any document that you are required to produce, in connection with the subject matter of the enquiry, notwithstanding the fact that the answer or the document could incriminate you or expose you to criminal or civil proceedings, or damages. You are, however, protected in that evidence given under oath or affirmation before a House or committee may not be used against you in any court or place outside Parliament, except in criminal proceedings concerning a charge of perjury or a charge relating to the evidence or documents required in these proceedings.”

[Rule 138A inserted, 13 September 2005]

139. Conferring powers of committees

- (1) A committee may confer with any other committee of the Assembly.
- (2) Committees must confer —
 - (a) if the Assembly instructs them to confer; or
 - (b) during a recess, if the Speaker, with the concurrence of the Chief Whip, instructs them to confer.
- (3) When committees meet to confer the respective chairpersons of the committees co-chair the meeting.
- (4) Committees conferring in terms of Subrule (1) may report jointly, subject to the provisions of Rule 202(2).

[Rule 139 (4) inserted, 21 November 2008]

Part 3: Rules applicable to subcommittees generally

140. Application of this Part

The provisions of this Part apply to all subcommittees established by or in terms of these Rules except in so far as any of these provisions is inconsistent with —

- (a) another provision of these Rules applicable in a specific case; or
- (b) a resolution of the Assembly.

141. General Rules

- (1) A subcommittee established by or in terms of these Rules —
 - (a) is accountable to its parent committee;
 - (b) must carry out its task and responsibilities within a policy framework determined by its parent committee and in accordance with these Rules and any directives, guidelines or regulations issued by the parent committee;
 - (c) may consult any Assembly or Council committee or subcommittee, or any joint committee or subcommittee;
 - (d) may determine its own procedure, subject to these Rules, any directives of the parent committee or resolutions of the Assembly;
 - (e) may only make recommendations to its parent committee; and
 - (f) must report to its parent committee regularly or when requested by the parent committee.
- (2) The parent committee of a subcommittee —
 - (a) must appoint the members of the subcommittee from among its members;
 - (b) may, if appropriate, determine a period within which the subcommittee must complete its task;
 - (c) must determine the extent, nature and form of the subcommittee's reports to the committee, and time limits for the submission of a report;

- (d) may delegate any of its powers to the subcommittee necessary for the subcommittee to perform its task; and
- (e) may instruct the subcommittee to perform any of its functions.

142. Alternates

- (1) A parent committee may appoint alternates from among its members for one or more specific members of a subcommittee.
- (2) An alternate acts as a member when the member for which the alternate was appointed —
 - (a) is absent; or
 - (b) has vacated office, until the vacancy is filled.

143. Term of office

- (1) The members of a subcommittee established by a provision of these Rules and any alternates for those members are appointed until the Assembly's term expires or the Assembly is dissolved, whichever occurs first.
- (2) A subcommittee established by a committee in terms of a provision of these Rules ceases to exist —
 - (a) when it has completed the task for which it was established; or
 - (b) if it is dissolved by the parent committee earlier.
- (3) A member of a subcommittee ceases to be a member and an alternate for a member ceases to be an alternate if a whip of the party to which that member or alternate belongs gives notice to the Speaker, in writing, that the member or alternate is to be replaced or withdrawn.

144. Chairpersons

- (1) The parent committee of a subcommittee must designate a member of the subcommittee as the chairperson of the subcommittee.

- (2) The chairperson of a subcommittee, subject to the other provisions of these Rules and the directions of the parent committee —
 - (a) presides at meetings of the subcommittee;
 - (b) may act in any matter on behalf of and in the best interest of the subcommittee when it is not practical to arrange a meeting of the subcommittee to discuss that matter, if that matter concerns —
 - (i) a request by a person to give evidence or make oral representations to the subcommittee;
 - (ii) any other request to the subcommittee; and
 - (iii) the initiation of any steps or decisions necessary for the subcommittee to perform its functions or exercise its powers; and
 - (c) performs the functions, tasks and duties and exercises the powers that the parent committee, resolutions of the Assembly and legislation may assign to the chairperson.
- (3) The chairperson must report to the subcommittee on any steps taken in terms of Subrule (2)(b).

145. Acting chairpersons

- (1) If the chairperson of a subcommittee is absent or unable to perform the functions of chairperson, the subcommittee may elect another of its members as acting chairperson.
- (2) An acting chairperson performs the functions and may exercise the powers of the chairperson.

146. Meetings

- (1) Subcommittees meet whenever necessary and as determined in accordance with these Rules and the decisions, directives and guidelines of the Programme Committee.
- (2) A meeting of a subcommittee may be called in terms of Subrule (1) by —
 - (a) the chairperson of the subcommittee;
 - (b) the parent committee; or
 - (c) the chairperson of the parent committee.

147. Matters relating to quorum

A subcommittee may proceed with business irrespective of the number of members present.

148. Decisions

- (1) A question before a subcommittee is decided by consensus.
- (2) If consensus cannot be reached all views in the subcommittee on the question must be reported to the parent committee.

149. General powers

A subcommittee has the powers listed in Rule 138 only when assigned to it in terms of these Rules or by a resolution of the Assembly.

Part 4: Rules applicable to both committees and subcommittees generally

150. Application of this Part

The provisions of this Part apply to all committees and subcommittees established by or in terms of these Rules except in so far as any of these provisions is inconsistent with —

- (a) another provision of these Rules applicable in a specific case; or
- (b) a resolution of the Assembly.

151. Persons appearing before committees

Any person, including counsel and attorneys, appearing before a committee or subcommittee must observe the directions and conform to the procedures determined by the chairperson of the committee or subcommittee.

152. Admission of the public

- (1) Meetings of committees and subcommittees are open to the public, including the media, and the member presiding may not exclude the public, including the media, from the meeting, except when —
 - (a) legislation, these Rules or resolutions of the Assembly provide for the committee or subcommittee to meet in closed session; or
 - (b) the committee or subcommittee is considering a matter which is —
 - (i) of a private nature that is prejudicial to a particular person;
 - (ii) protected under parliamentary privilege, or for any other reason privileged in terms of the law;
 - (iii) confidential in terms of legislation; or
 - (iv) of such a nature that its confidential treatment is for any other reason reasonable and justifiable in an open and democratic society.
- (2) A decision in terms of Subrule (1) to exclude the public must be taken by the committee or subcommittee concerned, provided that the chairperson of the committee or subcommittee may at any time —
 - (a) before the start of the meeting Rule that the meeting must take place in closed session, but the committee or subcommittee may at any time after the start of the meeting open the meeting; or
 - (b) close the meeting for a decision by the committee or subcommittee whether the matter should be considered in closed session.
- (3) The Speaker must —
 - (a) set aside places for the public in the committee rooms; and
 - (b) determine the entrances and routes through which the public can obtain access to these places.
- (4) The Speaker may take reasonable measures —
 - (a) to regulate public access, including access of the media, to the committees and subcommittees;

- (b) to prevent and control misconduct of the public in committee rooms; and
- (c) to provide for the searching of any person, including that person's vehicle or other property in that person's possession, and, where appropriate, the refusal of entry to, or the removal of any person.

153. Presence of other Assembly members

- (1) A member of the Assembly who is not a member of the committee or subcommittee may be present at a meeting of the committee or subcommittee.
- (2) A member mentioned in Subrule (1) who is present at a meeting of a committee or subcommittee —
 - (a) may speak on a matter before the committee or subcommittee subject to any reasonable restrictions the chairperson may impose; and
 - (b) may not vote except when the vote is cast as an alternate or as a co-opted member in terms of Rule 127, 134 or 142.

154. Exclusion of members of the public from meetings

The member presiding at a meeting of a committee or subcommittee may —

- (a) order a member of the public to leave the meeting —
 - (i) when the public is excluded from a meeting in terms of Rule 152(1); or
 - (ii) when necessary to give effect to the measures taken under Rule 152(3); or
- (b) order a person referred to in Rule 151 to leave the meeting if that person does not comply with a ruling of the presiding member.

155. Exclusion of other persons from meetings

When the public is excluded from a meeting of a committee or subcommittee in terms of Rule 152(1), the member presiding may order a staff member, a member or official of the executive or a member of Parliament who is not a member of the committee or subcommittee, also to leave the meeting.

156. Removal of persons

When instructed by the presiding member, the Serjeant-at-Arms must remove or arrange for the removal of any person who —

- (a) without permission, is present in that part of a committee room designated for members of the committee or subcommittee only;
- (b) disrupts the proceedings of the committee or subcommittee or causes a nuisance; or
- (c) does not leave when ordered to leave under Rule 154 or 155.

157. Publication or disclosure of proceedings, evidence, reports, etc.

- (1) All documents officially before, or emanating from, a committee or subcommittee are open to the public, including the media, but the following documents may not be published, and their contents may not be disclosed, except with the permission of the committee, or the parent committee in the case of a subcommittee, or by order of the Speaker, or by resolution of the Assembly:
 - (a) The proceedings of, or evidence taken by or placed before, the committee or subcommittee while the public were excluded from a meeting in terms of Rule 152(1).
 - (b) Any report or summary of such proceedings or evidence.
 - (c) Any document placed before or presented to the committee or subcommittee as a confidential document and declared by it as a confidential document.
 - (d) Any document —
 - (i) submitted or to be submitted to members of the committee or subcommittee as a confidential document by order of the chairperson of the committee or subcommittee; or
 - (ii) after its submission to members declared by the chairperson as a confidential document.

- (2) The permission, order or resolution authorising the publication, or the disclosure of the contents, of documents mentioned in Subrule (1) may provide that specific parts of, or names mentioned in, the document may not be published or disclosed.
- (3) For the purposes of Subrule (1) a document is officially before a committee or subcommittee when —
 - (a) the presiding member places the document, or permits the document to be placed, before the committee or subcommittee; or
 - (b) a person appearing before the committee or subcommittee as a witness or to make representations, presents the document to the committee or subcommittee.
- (4) Subrule (1)(c) and (d) applies only to documents that —
 - (a) contain private information that is prejudicial to a particular person;
 - (b) are protected under parliamentary privilege, or for any other reason are privileged in terms of the law;
 - (c) are confidential in terms of legislation;
 - (d) are subject to a media embargo, until the embargo expires; or
 - (e) are of such a nature that their confidential treatment is for any other reason reasonable and justifiable in an open and democratic society.

Part 5: Rules Committee

158. Establishment

There is a Rules Committee.

159. Composition

The Rules Committee consists of —

- (a) the Speaker;
- (b) the Deputy Speaker;

- (c) the House Chairpersons; and
- (d) no more than 50 other members appointed by the Speaker.

[Rule 159 substituted, 2 November 2006]

160. Chairperson

- (1) The Speaker is the chairperson of the Rules Committee.
- (2) If the Speaker is not available the Deputy Speaker performs the functions of the Speaker.

161. Functions and powers

- (1) The Rules Committee may —
 - (a) develop, formulate and adopt policy concerning the exclusive business of the Assembly in respect of —
 - (i) the management, administration and functioning of the Assembly;
 - (ii) the financial management and policy of the Assembly, including the sources of funding, the budget, income and expenditure of the Assembly;
 - (iii) the proceedings, procedures, Rules, orders and practices concerning the business of the Assembly; or
 - (iv) the provision of facilities and other support for Assembly members;
 - (b) make recommendations to the Assembly concerning the Assembly's annual budget;
 - (c) monitor and oversee the implementation of policy on all matters referred to in paragraph (a);
 - (d) make recommendations to the Joint Rules Committee on any matter falling within the functions and powers of the Committee;
 - (e) lay down guidelines, issue directives, and formulate regulations regarding any aspect of policy referred to in this Rule;

[Rule 161(1)(e) substituted, 7 March 2000]

- (f) appoint committees or subcommittees to assist it with the performance of any of its functions or the exercise of any of its powers;
 - (g) recommend to the Assembly Rules and orders concerning the business of the Assembly; and
 - (h) perform any other functions assigned to it by legislation, the other provisions of these Rules or resolutions of the Assembly.
- (2) The Committee may deal with a matter falling within its functions and powers —
- (a) on its own initiative; or
 - (b) when referred to it for consideration and report by —
 - (i) the Assembly; or
 - (ii) the Speaker.

162. Implementation of policy

[Heading substituted, 7 March 2000]

- (1) The responsibility for the implementation of policy determined by the Rules Committee vests in the Speaker subject to the decisions of the Rules Committee and resolutions of the Assembly.

[Rule 162(1) substituted, 7 March 2000]

- (2) The Speaker, with the concurrence of the Rules Committee, may appoint task teams to assist the Speaker in executing the responsibility mentioned in Subrule (1).

163. Policy matters requiring decision during recess

- (1) If during a recess a matter of policy arises that requires a Rules Committee decision but cannot await finalisation when the session resumes, the Speaker may convene a meeting of those of the following office-bearers who are available to decide on the matter:
- (a) the Speaker;
 - (b) the Deputy Speaker;
 - (c) the House Chairpersons;
 - (d) the Chief Whip;
 - (e) the Deputy Chief Whip of the majority party;

- (f) the chairperson of the relevant Subcommittee of the Rules Committee under whose jurisdiction the matter in question falls;
- (g) the most senior whip of each of the other parties in the Assembly or alternate of such whip; and
- (h) a committee chairperson designated by the Committee of Chairpersons.

[Rule 163(1) substituted, 2 November 2006]

- (2) (a) A majority of the members listed in Subrule (1) constitutes a quorum.
- (b) The matter before a meeting convened in terms of Subrule (1), is decided when there is agreement on the question among the majority of the members present.
- (3) A decision taken in terms of this Rule must be published in the ATC within 3 days after the Assembly reconvenes after the recess.

164. Decisions

A question before the Rules Committee is decided when there is a quorum present and there is agreement on the question among the majority of the members of the Committee.

165. Subcommittees

- (1) The Rules Committee has the following subcommittees:
 - (a) The Subcommittee on the National Assembly Budget;
 - (b) The Subcommittee on Support for Members;
 - (c) The Subcommittee on Review of the Assembly Rules;
 - (d) The Subcommittee on Internal Arrangements;
 - (e) The Subcommittee on International Relations;
 - (f) The Subcommittee on Delegated Legislation;
 - (g) The Subcommittee on Powers and Privileges of Parliament; and
 - (h) Any other subcommittees appointed in terms of Rule 161(1)(f).
- (2) When the Rules Committee appoints the members of a subcommittee the Committee —

- (a) is not restricted to the members of the Rules Committee; and
 - (b) may appoint any Assembly member.
- (3) A subcommittee of the Rules Committee may take a matter to a Joint Subcommittee of the Joint Rules Committee only if authorised by the Rules Committee.
- (4) A subcommittee of the Rules Committee may not issue directives relating to any aspect of the control and management of the administration of the Assembly.

[Subrule (4) added, 7 March 2000]

Subcommittee on the National Assembly Budget

166. Composition

The Subcommittee on the National Assembly Budget consists of eight Assembly members appointed in such a way that —

- (a) the majority party in the Assembly has three members;
- (b) the three largest minority parties in the Assembly have one member each; and
- (c) two of the other minority parties in the Assembly have one member each.

[Rule 166 substituted, 2 Sept 1999]

167. Chairperson

The Rules Committee must appoint one of the members of the Subcommittee as the chairperson of the Subcommittee.

168. Functions and powers

The Subcommittee may —

- (a) make recommendations to the Rules Committee on the development, formulation and adoption of policy regarding —
 - (i) the financial management of the Assembly;

- (ii) the sources of funding, resources, income and expenditure of the Assembly; and
 - (iii) the preparation to the Assembly's annual budget;
- (b) monitor and oversee the implementation of policy on the matters referred to in paragraph (a) and make recommendations in this regard to the Rules Committee; and
- (c) perform any other function and exercise any other power assigned to it by the Rules Committee.

Subcommittee on Support for Assembly Members

169. Composition

The Subcommittee on Support for Assembly Members consists of —

- (a) three members from the majority party in the Assembly;
- (b) one member from each of the three largest minority parties in the Assembly; and
- (c) one member from each of two of the other minority parties in the Assembly.

[Rule 169 substituted, 2 Sept 1999 and 6 Sept 1999]

170. Chairperson

The Subcommittee must appoint one of the members of the subcommittee as Chairperson of the subcommittee.

[Rule 170 substituted, 6 Sept 1999]

171. Functions and powers

- (1) The Subcommittee may —
 - (a) make recommendations to the Rules Committee on the development, formulation and adoption of policy regarding the provisions of facilities and other support for Assembly members, including training of members;
 - (b) monitor and oversee the implementation of policy on the matters referred to in paragraph (a) and make recommendations in this regard to the Rules Committee; and

- (c) perform any other function and exercise any other power assigned to it by the Rules Committee.
- (2) The Subcommittee must consult the Subcommittee on the National Assembly Budget on any of its recommendations that has financial implications for the Assembly.
- (3) If the Subcommittee on the National Assembly Budget disagrees with the recommendation, the Subcommittee must report the disagreement to the Rules Committee.

Subcommittee on Review of the National Assembly Rules

172. Composition

The Subcommittee on Review of the National Assembly Rules consists of eight Assembly members appointed in such a way that —

- (a) the majority party in the Assembly has three members;
- (b) the three largest minority parties in the Assembly have one member each; and
- (c) two of the other minority parties in the Assembly have one member each.

[Rule 172 substituted, 2 Sept 1999]

173. Chairperson

The Rules Committee must appoint one of the members of the Subcommittee as the chairperson of the Subcommittee.

174. Functions and powers

The Subcommittee may —

- (a) make recommendations to the Rules Committee regarding —
 - (i) the proceedings, procedures, Rules, orders and practices of the Assembly; and
 - (ii) the development, formulation or adoption of policy on a matter mentioned in subparagraph (i); and
- (b) perform any other function and exercise any other power assigned to it by the Rules Committee.

Subcommittee on Internal Arrangements

175. Composition

The Subcommittee on Internal Arrangements consists of —

- (a) the Deputy Speaker;
- (b) five members from the majority party in the Assembly;
- (c) one member from each of the three largest minority parties in the Assembly; and
- (d) one member from each of three of the other minority parties in the Assembly.

[Rule 175 substituted, 2 Sept 1999 and 6 Sept 1999]

176. Chairperson

The Deputy Speaker is the chairperson of the subcommittee.

177. Functions and powers

The Subcommittee may —

- (a) make recommendations to the Rules Committee on the development, formulation and adoption of policy regarding the administration and management of the Assembly, including —
 - (i) staff;
 - (ii) infrastructure;
 - (iii) household services and catering;
 - (iv) human resource development and training;
 - (v) information systems and the library; and
 - (vi) public relations and public education;
- (b) monitor and oversee the implementation of policy on the matters referred to in paragraph (a) and make recommendations in this regard to the Rules Committee; and
- (c) perform any other function and exercise any other power assigned to it by the Rules Committee.

Subcommittee on International Relations

178. Composition

The Subcommittee on International Relations consists of –

- (a) the Speaker and the Deputy Speaker;
- (b) the House Chairperson designated by the Speaker;
- (c) three members of the majority party in the Assembly;
- (d) one member from each of the three largest minority parties in the Assembly;
- (e) one member from each of two of the other minority parties in the Assembly;
- (f) one member from the Portfolio Committee on Foreign Affairs designated by the committee; and
- (g) three chairpersons of Assembly committees designated by the Committee of Chairpersons.

[Rule 178 substituted, 2 Sept 1999]

[Rule 178 substituted, 2 November 2006]

179. Chairperson

The Speaker is the chairperson of the Subcommittee.

180. Functions and powers

The Subcommittee may —

- (a) make recommendations to the Rules Committee on the development, formulation and adoption of policy regarding Parliament's international relations, including —
 - (i) relations with other Parliaments and international organisations;
 - (ii) membership of international parliamentary organisations;
 - (iii) visits abroad by parliamentary groups; and
 - (iv) the hosting and receiving of delegations from abroad;

- (b) monitor and oversee the implementation of policy on the matters referred to in paragraph (a) and make recommendations in this regard to the Rules Committee; and
- (c) perform any other function and exercise any other power assigned to it by the Rules Committee.

Subcommittee on Delegated Legislation

181. Composition

The Subcommittee on Delegated Legislation consists of eight Assembly members appointed in such a way that —

- (a) the majority party in the Assembly has three members;
- (b) the three largest minority parties in the Assembly have one member each; and
- (c) two of the other minority parties in the Assembly have one member each.

[Rule 181 substituted, 2 Sept 1999]

182. Chairperson

The Rules Committee must appoint one of the members of the Subcommittee as the chairperson of the Subcommittee.

183. Functions and powers

The Subcommittee must —

- (a) investigate and make recommendations to the Rules Committee on possible mechanisms that could be used by legislators to maintain oversight of the exercise of legislative powers delegated to the executive; and
- (b) perform any other function and exercise any other power assigned to it by the Rules Committee.

Subcommittee on Powers and Privileges of Parliament

184. Composition

The Subcommittee on Powers and Privileges of Parliament consists of —

- (a) the Speaker;
- (b) three members of the majority party in the Assembly;
- (c) one member from each of the three largest minority parties in the Assembly; and
- (d) one member from each of two of the other minority parties in the Assembly.

[Rule 184 substituted, 2 Sept 1999]

185. Chairperson

The Speaker is the chairperson of the Subcommittee.

186. Functions and powers

The Subcommittee —

- (a) must review existing legislation, the common law and practice relating to parliamentary powers and privileges;
- (b) may make recommendations to the Rules Committee to transform the existing law and practice on parliamentary powers and privileges; and
- (c) perform any other function and exercise any other power assigned to it by the Rules Committee.

Part 6: Programme Committee

187. Establishment

There is a Programme Committee.

188. Composition

- (1) The Programme Committee consists of -
 - (a) the Speaker;

- (b) the Deputy Speaker;
- (c) the Leader of Government Business;
- (d) the House Chairpersons;
- (e) the Chief Whip;
- (f) the Deputy Chief Whip of the majority party in the Assembly;
- (g) the whip of the majority party responsible for programming;
- (h) another two whips of the majority party designated by that party;
- (i) one whip and two additional representatives of the largest minority party in the Assembly designated by that party;
- (j) one whip and one additional representative of the second largest minority party in the Assembly designated by that party; and
- (k) one whip of each of the other minority parties in the Assembly designated by the party concerned.

[Rule 188(1) substituted, 2 November 2006]

- (2) A whip referred to in Subrule (1)(f) to (l) who is unable to attend a meeting of the Committee may designate another whip to attend the meeting.
- (3) Rule 125 does not apply to this Committee.

189. Chairperson

- (1) The Speaker is the chairperson of the Programme Committee.
- (2) If the Speaker is not available the Deputy Speaker presides at a meeting of the Committee.

190. Functions and powers

The Programme Committee —

- (a) must prepare and, if necessary, from time to time adjust the annual programme of the Assembly, subject to any relevant decisions of the Joint Programme Committee;

- (b) must monitor and oversee the implementation of Parliament's annual programme in the Assembly, including the legislative programme;
- (c) must implement the Rules regarding the scheduling or programming of the business of the Assembly, and the functioning of Assembly committees and subcommittees;
- (d) may make recommendations to the Joint Programme Committee on any matter falling within the functions and powers of that Committee; and
- (e) may take decisions and issue directives and guidelines to prioritise or postpone any business of the Assembly, but when the Committee prioritises or postpones any government business in the Assembly it must act with the concurrence of the Leader of Government Business.

Part 7: Powers and Privileges Committee

[Heading substituted, 21 November 2008]

191. Establishment

There is a Powers and Privileges Committee as required by section 12 of the Act.

192. Composition

- (1) The Committee consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee, but must have no fewer than 13 members and no more than 40 members.
- (2) The Committee must elect a chairperson, and may elect an acting chairperson when the chairperson is not available.

193. Meetings

- (1) The chairperson of the Committee convenes meetings of the Committee.

- (2) Meetings of the Committee must be held in closed session when the Committee considers a matter affecting a specific member or members, unless the Committee decides to open a meeting in accordance with Subrule (3).
- (3) The Committee may decide to open a closed meeting if –
 - (a) all parties to the proceedings agree; and
 - (b) it is in the public interest.

194. Functions

- (1) The Committee must consider any matter referred to it by the Speaker relating to contempt of Parliament or misconduct by a member or a request to have a response recorded in terms of section 25 of the Act, except a breach of the Code of Conduct contained in the Schedule to the Joint Rules.
- (2)
 - (a) Upon receipt of a matter relating to contempt of Parliament or misconduct by a member, the Committee must deal with the matter in accordance with the procedure contained in the Schedule to the Rules.
 - (b) The Committee must table a report in the Assembly on its findings and recommendations in respect of any alleged contempt of Parliament, as defined in section 13 of the Act, or misconduct.
 - (c) If it found that a member is guilty of contempt or misconduct, the Committee must recommend an appropriate penalty from those contained in section 12(5) of the Act.
 - (d) The Assembly may impose the recommended penalty, an alternative penalty contained in section 12(5) of the Act, or no penalty.
- (3) The Committee may on its own initiative or upon request by the Speaker conduct research relating to, and comment on matters relating to the powers, privileges and immunities of Parliament.

- (4) (a) After receiving the request to have a response recorded referred to in (1) above, the Committee must without delay, inform the member or witness concerned that a request to have a response recorded has been received, and thereafter consider the request in accordance with criteria that the Committee approved.
- (b) In considering the request the Committee may invite verbal or written submissions by the member, witness or any other person concerned.
- (c) After considering the request to have a response recorded, the Committee must publish the response in the ATC, refer it back to the person for amendments, or not publish the response.

[Rules 191 – 194 substituted, 21 November 2008]

Part 8: Committee of Chairpersons

195. Establishment

There is a Committee of Chairpersons.

196. Composition

- (1) The Committee of Chairpersons consists of –
 - (a) the House Chairpersons; and
 - (b) the chairperson of each Assembly committee and each Assembly member who is a chairperson or co-chairperson of a joint committee, or an Assembly member of the committee designated by the chairperson.

[Rule 196 (1) substituted, 2 November 2006]

- (2) The Committee may co-opt the chairperson of an *ad hoc* committee as a member of the Committee.

197. Chairperson

- (1) The House Chairperson designated by the Speaker presides at meetings of the Committee of Chairpersons.
- (2) If the designated House Chairperson is not available another House Chairperson may preside at a meeting of the Committee.

[Rule 197(1) and (2) substituted, 2 November 2006]

198. Functions and powers

The Committee of Chairpersons may make recommendations to the Rules Committee or the Programme Committee regarding any matter affecting the scheduling or functioning of any Assembly committee, subcommittee or other Assembly forum.

Part 9: Portfolio committees

199. Establishment

The Speaker acting with the concurrence of the Rules Committee must —

- a) establish a range of portfolio committees;
- b) assign a portfolio of government affairs to each committee; and
- (c) determine a name for each committee.

200. Composition

- (1) A portfolio committee consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee in each case.
- (2) A portfolio committee must have no fewer than 13 and no more than 40 members.

[Rule 200(2) amended, 25 October 2005]

201. Functions

- (1) A portfolio committee —
 - (a) must deal with bills and other matters falling within its portfolio as are referred to it in terms of the Constitution, legislation, these Rules, the Joint Rules or by resolution of the Assembly;
 - (b) must maintain oversight of —
 - (i) the exercise within its portfolio of national executive authority, including the implementation of legislation;
 - (ii) any executive organ of State falling within its portfolio;
 - (iii) any constitutional institution falling within its portfolio; and
 - (iv) any other body or institution in respect of which oversight was assigned to it;
 - (c) may monitor, investigate, enquire into and make recommendations concerning any such executive organ of state, constitutional institution or other body or institution, including the legislative programme, budget, rationalisation, restructuring, functioning, organisation, structure, staff and policies of such organ of state, institution or other body or institution;
 - (d) may consult and liaise with any executive organ of State or constitutional institution; and
 - (e) must perform any other functions, tasks or duties assigned to it in terms of the Constitution, legislation, these Rules, the Joint Rules or resolutions of the Assembly, including functions, tasks and duties concerning parliamentary oversight or supervision of such executive organs of state, constitutional institutions or other bodies or institutions.
- (2) Bills and amendments to bills referred to a portfolio committee must be considered by it in accordance with Chapter 13 of these Rules and Chapter 3 of the Joint Rules.

- (3) If there is doubt which portfolio committee must deal with a specific matter, the Speaker in consultation with the Chief Whip must decide the question, subject to any directions of the Rules Committee or a resolution of the Assembly.

202. Decisions

- (1) A question before a portfolio committee is decided when a quorum in terms of Rule 133 is present and there is agreement among the majority of the members present.
- (2) A question before two or more conferring Assembly committees is decided when a majority of members of each of the conferring committees is present and there is agreement on the question between the conferring committees.

[Rule 202 substituted, 21 November 2008]

203. Subcommittees

A portfolio committee may appoint a subcommittee from amongst its members to assist the committee.

Part 9A: Standing Committee on Finance

203A. Establishment

There is a Standing Committee on Finance, established in terms of section 4(1) of the Money Bills Amendment Procedure and Related Matters Act, 2009, and Rule 123.

203B. Composition

The Standing Committee on Finance consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee, subject to the provisions of Rule 125 and Rule 200(2).

203C. Functions and powers

- (1) The Standing Committee on Finance must perform the functions and exercise the powers specified in the Money Bills Amendment Procedure and Related Matters Act, 2009.
- (2) The committee must also perform the functions listed in Rule 201 and can exercise the powers specified in Rule 138, except in so far as any of these provisions are inconsistent with –
 - (a) the provisions of the Money Bills Amendment Procedure and Related Matters Act, 2009;
 - (b) another provision of these Rules applicable in a specific case; or
 - (c) a resolution of the Assembly.

203D. Consultation

The committee must consult with its counterpart in the Council and other committees on matters specified in the Money Bills Amendment Procedure and Related Matters Act, 2009, in a manner agreed by the committee.

203E. Subcommittees

The committee may appoint a subcommittee from amongst its members to assist the committee, the subcommittee to adhere to the provisions of Part 3 of Chapter 12 of the Assembly Rules.

203F. Public involvement

The committee must ensure public involvement in accordance with the provisions of the Constitution and the Money Bills Amendment Procedure and Related Matters Act, 2009.

[Part 9A, Rules 203A - F inserted, 22 June 2011]

Part 9B: Standing Committee on Appropriations

203G. Establishment

There is a Standing Committee on Appropriations, established in terms of section 4(3) of the Money Bills Amendment Procedure and Related Matters Act, 2009, and Rule 123.

203H. Composition

The Standing Committee on Appropriations consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee, subject to the provisions of Rule 125 and Rule 200(2).

203I. Functions and powers

- (1) The Standing Committee on Appropriations must perform the functions and exercise the powers specified in the Money Bills Amendment Procedure and Related Matters Act, 2009, and can exercise the powers specified in Rule 138.
- (2) The committee must perform any other functions, tasks or duties assigned to it in terms of the Constitution, legislation, these Rules, the Joint Rules or resolutions of the Assembly.
- (3) The committee may consult and liaise with any executive organ of state or constitutional institution.

203J. Consultation

The committee must consult with its counterpart in the Council and other committees on matters specified in the Money Bills Amendment Procedure and Related Matters Act, 2009, in a manner agreed by the committee.

203K. Subcommittees

The committee may appoint a subcommittee from amongst its members to assist the committee, the subcommittee to adhere to the provisions of Part 3 of Chapter 12 of the Assembly rules.

203L. Mediation

- (1) When conflicting amendments are proposed by portfolio committees –
 - (a) a subcommittee of the Standing Committee on Appropriations consisting of the chairperson and three other members must conduct mediation with a view to finding agreement on the conflicting amendments; and
 - (b) the subcommittee established in terms of (a) will be advised by three members from each of the portfolio committees that had submitted conflicting amendments and, if requested by the Standing Committee on Appropriations, two members designated by the Speaker.

203M. Public involvement

The committee must ensure public involvement in accordance with the provisions of the Constitution and the Money Bills Amendment Procedure and Related Matters Act, 2009.

[Part 9B, Rules 203G - M inserted, 22 June 2011]

Part 10: Committee on Public Accounts

204. Establishment

There is a Committee on Public Accounts.

205. Composition

The Committee on Public Accounts consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee.

206. Functions and powers

- (1) The Committee on Public Accounts —
(a) must consider —
- (i) the financial statements of all executive organs of State and constitutional institutions when those statements are submitted to Parliament;
 - (ii) any audit reports issued on those statements;
 - (iii) any reports issued by the Auditor-General on the affairs of any executive organ of state, constitutional institution or other public body; and
 - (iv) any other financial statements or reports referred to the Committee in terms of these Rules;
- (b) may report on any of those financial statements or reports to the Assembly;
- (c) may initiate any investigation in its area of competence; and
- (d) must perform any other functions, tasks or duties assigned to it in terms of the Constitution, legislation, these Rules, the Joint Rules or resolutions of the Assembly, including functions, tasks and duties concerning parliamentary financial oversight or supervision of executive organs of state, constitutional institutions or other public bodies.
- (2) The Speaker must refer the financial statements and reports mentioned in paragraph (a)(i), (ii) and (iii) to the Committee when they are submitted to Parliament irrespective of whether they are also referred to another committee.

207. Subcommittees

The Committee on Public Accounts may appoint a subcommittee from amongst its members to assist the Committee.

208. Notice to portfolio committee

When a matter falling within a portfolio committee's competence is to be considered by the Committee on Public Accounts, the chairperson of the Committee, after consultation with the chairperson of the portfolio committee, must give notice to the portfolio committee when that matter will be considered by the Committee.

Part 10A: Committee on the Auditor-General

208A. Establishment

There is a Committee on the Auditor-General, established in terms of section 10(3) of the Public Audit Act, 2004.

208B. Composition

The Committee on the Auditor-General consists of 13 members or such other number of members as the Speaker may determine with the concurrence of the Rules Committee.

208C. Functions and powers

- (1) The Committee on the Auditor-General must –
 - (a) maintain oversight over the Auditor-General;
 - (b) perform the functions and exercise the other powers as specified in the Public Audit Act, 2004.
- (2) The Assembly may by resolution assign any other function, task or duty to the Committee on the Auditor-General within its area of competence.
- (3) The Committee on the Auditor-General may not consider –
 - (a) audit reports produced by the Auditor-General;
 - (b) any budget or business plan other than that of the Auditor-General.

208D. Decisions

A question before the Committee on the Auditor-General is decided when a quorum in terms of Rule 133 is present and there is agreement among the majority of members present.

[New Rule 208A-D inserted, 31 March 2006]

Part 11: Committee on Private Members' Legislative Proposals and Special Petitions

209. Establishment

There is a Committee on Private Members' Legislative Proposals and Special Petitions.

210. Composition

- (1) The Committee on Private Members' Legislative Proposals and Special Petitions consists of the number of Assembly members that the Speaker may determine with the concurrence of the Rules Committee.
- (2) The members of the Committee are appointed by the Speaker after consulting —
 - (a) the Chief Whip, when a member of the majority party is appointed; or
 - (b) the most senior whip of another party, when a member of that particular party is appointed.

211. Functions and powers

The Committee on Private Members' Legislative Proposals and Special Petitions must—

- (a) in accordance with the criteria identified in Rule 235A, consider and make recommendations to the Assembly on all legislative proposals made by Assembly members intending to introduce bills and referred to the Committee in terms of Part 2 of Chapter 13 of these Rules; and
- (b) consider and make recommendations to the Assembly on all special petitions referred to the Committee by the Speaker in terms of Rule 315.

[Rule 211 substituted, 22 June 2011]

212. Decisions

A question before the Committee on Private Members' Legislative Proposals and Special Petitions is decided when a quorum in terms of Rule 133 is present and there is agreement among the majority of the members present.

213. Subcommittees

The Committee on Private Members' Legislative Proposals and Special Petitions may appoint a subcommittee from amongst its members to assist the Committee.

Part 12: Ad hoc Committees

214. Establishment

- (1) An *ad hoc* committee may be established —
 - (a) by resolution of the Assembly; or
 - (b) during an adjournment of the Assembly for a period of more than 14 days, by the Speaker after consulting the Chief Whip and the most senior whip of each of the other parties.
- (2) Any decision by the Speaker to appoint an *ad hoc* committee must be tabled in the Assembly on its first sitting day after the decision was taken, for ratification by the Assembly.
- (3) An *ad hoc* committee may only be established for the performance of a specific task.
- (4) The resolution of the Assembly or decision of the Speaker establishing an *ad hoc* committee must —
 - (a) specify the task assigned to the committee; and
 - (b) set time frames for —
 - (i) the completion of any steps in performing the task; and

- (ii) the completion of the task.
- (5) An *ad hoc* committee has those of the powers listed in Rule 138 only as are specified in the resolution or decision establishing the committee.
- (6) An *ad hoc* committee ceases to exist —
 - (a) when it has completed the task for which it was established and has submitted its report to the Assembly;
 - (b) if it is dissolved by the Assembly earlier; or
 - (c) if it has not completed its task by the date set for the completion of the task.

215. Composition

- (1) The Assembly resolution establishing an *ad hoc* committee must either specify the number of members to be appointed or the names of the members who are appointed.
- (2) The Speaker appoints the members of an *ad hoc* committee if —
 - (a) the resolution of the Assembly establishing the *ad hoc* committee does not specify the names of the committee members; or
 - (b) the Speaker established the *ad hoc* committee.
- (3) The Speaker must appoint the members of an *ad hoc* committee established by —
 - (a) the Assembly, within five working days after the establishment of the committee;
 - (b) the Speaker, within ten working days after the establishment of the committee.
- (4) When appointing the members of an *ad hoc* committee the Speaker must consult —
 - (a) the Chief Whip, when a member of the majority party is appointed; and
 - (b) the most senior whip of another party, when a member of that particular party is appointed.
- (5) The names of the members appointed must be published in

the ATC without delay.

216. Decisions

Unless a resolution establishing an *ad hoc* committee provides otherwise a question before an *ad hoc* committee is decided when a quorum in terms of Rule 133 is present and there is agreement among the majority of the members present.

Part 13: Other structures relating to programming and functioning

Chief Whips' Forum

217. Establishment

There is a Chief Whips' Forum.

218. Composition

- (1) The Chief Whips' Forum consists of –
 - (a) the House Chairpersons;
 - (b) the Chief Whip;
 - (c) the Deputy Chief Whip of the majority party;
 - (d) the most senior whip of each of the other parties represented in the Assembly; and
 - (e) a committee chairperson designated by the Committee of Chairpersons.

[Rule 218(1) substituted, 2 November 2006]

- (2) The Speaker and the Deputy Speaker may attend meetings of the Forum or designate someone to attend on their behalf.

[New Subrule 218(2) inserted, 2 November 2006]

- (3) A whip referred to in paragraph (d) or (e) who is unable to attend a meeting of the Forum may designate another whip to attend the meeting.

- (4) Rule 127 does not apply to this Forum.

[Numbering of Subrules (2) and (3) adjusted to Subrules (3) and (4), 2 November 2006]

219. Chairperson

- (1) The Chief Whip is the chairperson of the Chief Whips' Forum.
- (2) If the Chief Whip is not available the Deputy Chief Whip performs the functions of the Chief Whip.

220. Meetings

- (1) The Chief Whip may call a meeting of the Forum on own initiative or upon request by another member of the Forum, but must call a meeting if the Speaker so requests.
- (2) The Forum meets in closed session unless it decides otherwise.

221. Functions and powers

The Chief Whips' Forum acts as a forum —

- (a) for the discussion and co-ordination of matters for which the whips are responsible; and
- (b) which the Speaker may consult when appropriate.

Arrangement of House business and certain committee meetings

222. Arrangement of business on Order Paper

The Chief Whip must arrange the business of the Assembly on the Order Paper, subject to these Rules, the directives of the Programme Committee and the concurrence of the Leader of Government Business when any government business is prioritised.

223. Unusual meetings of committees and subcommittees

- (1) A committee or subcommittee may sit on a day which is not a

working day, or at a venue beyond the seat of Parliament, or during a recess of the Assembly, or at a time when the Assembly is sitting, only with the permission of the Chief Whip.

- (2) If a committee or subcommittee applies to the Chief Whip to sit on a day which is not a working day, or at a venue beyond the seat of Parliament, the Chief Whip may give permission in terms of Subrule (1) only after having consulted the Speaker.

House Chairperson: Committees

224. Scheduling function of the designated House Chairperson

The House Chairperson designated by the Speaker must implement any policy, directive or guideline on the scheduling and co-ordination of meetings of all committees and subcommittees.

[Rule 224 amended, 2 November 2006]

Part 14: Miscellaneous committee matters

225. Composition of Assembly component in Mediation Committee

- (1) The number of Assembly representatives in the Mediation Committee to which a party is entitled must be determined by multiplying the number of seats the party holds in the Assembly by 9 and dividing the result by 401.
- (2) The result, disregarding any decimal fractions, indicates the number of representatives allocated to the party.
- (3) If any number of representatives remains unallocated the number of representative or representatives are allocated in sequence of the highest decimal fractions referred to in Subrule (2).
- (4) If no representative is allocated to a party in terms of Subrules (1) to (3), that party may designate an observer in the Assembly component of the Mediation Committee.

226. Election of Assembly members to Mediation Committee

- (1) The Assembly must elect its nine representatives to the Mediation Committee in accordance with the respective allocations made to parties in terms of Rule 225.
- (2) Each party must nominate in accordance with its allocation a member or members for election by the Assembly.
- (3) If the Assembly fails to elect a member nominated by a party, the party must nominate another member.

227. Alternates for Assembly representatives in Mediation Committee

Alternates for Assembly representatives in the Mediation Committee envisaged in Joint Rule 105 must be elected in accordance with the same procedure applicable to the election of the Assembly representatives in terms of Rule 226.

228. *Ad hoc* joint committees

- (1) The Speaker must appoint the members of the Assembly who are to serve on an *ad hoc* joint committee.
- (2) The Speaker must cause the names of the members so appointed to be published in the Minutes of Proceedings.
- (3) The Speaker must so appoint members whose names have been submitted by the chief or other whip of a party in the Assembly, not exceeding the number of members which such party is entitled to have on the committee.
- (4) If the names of members of a party have not been so submitted within two working days after the Speaker has called upon the chief or other whip of a party to submit the names of members to be appointed to the joint committee, such party must be regarded as not willing to participate in the committee.

CHAPTER 13

LEGISLATIVE PROCESS

Part 1: Introduction

229. Legislative powers of Assembly

- (1) The national legislative authority as vested by the Constitution in Parliament confers on the Assembly, in terms of section 44(1) of the Constitution, the power —
 - (a) to amend the Constitution;
 - (b) to pass legislation with regard to any matter, including a matter within a functional area listed in Schedule 4 of the Constitution, but excluding, subject to Subrule (2), a matter within a functional area listed in Schedule 5; and
 - (c) to assign any of its legislative powers, except the power to amend the Constitution, to any legislative body in another sphere of government.
- (2) The Assembly may in terms of section 44(2) of the Constitution pass legislation falling within a functional area listed in Schedule 5 of the Constitution, when it is necessary —
 - (a) to maintain national security;
 - (b) to maintain economic unity;
 - (c) to maintain essential national standards;
 - (d) to establish minimum standards required for the rendering of services; or
 - (e) to prevent unreasonable action taken by a province which is prejudicial to the interests of another province or to the country as a whole.
- (3) Any bill falling within the Assembly's legislative powers may in terms of section 73(1) of the Constitution be introduced in the Assembly.

- (4) In exercising its legislative powers, the Assembly in terms of section 55 of the Constitution may —
 - (a) consider, pass, amend or reject any legislation before the Assembly; and
 - (b) initiate or prepare legislation, except money bills.

230. Initiation of legislation by Assembly

- (1) The Assembly initiates legislation through its committees and members acting with the permission of the Assembly in terms of these Rules.
- (2) Any committee or member of the Assembly may in terms of section 73(2) of the Constitution introduce a bill in the Assembly that has been initiated in terms of Subrule (1).

231. Initiation of legislation by national executive

- (1) The national executive may prepare and initiate legislation in terms of section 85(2)(d) of the Constitution for introduction in the Assembly.
- (2) Such legislation may be introduced in the Assembly by a Cabinet member or a Deputy Minister in terms of section 73(2) of the Constitution, but only the Minister of Finance may introduce a money bill.

232. Application of this Chapter

- (1) The Rules set out in Parts 2, 3 and 12 of this Chapter apply to bills of all types to the extent that those Rules are not inconsistent with the Rules for specific types set out in Parts 4 to 11 of this Chapter.
- (2) This Chapter must be read with Chapter 4 of the Joint Rules.

Part 2: Steps prior to introduction

Bills initiated by Cabinet members and Deputy Ministers

233. Submission of legislative proposals to Speaker

- (1) A Cabinet member or Deputy Minister intending to introduce a bill in the Assembly must comply with Joint Rule 159 before the bill is introduced.
- (2) The Speaker, at the request of a Cabinet member or Deputy Minister, may dispense with this Rule with regard to any particular bill.

Bills initiated by Assembly members in individual capacity

234. Submission of legislative proposals to Speaker

- (1) An Assembly member intending to introduce a bill in the Assembly in an individual capacity (other than as a Cabinet member or Deputy Minister) must, for the purpose of obtaining the Assembly's permission in terms of Rule 230 (1), submit to the Speaker a memorandum which —
 - (a) sets out particulars of the proposed legislation;
 - (b) explains the objects of the proposed legislation; and
 - (c) states whether the proposed legislation will have financial implications for the State and, if so, whether those implications may be a determining factor when the proposed legislation is considered.
- (2) The Speaker must table the member's memorandum in the Assembly.

235. Referral of proposals to committee

- (1) The Speaker must refer the member's memorandum to the Committee on Private Members' Legislative Proposals and Special Petitions.
- (2) The Committee may consult the portfolio committee within whose portfolio the proposal falls.
- (3) After considering the member's memorandum, the Committee must recommend that permission either be —
 - (a) given to the member to proceed with the proposed legislation; or
 - (b) refused.
- (4) If the Committee recommends that the proposed legislation be proceeded with, it may —
 - (a) express itself on the desirability of the principle of the proposal;
 - (b) recommend that the Assembly approve the member's proposal in principle; or
 - (c) recommend that permission be given subject to conditions.

[Rule 235 substituted, 22 June 2011]

235A. Criteria for consideration of proposals

- (1) The Committee will confine its consideration of the legislative proposal to whether it -
 - (a) goes against the spirit, purport and object of the Constitution;
 - (b) seeks to initiate legislation beyond the legislative competence of the Assembly;
 - (c) duplicates existing legislation or legislation awaiting consideration by the Assembly or Council;
 - (d) pre-empts similar legislation soon to be introduced by the national executive;
 - (e) will result in a money bill; or
 - (f) is frivolous or vexatious.

[Rule 235A Inserted, 22 June 2011]

236. Consideration of legislative proposal by Assembly

- (1) The Committee on Private Members' Legislative Proposals and Special Petitions must table in the Assembly the member's memorandum and the Committee's recommendation, including any views of a portfolio committee on the financial *or other* implications of the proposal.
- (2) The Speaker must place the Committee's report together with the member's proposal on the Order Paper for a decision.
- (3) The Assembly may —
 - (a) give permission that the proposal be proceeded with;
 - (b) refer the proposal back to the Committee or the portfolio committee concerned for a further report; or
 - (c) refuse permission.
- (4) If the Assembly gives permission that the proposal be proceeded with, it may, if it so chooses —
 - (a) express itself on the desirability of the proposal; or
 - (b) subject its permission to conditions.

237. Preparation of draft bill

- (1) If the Assembly gives permission that the proposal be proceeded with, the member concerned must —
 - (a) prepare a draft bill, and a memorandum setting out the objects of the bill, in a form and style that complies with any prescribed requirements;
 - (b) consult the JTM for advice on the classification of the bill; and
 - (c) comply with Rule 241 or, if it is a proposed constitutional amendment, with Rule 258.
- (2) The Secretary must reimburse a member for any reasonable expenses incurred by the member in giving effect to Subrule (1), provided that those expenses were approved by the Speaker before they were incurred.

Bills initiated by Assembly Committees

238. Submission of legislative proposals to Speaker

- (1) An Assembly committee intending to introduce a bill in the Assembly must, for the purpose of obtaining the Assembly's permission in terms of Rule 230(1), table in the Assembly a memorandum which —
 - (a) sets out particulars of the proposed legislation;
 - (b) explains the objects of the proposed legislation; and
 - (c) states whether the proposed legislation will have financial implications for the State and, if so, gives an account of those implications.
- (2) The Speaker must place the proposal on the Order Paper for decision.
- (3) The Assembly may —
 - (a) give permission that the proposal be proceeded with;
 - (b) refer the proposal back to the committee for reconsideration; or
 - (c) refuse permission.
- (4) If the Assembly gives permission that the proposal be proceeded with, it may, if it so chooses —
 - (a) express itself on the desirability of the proposal; or
 - (b) subject its permission to conditions.

239. Preparation of draft bill

- (1) If the Assembly gives permission that the proposal be proceeded with, the committee must —
 - (a) prepare a draft bill, and a memorandum setting out the objects of the bill in a form and style that complies with any prescribed requirements;
 - (b) consult the JTM for advice on the classification of the bill; and
 - (c) comply with Rule 241 or, if it is a proposed constitutional amendment, with Rule 258.

- (2) If the committee chooses in terms of Rule 241 or 258 to publish the draft bill, it is not bound to publish the bill as it is to be introduced. Instead, the committee may publish any version of the draft bill prepared by it in terms of Subrule (1)(a).
- (3) The Committee must report to the Assembly when it publishes the draft bill.

[Note: From here the procedures in the next Part apply. See Rule 243, etc.]

240. Consideration of draft bill before introduction

Before introducing its bill, the committee —

- (a) must arrange its business in such a manner that interested persons and institutions have a period of at least three weeks after the draft bill or particulars of the draft bill have been published in terms of Rule 241 or 258, to comment on the proposed legislation;
- (b) must give officials of any relevant State department or other executive organ of State a sufficient opportunity to state their case before the committee;
- (c) must consult the JTM for advice on the classification of the draft bill; and
- (d) may in view of any comments received in terms of paragraph (a) or (b) or advice given in terms of paragraph (c), adjust the draft bill before its introduction.

All bills generally

241. Prior notice and publication of draft legislation

- (1) A bill may be introduced in the Assembly only if —
 - (a) a copy of the draft legislation has been submitted to the Speaker in terms of Rule 233, if it is a bill initiated by the national executive and that Rule is applicable;
 - (b) prior notice of its introduction has been given in the *Gazette*; and
 - (c) an explanatory summary of the bill, or the draft bill as it is to be introduced, has been published in the *Gazette*.

- (2) If the bill as it is to be introduced is published, the notice referred to in Subrule (1)(b) must contain an invitation to interested persons and institutions to submit written representations on the draft legislation to the Secretary within a specified period.
- (3) If the draft bill itself is published, a memorandum setting out the objects of the bill must also be published.
- (4) This Rule does not apply to —
 - (a) constitution amendment bills, which must be dealt with in terms of Rule 258; and
 - (b) money bills when the special procedure set out in Rule 287(2) is followed.
- (5) Subrule (1) (b) and (c) does not apply to a bill that has been certified by the member in charge of the bill, in consultation with the Speaker, as an urgent matter.

242. Notice withdrawing proposed legislation

- (1) If a Cabinet member, Deputy Minister, committee or member decides not to proceed with the introduction of a bill after Rule 241 has been complied with, the Cabinet member, Deputy Minister, committee or member must without delay inform the Secretary in writing of the decision.
- (2) The Secretary must publish a notice in the *Gazette* stating that the proposed legislation has been withdrawn.

***Part 3: Introduction of bills and first
and second readings***

Introduction and related matters

243. Introduction of bills in Assembly

- (1) A Cabinet member or Deputy Minister or an Assembly member or committee introduces a bill (other than a bill mentioned in Subrule (4)) by submitting to the Speaker —

- (a) a copy of the bill or, if the bill as it is introduced was published in terms of Rule 241(1)(c), a copy of the *Gazette* concerned;
 - (b) the explanatory summary referred to in Rule 241(1)(c), if the bill itself was not published; and
 - (c) a supporting memorandum which must —
 - (i) state whether the bill is introduced as a section 75 bill, a section 76(1) bill, a money bill or a mixed section 75/76 bill;
 - (ii) explain the objects of the bill;
 - (iii) give an account of the financial implications of the bill for the state;
 - (iv) contain a list of all persons and institutions that have been consulted in preparing the bill; and
 - (v) if the bill is introduced by a Cabinet member or a Deputy Minister, include a legal opinion by a State law adviser, or a law adviser of the State department concerned, on the classification of the bill and any other question in respect of which the JTM is required to make a finding in terms of Joint Rule 160.
- (1A) A bill introduced by a Cabinet member or Deputy Minister must be certified by the Chief State Law Adviser or a state law adviser designated by him/her as being -
- (a) consistent with the Constitution; and
 - (b) properly drafted in the form and style which conforms to legislative practice.
- (1B) If a Bill is not certified as contemplated in subrule (1A), the Bill must be accompanied by a report or legal opinion by a state law adviser mentioned in subrule (1A) on why it has not been so certified.

[Subrules (1A) and (1B) inserted, September 2002]

- (2) A bill introduced by a Cabinet member or Deputy Minister must contain on its cover page a reference to that Cabinet member or Deputy Minister as the person introducing the bill.

- (3) A bill introduced by an Assembly member or committee with the Assembly's permission in terms of Rule 236(3) or 238(3) must —
 - (a) be accompanied by a statement to that effect; and
 - (b) contain on its cover page a reference to the name of the member or the committee as the member or committee introducing the bill.
- (4) This Rule does not apply to —
 - (a) constitution amendment bills, which must be introduced in accordance with Rule 260; and
 - (b) money bills when the special procedure set out in Rule 287(2) is followed.
- (5) Bills initiated by Assembly members or committees may be introduced only when the Assembly is in session.

244. Classification of bills

- (1) When a bill is introduced in the Assembly in terms of Rule 243 or 260, the Secretary must refer the bill to the JTM for classification of the bill in terms of Joint Rule 160.
- (2) The classification of the bill and all findings of the JTM must be —
 - (a) conveyed to the portfolio or other committee considering the bill; and
 - (b) tabled in the Assembly.

245. Reintroduction of bills ruled out of order by JTM

A bill reintroduced in the Assembly in terms of Joint Rule 162 must follow the same procedure as if it were introduced for the first time, except that the steps prior to introduction as prescribed by the Assembly Rules do not apply if no substantive new provisions were added to the bill.

First and Second Reading procedures

246. When First and Second Reading procedures are applicable

- (1) All bills introduced in the Assembly have a First Reading and a Second Reading in the Assembly after their introduction, and all bills introduced in and as passed by the Council have a First Reading and a Second Reading in the Assembly after their referral to the Assembly.
- (2) The First and Second Reading procedures do not apply if a bill or a version of the bill is referred back to the Assembly from either the Council or the Mediation Committee in terms of section 75 or 76 of the Constitution or a provision of the Joint Rules.

247. Procedure when Assembly in session

- (1) If the Assembly is in session when a bill is introduced in the Assembly or when a bill introduced in and as passed by the Council is referred for the first time to the Assembly —
 - (a) the person in charge of the bill must —
 - (i) submit to the Secretary a notice of First Reading of the bill; and
 - (ii) if that person wishes to give an introductory speech, request in the notice an opportunity for such a speech; and
 - (b) the Speaker must table in the Assembly the bill and the supporting memorandum and, if there is one, also the explanatory summary.
- (2)
 - (a) Once notice has been given in terms of Subrule (1)(a)(i), the bill must be placed on the Order Paper for First Reading.
 - (b) No amendment to a bill is allowed on the First Reading of the bill.
- (3)
 - (a) If the person in charge of a bill has requested an opportunity for an introductory speech; in terms of Subrule (1)(a)(ii) and the request has been granted —

- (i) that person may, at the First Reading, in a speech not exceeding 15 minutes, explain the background to the bill and the reasons for and the objects of the provisions of the bill; and
 - (ii) one member of each party in the Assembly may make a statement on the bill on behalf of the party in a speech not exceeding three minutes.
 - (b) Once the speeches have been made the bill is regarded as having been read a first time.
- (4) If the person in charge of a bill has not requested an opportunity for an introductory speech in terms of Subrule (1)(a)(ii) or has made a request but the request has not been granted, the bill as tabled is regarded as having been read a first time.
- (5) When a bill has been read a first time the Speaker must refer the bill and its annexures —
- (a) to the portfolio committee under which the subject of the bill falls;
 - (b) by resolution of the Assembly to any other Assembly committee; or
 - (c) to a joint committee, if this is required by a decision in terms of Joint Rule 166.
- (6) If the bill is referred to an Assembly committee, the committee must deal with the bill in accordance with Rule 249. If the bill is referred to a joint committee, the Joint Rules apply.
- (7) Subrule (5)(a) and (b) does not apply to a bill initiated and introduced by an Assembly committee. Instead, the bill must directly be placed on the Order Paper for Second Reading unless the bill is referred to a joint committee.

248. Procedure during recess

- (1) If the Assembly is in recess when a bill is introduced in the Assembly or when a bill introduced in and as passed by the Council is referred for the first time to the Assembly, the Speaker must refer the bill and its annexures —
- (a) to the portfolio committee within whose portfolio the subject of the bill falls;

- (b) with the concurrence of the person in charge of the bill, to any other Assembly committee; or
 - (c) to a joint committee, if this is required by a decision in terms of Joint Rule 166.
- (2) A bill referred to a committee in terms of Subrule (1) is regarded as having been read a first time.
- (3) The bill, together with its annexures, must be submitted to the members of the committee at least 14 days before the date appointed for a meeting of the committee, unless the Assembly or, if the bill is referred to a joint committee, both Houses, are due to meet during that period.
- (4) If the bill is referred to an Assembly committee, the committee must deal with the bill in accordance with Rule 249. If the bill is referred to a joint committee, the Joint Rules apply.

249. Process in committee

- (1) If a bill has been published for public comment in terms of Rule 241 or 258, the Assembly committee to which the bill is referred must arrange its business in such a manner that interested persons and institutions have an opportunity to comment on the bill.
- (2) If a bill has not been published for public comment, and the committee to which the bill is referred considers public comment on the bill to be necessary, it may by way of invitations, press statements, advertisements or in any other manner, invite the public to comment on the bill.
- (3) The committee —
 - (a) must inquire into the subject of the bill and report on it to the Assembly;
 - (b) if it is a bill amending provisions of legislation, may seek the permission of the Assembly to inquire into amending other provisions of that legislation;
 - (c) may, or if ordered by the Speaker must, consult any other committee that has a direct interest in the substance of the bill;
 - (d) may consult the member in charge of the bill;

- (e) may consult the JTM on whether any amendments to the bill proposed in the committee —
 - (i) may affect the classification of the bill; or
 - (ii) may render the bill constitutionally or procedurally out of order;
- (f) may not propose an amendment that —
 - (i) affects the classification of the bill, except as provided in Subrule (4) and Joint Rule 163; or
 - (ii) renders the bill constitutionally or procedurally out of order within the meaning of Joint Rule 161;
- (g) may recommend approval or rejection of the bill or present with its report an amended bill or a redraft of the bill;
- (h) must report to the Assembly in accordance with Rule 251; and
- (i) may report to the Assembly on a Bill introduced in the Assembly and classified as being subject to section 18(1) of the Traditional Leadership and Governance Framework Act, 2003, only after 30 days have passed since the referral to the National House of Traditional Leaders in terms of Rule 332.

[Rule 249(3)(i) inserted, 13 September 2005]

- (4) The committee may propose an amendment that changes the classification of a section 75 or section 76 bill to a mixed 75/76 bill only if the JTM is of the view that the bill as amended is unlikely to lead to unmanageable procedural complications.

[Note: Subrule (4) must be suspended until the proposed procedure for mixed bills is implemented.]

250. Referral to Assembly committee if joint committee fails to report

- (1) If a bill has been referred to a joint committee in terms of Rule 247(5)(c) or 248(1)(c) and that joint committee fails to present a report or fails to reach consensus on the bill, the Speaker must refer the bill and its annexures —
 - (a) to the portfolio committee within whose portfolio the subject of the bill falls; or

- (b) by resolution of the Assembly, to any other Assembly committee.
- (2) The committee to which the bill is referred must deal with the bill in accordance with Rule 249.

251. Committee's report

- (1) The Assembly committee to which a bill is referred must table in the Assembly —
 - (a) its report;
 - (b) the bill that has been agreed on by it, or, if it has not agreed on a bill, the bill as referred to it; and
 - (c) the supporting memorandum which was introduced with the bill or, if the memorandum has been amended by the committee, the amended memorandum.
- (2) The committee may report to the Assembly only after the JTM has classified the bill and has made its findings on the bill.
- (3) In its report the committee —
 - (a) must state the JTM's classification of and findings on the bill;
 - (b) must state whether it recommends approval of the bill with or without amendments, a redraft of the bill, or rejection of the bill;
 - (c) must specify each amendment if an amended bill (other than a redraft of the bill) was agreed on by it, and each amendment that was considered and, for a reason other than its being out of order, was rejected by it;
 - (d) must specify each amendment rejected by the committee if a redrafted bill was agreed on by it;
 - (e) must, if it is not a unanimous report —
 - (i) specify in which respects there was not consensus; and
 - (ii) in addition to the majority report, express any views of a minority in the committee;
 - (f) may specify such details or information about its enquiry and any representations or evidence received or taken by it, as it may consider necessary for the purposes of the debate on the bill;

- (g) may report on any matter arising from its deliberations on the bill but which is not necessarily related to the bill; and
- (h) may recommend to the Assembly that any matter contained in the report be placed on the Order Paper for separate consideration either before or after the Assembly considers the bill.

252. Explanation of report

The chairperson or other member of the committee who tables the report in the Assembly on behalf of the committee, may, if the committee has so recommended in its report, address the Assembly in order to explain the report.

253. Second Reading

- (1) (a) If a bill has been referred to an Assembly or joint committee, the debate on the Second Reading of the bill may not commence before at least three working days have elapsed —
 - (i) since the committee's report was tabled; or
 - (ii) if a committee member has addressed the Assembly in terms of Rule 252, since the address was delivered.
- (b) If a bill has not been referred to a committee, the debate on the Second Reading of the bill may not commence before at least three Assembly working days have elapsed since the bill was introduced.
- (2) (a) The debate on the Second Reading of a bill must be conducted on the subject of the bill.
- (b) The debate on the Second Reading of a bill that amends legislation must be conducted on the subject of the proposed amendments.
- (3) No motion may be moved during the debate.
- (4) The Assembly passes a bill if it approves the Second Reading of the bill in accordance with section 53(1)(a) and (c) of the Constitution, except that the Second Reading of —

- (a) a constitution amendment bill must be approved in accordance with Rule 262 (2) or (3); and
 - (b) a bill determining the seat of Parliament must be approved in accordance with section 76(5) of the Constitution.
- (5) The Assembly rejects a bill if it rejects the Second Reading of the bill or, subject to Rule 296, fails to approve the Second Reading with the appropriate majority.

[Note: See Rule 296 if bill fails to obtain special majority due to the absence of members.]

254. Amendments proposed by members before decision of Second Reading

- (1)
 - (a) After a bill has been placed on the Order Paper for Second Reading but before the Assembly decides on the Second Reading, a member may place amendments to clauses of the bill on the Order Paper.
 - (b) A bill that has been rejected by the committee which considered it may not be amended under this Rule.
- (2) Amendments delivered to the Secretary after 12:00 on any working day may be placed on the Order Paper for the second sitting day thereafter and not earlier, unless the Speaker determines otherwise in a particular case.
- (3)
 - (a) The following amendments are out of order and may not be proposed under this Rule:
 - (i) Amendments that affect the principle of the bill and in respect of which the Assembly has not given any instruction.
 - (ii) Amendments that change the classification of the bill, except as provided for in Joint Rule 163.
 - (iii) Amendments that would render the bill constitutionally or procedurally out of order within the meaning of Joint Rule 161.
 - (iv) Amendments that are out of order for any other reason.
 - (b) The Speaker's ruling on whether an amendment is out of order or in order, is final. If the JTM has made a

finding on the substance of the amendment the Speaker is bound by the finding.

- (4) No amendment which has the same effect as an amendment previously rejected in the committee may be placed on the Order Paper, except when it is a bill of which a Cabinet member or Deputy Minister is in charge and that Cabinet member or Deputy Minister places such an amendment on the Order Paper.
- (5) If an amendment has been placed on the Order Paper and the debate on the Second Reading has been concluded, the Speaker may either —
 - (a) recommit the bill for reconsideration to the committee which considered the bill or, if it is a bill introduced by an Assembly committee, to that committee, together with the amendment; or
 - (b) put the amendment for decision by the Assembly and then the Second Reading of the bill as a whole, including any approved amendment.
- (6) An Assembly committee to which a bill is recommitted must deal with the bill in terms of Rule 255.
- (7) A bill may not be recommitted to a committee more than once in terms of this Rule.

255. Referral of amendments proposed in Assembly to Assembly committee

- (1) If a bill is recommitted in terms of Rule 254(5) to an Assembly committee, the committee —
 - (a) may consider only those clauses of the bill in respect of which amendments have been placed on the Order Paper and any consequential amendments that have to be effected;
 - (b) may consult the JTM on whether any of the amendments —
 - (i) affects the JTM's classification of the bill; or
 - (ii) renders the bill constitutionally or procedurally out of order within the meaning of Joint Rule 161;

- (c) must mention in its report each amendment agreed on by the committee;
 - (d) must specify in the report each amendment placed on the Order Paper by the person in charge of the bill but rejected by the committee;
 - (e) may not agree on any amendment that -
 - (i) changes the classification of the bill, except as provided for in Subrule (3) or joint Rule 163; or
 - (ii) renders the bill constitutionally or procedurally out of order within the meaning of Joint Rule 161; and
 - (f) must table its report together with the bill in the Assembly.
- (2) Subrule (1) (d) applies only if the person in charge of the bill is a Cabinet member or a Deputy Minister.
 - (3) The committee may agree on an amendment that changes the classification of a section 75 or section 76 bill to a mixed section 75/76 bill, but only if the JTM is of the view that the bill as amended is unlikely to lead to unmanageable procedural complications.

[Note: Subrule (3) should be suspended until the procedure for mixed bills is implemented.]

256. Referral to Assembly committee if joint committee fails to report

- (1) If a bill is recommitted to a joint committee in terms of Rule 254(5), and that joint committee fails to present a report or fails to reach consensus on any amendments, the Speaker must refer the bill and its annexures —
 - (a) to the portfolio committee within whose portfolio the subject of the bill falls; or
 - (b) by resolution of the Assembly, to any other Assembly committee.
- (2) The committee to which the bill is referred must deal with the bill in terms of Rule 249.

257. Consideration of Assembly or joint committee's report

- (1) The report of the Assembly or joint committee to which a bill has been recommitted or referred must be placed on the Order Paper for consideration of —
 - (a) the amendments agreed on by the committee; and
 - (b) any amendment specified in the report in terms of Rule 255(1)(d) or Joint Rule 170(1)(d) and which is moved in the Assembly, which motion may be moved without notice.
- (2) Before the Assembly decides on the Second Reading of the bill, the Speaker must put the amendment or amendments to the vote.

***Part 4: Specific Rules applicable to
constitution amendment bills***

Specific Rules relating to Parts 1 and 2 matters

258. Requirements prior to introduction of constitution amendment bills

- (1) A Cabinet member or a Deputy Minister, or a member or committee of the Assembly, intending to introduce a bill amending the Constitution must, before introducing the bill, comply with section 74(5) of the Constitution.
- (2) When the person or committee intending to introduce the bill publishes particulars of the bill in the *Gazette* in accordance with section 74(5), the publication must contain —
 - (a) a notice stating the intention to introduce the bill; and
 - (b) an invitation to interested persons and institutions to submit written representations on the draft constitutional amendment to the person or committee intending to introduce the bill.
- (3) If the draft bill itself, as it is to be introduced, is published a memorandum setting out the objects of the bill must also be published.

259. Notice withdrawing proposed constitutional amendment

- (1) If a Cabinet member, Deputy Minister, committee or member decides not to proceed with the introduction of a bill after Rule 233 has been complied with, the Cabinet member, Deputy Minister, committee or member must without delay inform the Secretary in writing of the decision.
- (2) The Secretary must publish a notice in the *Gazette* stating that the proposed legislation has been withdrawn.

260. Introduction of constitution amendment bills

- (1) A Cabinet member or Deputy Minister or an Assembly member or committee introduces a constitution amendment bill by submitting to the Speaker —
 - (a) a copy of the bill, or if the bill itself, as it is introduced, has been published in the *Gazette* to give effect to section 74(5) of the Constitution, a copy of the *Gazette*;
 - (b) a supporting memorandum which must —
 - (i) state that the bill is introduced as a constitution amendment bill;
 - (ii) explain the objects of the proposed constitutional amendment;
 - (iii) give an account of the financial implications of the proposed constitutional amendment for the state;
 - (iv) contain a list of all persons and institutions that have been consulted in preparing the bill; and
 - (v) if the bill is introduced by a Cabinet member or a Deputy Minister, include a legal opinion by a State law adviser, or a law adviser of the State department concerned, on the classification of the bill and any other question in respect of which the JTM is required to make a finding in terms of Joint Rule 160; and
 - (c) any written comments on the bill envisaged in section 74(6) of the Constitution.

- (2) A constitution amendment bill introduced by a Cabinet member or a Deputy Minister must contain on its cover page a reference to that Cabinet member or Deputy Minister as the person introducing the bill.
- (3) A constitution amendment bill introduced by an Assembly member in an individual capacity or by an Assembly committee with the Assembly's permission in terms of Rule 236(3) or 238(3) must —
 - (a) be accompanied by a statement to that effect; and
 - (b) contain a reference on its cover page to the name of the member or committee as the member or committee introducing the bill.
- (4) Constitutional amendment bills initiated by Assembly members or committees may be introduced only when the Assembly is in session.

261. Referral of constitution amendment bills to committees

- (1) If a constitution amendment bill is in terms of section 74 of the Constitution required to be passed by the Assembly alone, the bill may in terms of Rule 247(5) or 248(1) only be referred to an Assembly committee.
- (2) If a constitution amendment bill is in terms of section 74 required to be passed by both Houses, the bill must in terms of Rule 247(5) or 248(1) be referred either —
 - (a) to an Assembly committee; or
 - (b) if this is required by a decision in terms of Joint Rule 166 to a joint committee on constitutional matters.

262. Consideration of committee's report and bill

- (1) The Speaker must place the committee's report and the bill presented to the Assembly in terms of Rule 251 or Joint Rule 168 on the Order Paper irrespective of whether the time period mentioned in section 74(7) of the Constitution has expired, but the Assembly may not vote on the Second Reading of the bill unless this time period has expired.

- (2) A constitution amendment bill is passed by the Assembly if its Second Reading —
 - (a) is put to the vote after the expiry of the time period mentioned in section 74(7) of the Constitution; and
 - (b) receives a supporting vote of at least two thirds of the members of the Assembly or, if it is a bill referred to in section 74(1), a supporting vote of at least 75 per cent of the members.
- (3) If the bill, in addition to other constitutional amendments, contains amendments referred to in section 74(1), the Second Reading of the bill is approved if —
 - (a) the bill as a whole is passed with a supporting vote of at least 75 per cent of the members; or
 - (b) the bill, excluding the section 74(1) amendments, is passed with a supporting vote of at least two thirds of the members and the section 74(1) amendments are passed separately with a supporting vote of at least 75 per cent of the members.
- (4) If a bill mentioned in Subrule (3) is passed with a supporting vote of at least two thirds of the members, but the section 74(1) amendments fail to achieve 75 per cent support and Rule 296 is not applicable —
 - (a) the Speaker, after consulting the member in charge of the bill, may refer the bill to an Assembly committee to delete the section 74(1) amendments and to table an amended bill; or
 - (b) the person in charge of the bill may withdraw the bill if the section 74 provisions are not severable.

[Note: Rule 296 provides for a second vote on a bill which was not passed because of the absence of members.]

- (5) When the committee resubmits the bill as amended the Assembly votes on the amended bill without debate.

263. Consequences of approval or rejection of Second Reading

- (1) Joint Rule 173 applies if the Assembly approves the Second Reading of a constitution amendment bill.
- (2) A constitution amendment bill lapses if the Assembly rejects the Second Reading of the bill.

Reconsideration of constitution amendment bills if amended by Council

264. Procedure if Council amends bill

- (1) If the Council has amended a constitution amendment bill passed by the Assembly, the Speaker must —
 - (a) place the amended bill on the Order Paper for debate and decision if the chairperson of the portfolio committee concerned or other relevant Assembly committee so requests; or
 - (b) refer the amended bill to the portfolio committee concerned, or to any other appropriate Assembly committee, for a report and recommendations on the Council's amendments.
- (2) If the amended bill is referred to a committee, the committee —
 - (a) may consult with the appropriate Council committee or chairperson of that committee;
 - (b) must confine itself to the amendments effected by the Council;
 - (c) may consult the JTM on whether any of the Council's amendments —
 - (i) changes the JTM's classification of the bill; or
 - (ii) renders the bill constitutionally or procedurally out of order within the meaning of Joint Rule 161;
 - (d) may not propose any amendments; and
 - (e) may state reasons if it does not support any of the Council's amendments.

- (3) The committee must table its report and recommendations.
- (4) When the report is tabled the Speaker must place the bill as amended by the Council on the Order Paper for debate and decision.

265. Debate and decision

- (1) The debate in the Assembly on the amended bill must be confined to —
 - (a) the matters dealt with in the committee's report (if there is a report); and
 - (b) the question whether the amended bill should be passed or not.
- (2) No member may place any amendments to the bill on the Order Paper.
- (3) If the Assembly passes the amended bill in accordance with the procedure set out in Rule 262(2)(b), and (3) or (4), the bill must be submitted to the President for assent.
- (4) If the Assembly rejects the bill or fails to pass it in accordance with the said procedure, read with Rule 296, the bill must be referred to the Mediation Committee in terms of Joint Rule 177.

266. Process if mediation successful

- (1) The Speaker must table a notice in the Assembly stating that the Assembly's version of the bill has been agreed on by the Mediation Committee, if the Mediation Committee has agreed on the version of the bill as originally passed by the Assembly before its rejection or amendment by the Council.
- (2) The Speaker must place a bill agreed on by the Mediation Committee on the Order Paper for debate and decisions if that bill is —
 - (a) the Council's amended bill which the Assembly has rejected or has failed to pass as stated in Rule 265(4);
or

- (b) a version that differs from any version of the bill as passed by either the Assembly or the Council.
- (3) If, after consultation with the chief whips of the parties and the chairperson of the portfolio committee or other Assembly committee concerned, the Speaker is of the view that the Assembly debate on the bill in terms of Subrule (2) may be facilitated by a report of the portfolio committee concerned or any other appropriate Assembly committee, the Speaker must first refer the bill to the committee for a report before placing the bill on the Order Paper.
- (4) If the bill is referred to a committee, the committee may —
 - (a) consult with the appropriate Council committee or the chairperson of that committee; and
 - (b) not propose any amendments to the bill.
- (5) The committee must table in the Assembly —
 - (a) the committee's report; and
 - (b) the version of the bill as agreed on by the Mediation Committee.
- (6) The debate in the Assembly on the bill as agreed on by the Mediation Committee must be confined —
 - (a) to the matters dealt with in the committee's report, if the bill was referred to a committee, or to the clauses of the bill which differ from the clauses of the bill as originally passed by the Assembly, if the bill was not referred to a committee; and
 - (b) to the question whether the bill as agreed on by the Mediation Committee should be passed.
- (7) No amendments may be proposed to the bill as agreed on by the Mediation Committee.

267. Consequences of unsuccessful mediation

A constitution amendment bill lapses in terms of Joint Rule 180 if mediation is unsuccessful.

Part 5: Specific Rules applicable to section 75 bills

268. Application of this Part to money bills

The Rules set out in this Part apply to all section 75 bills, including money bills other than those dealt with in terms of the special procedure set out in Rule 287 (2).

269. Consequences of approval or rejection of Second Reading

A section 75 bill —

- (a) must be referred to the Council in terms of Joint Rule 181 if the Assembly approves the Second Reading of the bill; or
- (b) lapses if the Assembly rejects the Second Reading of the bill.

Reconsideration of section 75 bills if Council rejects or passes subject to amendments

270. Referral of bill to Assembly committee

- (1) If the Council rejects a section 75 bill referred to it in terms of Joint Rule 1 81 or passes the bill subject to amendments, the Speaker must refer the bill and any amendments proposed by the Council to the portfolio committee concerned or to any other appropriate Assembly committee for —
 - (a) a report on the Council's rejection of the bill or on the amendments proposed by the Council; and
 - (b) recommendations on whether the bill should be passed again with or without any amendments, or whether it should not be proceeded with.
- (2) The committee to which the bill is referred —
 - (a) may consult with the appropriate Council committee or the chairperson of that committee;
 - (b) may not propose any amendment which is not strictly relevant either to the Council's rejection of the bill or to the amendments proposed by it;

- (c) may consult the JTM on whether any of the Council's amendment proposals or any amendments proposed in the committee —
 - (i) will change the JTM's classification of the bill; or
 - (ii) will render the bill constitutionally or procedurally out of order within the meaning of Joint Rule 161; and
- (d) may not propose any amendment that would —
 - (i) change the classification of the bill; or
 - (ii) render the bill constitutionally or procedurally out of order within the meaning of Joint Rule 161.

271. Committee's report

- (1) The committee to which the bill is referred must table in the Assembly —
 - (a) the committee's report and recommendations;
 - (b) the Council's proposed amendments, if the Council has passed the bill subject to amendments; and
 - (c) an amended bill, if the committee, in view of the Council's rejection of the bill or its amendment proposals, has agreed to amend the bill previously passed by the Assembly.
- (2) When the report is tabled the Speaker must place the bill on the Order Paper for debate and decision.

272. Debate and decision

- (1) The debate in the Assembly on the committee's report and the bill must be confined to —
 - (a) the matters dealt with in the report;
 - (b) the question whether the bill should be proceeded with; and
 - (c) any amendments proposed either by the Council or the committee.
- (2) No member may place any amendments to the bill on the Order Paper.

- (3) The Assembly may recommit the bill or any amendment proposal to the committee for reconsideration and a further report and recommendation before it decides on the bill.
- (4) The Assembly may either —
 - (a) pass the original bill again;
 - (b) pass any amended bill proposed by the committee;
 - (c) pass the original bill incorporating any amendments proposed by the committee or any amendments proposed by the Council which were rejected by the committee; or
 - (d) decide not to proceed with the bill.
- (5) If Subrule (4)(c) applies, the Assembly must first decide on each amendment proposal of the Council, then on each amendment proposal of the committee and then on the bill as a whole, incorporating any amendment proposals agreed to by the Assembly.
- (6) A bill passed by the Assembly in accordance with this Rule and section 53 (1)(a) and (c) of the Constitution, must be submitted to the President for assent.
- (7) If the Assembly decides not to proceed with the bill, the bill lapses.

***Part 6: Specific Rules applicable to section 76(1)
bills introduced in the Assembly***

273. Consequences of approval or rejection of Second Reading

A section 76(1) bill —

- (a) must be referred to the Council in terms of Joint Rule 184(1) if the Assembly approves the Second Reading of the bill; or
- (b) lapses if the Assembly rejects the Second Reading of the bill.

***Reconsideration of section 76(1) bills
if amended by Council***

274. Bill to be placed on Order Paper or referred to portfolio committee

- (1) If the Council amends a bill referred to it in terms of Joint Rule 184(1), the Speaker must —
 - (a) place the bill on the Order Paper for debate and decision if the chairperson of the portfolio committee concerned or other relevant Assembly committee so requests; or
 - (b) submit the amended bill to the portfolio committee concerned or any other appropriate Assembly committee for a report and recommendations on the Council's amendments.
- (2) The committee to which the Council's amended bill is referred —
 - (a) may consult the appropriate Council committee or the chairperson of that committee;
 - (b) may not propose any amendments to the bill; and
 - (c) may consult the JTM on whether any of the Council's amendments —
 - (i) changes the JTM's classification of the bill; or
 - (ii) renders the bill constitutionally or procedurally out of order within the meaning of Joint Rule 161.

275. Committee's report

- (1) The committee to which the Council's amended bill is referred must table in the Assembly —
 - (a) its report and recommendations; and
 - (b) the Council's amended bill.
- (2) When the report is tabled the Speaker must place the report and the Council's amended bill on the Order Paper for debate and decision.

276. Debate and decision

- (1) The debate on the report and the Council's amended bill must be confined to —
 - (a) the matters dealt with in the report; and
 - (b) the question whether the amended bill should be passed or not.
- (2) No amendments may be proposed to the Council's amended bill.
- (3) If the Assembly passes the Council's amended bill in accordance with section 53(1)(a) and (c) of the Constitution, the Secretary must without delay submit the bill to the President for assent.
- (4) If the Assembly refuses to pass the Council's amended bill, the bill must be referred to the Mediation Committee in terms of Joint Rule 186.

277. Process if mediation successful

- (1) The Speaker must table a notice in the Assembly stating that the Assembly's version of the bill has been agreed on by the Mediation Committee, if the Mediation Committee has agreed on the version of the bill as originally passed by the Assembly before its rejection or amendment by the Council.
- (2) The Speaker must place a bill agreed on by the Mediation Committee on the Order Paper for debate and decision if that bill is —
 - (a) the Council's amended bill which the Assembly has refused to pass as stated in Rule 276(3); or
 - (b) a version that differs from any version of the bill as passed by either the Assembly or the Council.

- (3) If, after consultation with the chief whips of the parties and the chairperson of the portfolio committee or other Assembly committee concerned, the Speaker is of the view that the Assembly debate on the bill in terms of Subrule (2) may be facilitated by a report of the portfolio committee concerned or any other appropriate Assembly committee, the Speaker must first refer the bill to the committee for a report before placing the bill on the Order Paper.
- (4) If the bill is referred to a committee, the committee may —
 - (a) consult with the appropriate Council committee or the chairperson of that committee; and
 - (b) may not propose any amendments to the bill.
- (5) The committee must table in the Assembly —
 - (a) the committee's report; and
 - (b) the version of the bill as agreed on by the Mediation Committee.
- (6) The debate in the Assembly on the bill as agreed on by the Mediation Committee must be confined —
 - (a) to the matters dealt with in the committee's report, if the bill was referred to a committee, or to the clauses of the bill which differ from the clauses of the bill as originally passed by the Assembly, if the bill was not referred to a committee; and
 - (b) to the question whether the bill as agreed on by the Mediation Committee should be passed.
- (7) No amendments may be proposed to the bill as agreed on by the Mediation Committee.

Process after mediation

278. Process if mediation unsuccessful

- (1) The Speaker, at the request of the person in charge of the bill, must place the version of the bill as originally passed by the Assembly before its rejection or amendment by the Council, on the Order Paper for debate and decision in terms of section 76(1)(e), (i) or (j) of the Constitution if —

- (a) the Mediation Committee is unable to agree within 30 days of the bill's referral to it;
 - (b) the Assembly refuses to pass the version of the bill agreed on by the Mediation Committee and considered by the Assembly in terms of Rule 277; or
 - (c) the Mediation Committee has agreed on the version of the bill as originally passed by the Assembly, and the Council refuses to pass this version.
- (2) If the Assembly passes a version of the bill as described in Rule 277(2)(b) and the Council refuses to pass this version of the bill, the Speaker, at the request of the person in charge of the bill, must place this version on the Order Paper for debate and decision in terms of section 76(1)(i) of the Constitution.
- (3) Unless the Assembly decides not to proceed with a bill placed on the Order Paper in terms of Subrule (1) or (2), the bill must be put to the vote and, if passed with a supporting vote of at least two thirds of the members, be submitted to the President for assent.

***Part 7: Specific Rules applicable to section 76(2)
bills introduced in the Council***

279. Powers of committee to which bill is referred

If a section 76(2) bill as passed by the Council is referred to an Assembly committee in terms of Rule 247 or 248, the committee may —

- (a) consult with the appropriate Council committee or the chairperson of that committee on the contents of the bill and any amendments to the bill that are being considered by the Assembly committee; and
- (b) recommend that any time limit for the Assembly's consideration of the bill be extended.

280. Consequences of approval or rejection of Second Reading

A section 76(2) bill must be referred to —

- (a) the President in terms of Joint Rule 185(2)(a) if the Assembly approves the Second Reading of the bill as passed by the Council;
- (b) the Council in terms of Joint Rule 185(2)(b) if the Assembly amends the bill as passed by the Council; or
- (c) the Mediation Committee in terms of Joint Rule 186(2)(a) if the Assembly rejects the Second Reading of the bill as passed by the Council.

Process after mediation

281. Process if mediation successful

- (1) The Speaker must table a notice in the Assembly stating that the Assembly's version has been agreed on by the Mediation Committee if the Mediation Committee has agreed on the bill as amended by the Assembly and as referred to the Council in terms of Rule 280(b).
- (2) The Speaker must place a bill agreed on by the Mediation Committee on the Order Paper for debate and decision if that bill is —
 - (a) the version as passed by the Council and which the Assembly has either amended or rejected as stated in Rules 280(b) or (c); or
 - (b) a version that differs from any version of the bill as passed by either the Assembly or the Council.
- (3) If, after consultation with the chief whips of the parties and the chairperson of the portfolio committee or other Assembly committee concerned, the Speaker is of the view that the Assembly debate on the bill in terms of Subrule (2) may be facilitated by a report of the portfolio committee concerned or any other appropriate Assembly committee, the Speaker must first refer the bill to the committee for a report before placing the bill on the Order Paper.

- (4) If the bill is referred to a committee, the committee may —
 - (a) consult with the appropriate Council committee or the chairperson of that committee; and
 - (b) not propose any amendments to the bill.
- (5) The committee must table in the Assembly —
 - (a) the committee's report; and
 - (b) the version of the bill as agreed on by the Mediation Committee.
- (6) The debate in the Assembly on the bill agreed on by the Mediation Committee must be confined —
 - (a) to the matters dealt with in the committee's report, if the bill was referred to a committee; and
 - (b) to the question whether the bill as agreed on by the Mediation Committee should be passed.

282. Consequences of unsuccessful mediation

A section 76(2) bill lapses in terms of Joint Rule 190 if mediation is unsuccessful.

[Note: If mediation between the Houses on a section 76(1) bill fails, the bill can still be passed if the Assembly can muster a two thirds majority. This deadlock-breaking mechanism is not available when the bill is a section 76(2) bill, ie where the bill is introduced in the Council. In terms of the Constitution a section 76(2) bill lapses if mediation fails.]

Part 8: Specific Rules applicable to mixed section 75/76 bills

283. Consequences of approval or rejection of Second Reading

A mixed section 75/76 bill —

- (a) must be referred to the Council in terms of Joint Rule 195 if the Assembly approves the Second Reading of the bill; or
- (b) lapses if the Assembly rejects the Second Reading of the bill.

Part 9: Specific Rules applicable to money bills

284. Contents of money bills

- (1) In terms of section 77(1) of the Constitution a money bill may not deal with any other matter except a subordinate matter incidental to the appropriation of money or the imposition of taxes, levies or duties.
- (2) A money bill that is inconsistent with section 77(1) may not be introduced in the Assembly.

285. Person in charge of money bills

For the purposes of these Rules the Minister of Finance is the person in charge of all money bills, except —

- (a) Bills appropriating money for postal and telecommunication services, where the Minister of Posts and Telecommunications must be in charge; and
- (b) any Bills in respect of which the Minister of Finance designates another Minister to be in charge.

286. Introduction of money bills

- (1) Only the Minister of Finance may introduce a money bill.
- (2) The Minister must introduce a money bill by following either the ordinary procedure set out in Rule 243 or the special procedure set out in Rule 287(2), but if it is a bill appropriating money for the ordinary annual services of the government or imposing taxes, levies or duties for this purpose, the special procedure must be followed. The Minister must consult the Speaker when exercising a choice in terms of this Rule.

[Note:

(1) *The constitutional definition of “money bill” covers financial measures beyond the budget. A law imposing a levy for some odd reason, say to finance the activities of an agricultural control body, would fall within the definition of “money bill”. It would seem that Rule 287(2) should be applied to budgetary measures as is customarily the case, but that the*

Minister should have a discretion to apply either Rule 287(2) or the ordinary procedure prescribed in Rule 243 for other “money bills”.

(2) It must also be noted that only the Minister of Finance may introduce a money bill. (See sec. 73(2) of the Constitution.) The odd levy in say an agricultural bill introduced by the Minister of Agriculture may for this reason jeopardise the constitutionality of such a bill and also the levy. In such instances the provisions dealing with the levy should be included in a separate bill which would require introduction by the Minister of Finance.]

287. Procedure applicable to money bills

- (1) If the ordinary procedure is followed, the bill in all respects must be dealt with in the Assembly as if it were an ordinary section 75 bill, subject to any legislation envisaged in section 77(2) of the Constitution.

[Note: A money bill can be amended but the Constitution requires that a procedure be prescribed by an Act of Parliament. Proposed legislation in this regard is presently being attended to by the NA Portfolio Committee on Public Finance.]

- (2) If the special procedure is followed, Parts 2, 3 and 4 of this Chapter do not apply and the bill must be dealt with in the Assembly in accordance with the following specific Rules.

[Note: The special introductory procedure comes from the existing Rules. These Rules may need to be replaced in view of procedures presently being attended to by the Portfolio Committee on Public Finance.]

288. Special introductory procedure

- (1) The Minister in charge of the bill must deliver an introductory speech in the Assembly on the appointed day.

- (2) After having delivered the introductory speech, the Minister must introduce the bill by tabling it and any accompanying schedule and papers in the Assembly: Provided that if the introductory speech was delivered by a Minister other than the Minister of Finance, that other Minister must introduce and table the bill on behalf of the Minister of Finance.

[Notes: This is necessary in view of the constitutional provision that only the Minister of Finance may introduce money bills.]

289. Bill placed on Order Paper for First Reading

- (1) After introduction of the bill in terms of Rule 288 the Speaker must place the bill on the Order Paper for First Reading.
- (2) The First Reading of the bill may be considered only after the report of the committee to which it was referred in terms of Rule 290 has been presented to the Assembly.
- (3) If the Assembly rejects the First Reading of the bill, it rejects the bill.

290. Referral of bill to Assembly committee

- (1) On the day on which the bill is introduced, the Speaker must refer the bill, and any accompanying schedule and papers and the Minister's introductory speech to the portfolio committee on public finance for consideration and report.
- (2) The committee may confer with the corresponding committee of the National Council of Provinces.
- (3) The period for the consideration of a bill and any schedule and papers so referred is limited, in the case of a main appropriation bill, to a maximum of *seven consecutive Assembly working days and, in the case of any other bill, to a period determined in each case by the Speaker after consultation with the Leader of Government Business in the Assembly.

[* Note: Political decision required whether seven days is enough.]

- (4) No amendment to a bill or any accompanying schedule or papers may be moved while the committee is considering the bill, schedule and papers.
- (5) The report of the committee must be presented to the Assembly on or before the first sitting day following the expiration of the period allowed for the consideration of the bill, schedule and papers.

291. Consideration of schedule to appropriation bill

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

292. Supplementary estimates in main appropriation bill

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

293. Approval of votes and schedule

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

294. Second Reading of money bill

- (1) When the schedule to an appropriation bill has been approved, the bill must be placed on the Order Paper for Second Reading.
- (2) When the First Reading of a money bill which has no schedule has been approved, the bill must be placed on the Order Paper for Second Reading.

295. Money bills rejected or passed subject to amendments by Council

- (1) If a money bill that has been rejected, or passed subject to amendments, by the Council, is referred back to the Assembly for reconsideration in terms of section 75(1)(c) of the Constitution, the bill may be given precedence over other orders of the day on the day on which it is received from the Council, and a motion to that effect may be moved without prior notice by the Minister in charge of the bill.
- (2) The Assembly must consider any amendments proposed by the Council. No further amendments may be considered unless moved by the Minister in charge of the bill, who may do so without prior notice.

[Note: Sec. 77(2) of the Constitution requires an Act of Parliament to prescribe amendment procedures.]

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

Part 10: General

296. Second vote on bills rejected through absence of members

- (1) Should a bill that requires a special majority in the Assembly fail to obtain the required majority when the bill is put to the vote, the Speaker may, within seven working days after the vote was taken, put the bill to the vote again, but only if the Chief Whip and the most senior whip of one or more parties which together with the majority party command at least the required majority in the Assembly —
 - (a) request such a second vote; and

- (b) persuade the Speaker that the bill failed to obtain the required majority because of the absence of party members.
- (2) The bill is considered as having been rejected if it again fails to obtain the required majority.

297. Same bill may not be introduced more than once

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.

298. Lapsing of bills on last sitting day of annual session or term of Assembly or when Assembly is dissolved

- (1) All bills introduced in the Assembly and which on the last sitting day of an annual session of the Assembly, appear on the Order Paper for First or Second Reading, lapse at the end of that day unless the Assembly decides otherwise.
- (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.

299. Withdrawal of bill

The person 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.

300. Discrepancies in versions of bill

- (1) If any discrepancy in meaning is found between the versions of any bill in the different official languages after such bill has been passed by the Assembly, but before it is presented to the President for assent, the Speaker must report such discrepancy to the Assembly.

- (2) If the Assembly agrees to an amendment referred to in Subrule (1), the Assembly must be regarded as having agreed to the Second Reading of the bill as amended.

[Note:

- (1) ***This Rule will be deleted if the proposal in the Joint Rules is accepted that all bills should have an official text in one of the official languages and one or more official translations in one or more of the other official languages.***
- (2) ***Is it necessary to provide for discrepancies in the official text of a bill should the draft Joint Rule on official texts and official translations be accepted?]***

CHAPTER 14

PROCESS FOR WRITTEN INSTRUMENTS OTHER THAN LEGISLATION

Part 1: General

301. Application

This Chapter applies to all written instruments received by the Assembly, other than draft legislation, that have to be formally dealt with in the parliamentary process.

302. Tabling of written instruments in the Assembly

The Speaker must table the following instruments without delay, or if the Assembly is in recess, on its first sitting day when the Assembly resumes its sittings:

- (a) all reports and other written instruments submitted by a member of the national executive or in terms of legislation for tabling in the Assembly;
- (b) all requests, applications and other written submissions made to the Assembly in terms of legislation to activate a parliamentary process prescribed by such legislation;
- (c) all international agreements submitted to the Assembly in terms of section 231 of the Constitution;
- (d) all special petitions and other petitions of a general nature; and
- (e) any other written instrument required to be tabled in terms of these Rules.

303. Referral of written instruments to committees

- (1) Except where these Rules or the Joint Rules provide otherwise in a specific case, the Speaker must without delay refer to an appropriate committee —
 - (a) all written instruments tabled or that must be tabled in the Assembly in terms of Rule 302;
 - (b) all reports and other written instruments tabled in the Assembly by a member of the national executive; and

- (c) any other instrument that must in terms of these Rules or the Joint Rules be referred to a committee.
- (2) If there is doubt as to which committee is the appropriate committee, the Speaker, in consultation with the Chief Whip, must decide the issue subject to these Rules and any directions of the Rules Committee or a resolution of the Assembly.
- (3) If a matter is referred to two or more committees the referral may be accompanied by an instruction —
 - (a) whether the committees must confer; and
 - (b) which of them must report if a report is required or whether they must report jointly.

[Rule 303 (3)(b) substituted, 21 November 2008]

304. Consideration of matter by committees

A committee must deal with an instrument referred to it in terms of Rule 303 in accordance with any applicable procedures prescribed by these Rules or the Joint Rules.

305. Reporting by committees

- (1) A committee must report on a matter referred to it if —
 - (a) required by a provision of these Rules or the Joint Rules; or
 - (b) the Speaker so instructs.
- (2) If a committee is not required in terms of Subrule (1) to report on a matter referred to it, it may nevertheless submit such a report if it so desires.
- (3) If a committee —
 - (a) reports, the report must be placed on the Order Paper;
 - (b) when it reports on a matter, makes a request that a specific matter mentioned in the report should be considered by the Assembly, that matter, including any recommendations of the committee, must also be placed on the Order Paper.

Part 2: International agreements

306. Submission to Parliament for approval

- (1) When the Assembly's approval is to be sought for an international agreement in terms of section 231(2) of the Constitution, a copy of the agreement must be submitted to the Speaker together with an explanatory memorandum.
- (2) The explanatory memorandum must —
 - (a) briefly set out the history, objectives and implications of the agreement;
 - (b) include a legal opinion by a State law adviser as to whether the agreement is consistent with the domestic law of the Republic, including the Constitution, with the international obligations of the Republic and with international law in general;
 - (c) state whether the agreement contains any self-executing provision that will become law in the Republic in terms of section 231(4) of the Constitution upon the approval of the agreement by Parliament;
 - (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.

307. Tabling and referral to committee

- (1) The Speaker must —
 - (a) table the agreement and explanatory memorandum in the Assembly; and

[Note: Should provision be made in Joint Rules for referral of an international agreement to a joint committee? The subcommittee is of the view that this is necessary. Alternatively, House committees should confer and report to both Houses.]

- (b) refer the matter for consideration and report —
 - (i) to the portfolio committee under which the subject of the agreement falls; or

- (ii) by resolution of the Assembly to any other Assembly committee.
- (2) The committee —
 - (a) must enquire into the subject of the agreement with a view of recommending approval or rejection of the agreement;
 - (b) may, or if ordered by the Speaker must, consult the portfolio committee responsible for foreign affairs and any other Assembly Committee that has a direct interest in the substance of the agreement; and
 - (c) must report to the Assembly in accordance with Rule 137.
- (3) In its report the committee must state whether it recommends approval or rejection of the agreement.
- (4) The committee's report must be placed on the Order Paper for decision.

308. Submission to Parliament for information

An international agreement of a technical, administrative or executive nature, or an agreement which does not require either ratification or accession, and which must be tabled in the Assembly in terms of section 231(3) of the Constitution, must be referred by the Speaker for information to —

- (a) the portfolio committee under which the subject of the agreement falls; or
- (b) by resolution of the Assembly to any other Assembly committee.

Part 3: Petitions

309. Form of petitions

Petitions must be in the form prescribed by the Speaker in accordance with guidelines determined by the Rules Committee.

310. Language of petitions

A petition must be in one of the official languages.

311. Signing of petitions

- (1) Unless the Speaker decides otherwise, 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 that capacity.

312. Lodging

- (1) A petition must be lodged by a member with the Secretary for approval and tabling by the Speaker, and must be signed at the beginning thereof by the member.
- (2) A member may not lodge a petition on his or her own behalf, but such a petition may be lodged by another member.

313. Approval by Speaker

Each petition must be deposited for at least one day with the Secretary, who must submit it to the Speaker for approval before it is tabled in the Assembly.

314. Tabling

If approved the Speaker must table the petition in the Assembly.

315. Referral of petitions to committees

After tabling a petition in the Assembly, the Speaker must —

- (a) if it is a special petition, refer the petition to the Committee on Private Members' Legislative Proposals and Special Petitions; or
- (b) if it is a petition of a general nature, refer the petition to the relevant portfolio committee or other appropriate committee.

CHAPTER 15

MISCELLANEOUS

Part 1: Lapsing of business before the Assembly

316. Lapsing of business on last sitting day of annual session or term of Assembly or when Assembly is dissolved

- (1) All motions and all other business, other than bills, on the Order Paper on the last sitting day of an annual session of the Assembly, lapse at the end of that day.
- (2) All business referred to in Subrule (1) 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 2: Executive Government

317. Resolutions affecting Executive Government

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

318. Consent in respect of State-owned land or property

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

319. Liaison with Executive Government

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

Part 3: Abuse of privilege

[Heading substituted, 21 November 2008]

320. Abuse of privilege

- (1) The Assembly may make a finding that a breach or abuse of the privilege provided for in sections 45(2) and 58 of the Constitution, or as set out in rule 44 of these Rules, is contempt of Parliament as envisaged by section 13(d) of the Act, in accordance with the Subrule (2).

[NOTE: Rule 320(2) is suspended until the formulation and adoption of Subrule (2).]

321. Fines

The amount of a fine that can be imposed under the Act for each of the offences mentioned therein, and for each offence referred to in these Rules or any resolution of the Assembly, must be determined in every case by a resolution of the Assembly; but such fine may not exceed the amounts provided in the Act.

322. Recovery of fines

All fines must be recovered by the Secretary and paid into Parliament's bank account.

323. Fines remitted

A fine or portion thereof may be remitted by resolution of the Assembly.

[Rules 320 – 323; substituted, 21 November 2008]

323A. Request to have a response recorded by persons other than members

The Secretary must refer a written request to have a response recorded by a person, other than a member, regarding a statement or remark made by an Assembly member or a witness in or before the Assembly, a committee of the Assembly, or in or before a joint sitting of the Houses or joint committee, to the Speaker.

[Rule 323 – inserted, 21 November 2008]

Part 4: Witnesses

324. Attendance of witnesses detained in prison

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

325. Summoning of witnesses

- (1) No committee shall summons a witness without first having satisfied the Speaker that the evidence of such witness will be material to the enquiry.
- (2) For the examination of every such witness the committee shall sit *de die in diem*.

326. Witness expenses

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

Part 5: Office of Secretary and Records of the Assembly

327. Minutes of Proceedings

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

328. Journals of National Assembly

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

329. Custody of papers

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

330. Access to tabled papers

Subject to Rule 329, no person other than a member of this House shall have access to or be entitled to take extracts from or make copies of papers laid upon the Table, but if the House has ordered that the contents of any such paper shall not be made public, or if such paper is marked as being confidential, no member shall divulge such contents, under pain of breach of privilege.

[NOTE: This Rule must be reconsidered in the light of Constitutional provisions. For documents before committees, see Rule 157(1) [C1].]

331. General duties of Secretary

The Secretary shall be responsible for the regulation of all matters connected with the business of the National Assembly, subject to such directions as he or she may receive from the Speaker or the House.

332. Referral of bills to National House of Traditional Leaders

- (1) The Secretary must refer a bill to the National House of Traditional Leaders if the JTM has made a finding that the bill pertains to customary law or customs of traditional communities in accordance with Rule 160 of the Joint Rules.
- (2) The Secretary must inform the Speaker and the chairperson of the portfolio committee to which the bill was referred of the date of referral, which date must be published in the relevant parliamentary paper.

[Rule 332 inserted, 13 September 2005]

SCHEDULE

Procedure to be followed in the investigation and determination of allegations of misconduct and contempt of Parliament:

Notification to member

1. A member charged with misconduct or contempt must receive written notice of all allegations and charges against him or her. The notification must be delivered to the member at least five working days before the hearing. The notice must also clearly indicate the date, time and venue of the hearing, that the member is entitled to be assisted by a fellow member and that the member may request the Committee to allow legal representation by a person who is not a member.
2. If it is not possible to serve the notice personally on the member, the Sheriff may be requested to serve such notice.

Outside legal representation

3. In complex cases or cases involving complicated evidence or legal issues, and where the Committee is of the view that such legal representation might be essential for a fair hearing, the Committee may allow the member charged to be represented by a legal practitioner who is not a member.

Explanation by member

4. If the member wishes to give an explanation after receiving the notice, he or she may do so either verbally or in writing. Such explanation may also be presented at the hearing.

Initiator

5. The Committee must nominate a member or a person who is duly qualified, but who is not a member of the Committee, to act as the initiator for the duration of the hearing. The initiator presents the evidence regarding the allegations and may cross-examine the member and any witness giving evidence on behalf of the member. At the conclusion of the hearing, the initiator may address the Committee on the evidence presented before it and may also propose a penalty to be recommended by the Committee in its report.

Plea to charge

6. The initiator must put the charge(s) to the member and the Chairperson must request the member to plead to the charge(s). If the member so wishes, he or she can also give a plea explanation. If the member refuses to enter a plea, the Chairperson must enter a plea of not guilty.

Hearing

7. The member has a right to be present at the hearing. The Committee, initiator and the member may call witnesses and these witnesses may be questioned by the Chairperson, initiator, the member or the legal representative, either directly or through the fellow member. Members of the Committee may also put questions to the member, but only through the Chairperson or with the permission of the Chairperson. After all the witnesses have been called, the member or fellow member may sum up the evidence and make a presentation to the Committee.
8. If after receiving the notice the member fails, without just cause, to attend the hearing, the Committee may proceed in the absence of the member.

Penalty

9. If the Committee finds the member guilty of misconduct or contempt, the member, fellow member or legal representative must be given an opportunity to present mitigating factors to the Committee before the Committee reports to the House. Such representation may be verbal or in writing. The initiator may also address the Committee on aggravating or other factors.

Suspension of member

10. In order to facilitate an investigation in terms of section 12 of the Act against a member in circumstances where there is a possibility that the member may interfere with evidence or witnesses or in circumstances where the allegations are of a very serious nature, the Speaker may request the House to suspend the member. Such suspension may be with or without remuneration and may not be for longer than 14 days. A member who has been suspended must leave the parliamentary precinct, and may not, during the period of suspension, without the permission of the Speaker –
 - enter the precinct for whatever purpose; or
 - participate in any activity of Parliament or any committee.
11. Before the Speaker requests the House to suspend the member, the member must be informed in writing of the request and must be afforded an opportunity to give reasons within a reasonable period why he or she should not be suspended.
12. After the House has resolved to suspend the member, the Speaker must inform the member in writing of the suspension and the period of its operation prior to it taking effect.

[Schedule inserted, 21 November 2008]