

PARLIAMENT OF GUYANA



STANDING ORDERS OF THE NATIONAL ASSEMBLY

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21st July, 2011

NOTE ON THE STANDING ORDERS

The Standing Orders of the National Assembly were amended in 2011 by the Special Select Committee on the Report of the Draft Standing Orders. Members worked assiduously in conducting meetings over a four (4) year period where they carefully considered each Order: making deletions, insertions, and also ensuring that the language was gender neutral. Also included, for the first time, is a compendium of rulings by the Speaker.

On the 21st July, 2011, the Report of the Draft Standing Orders was adopted by the National Assembly.

These amendments were incorporated in the Standing Orders which have been reprinted for circulation to Members in the Tenth Parliament.

S.E. Isaacs

Clerk of the National Assembly

Parliament Office,
Public Buildings,
Georgetown.
November, 2011

NATIONAL ASSEMBLY OF GUYANA
STANDING ORDERS OF THE NATIONAL ASSEMBLY

(As amended by the National Assembly on 21st July, 2011)

CONTENTS

CHAPTER 1.....	1
Oath of Members, Election of Speaker, Duties of Clerk, Quorum.....	1
1. Oath.....	1
2. Election of Speaker.....	1
3. Election of Deputy Speaker.....	2
4. Presiding in the Assembly and in Committee.....	2
5. Language.....	2
6. Duties of the Clerk.....	3
7 Quorum.....	3
CHAPTER II.....	4
Sittings of the Assembly.....	4
8. Sittings of the Assembly.....	5
9. Recess for the National Assembly.....	5
10. Hours of Sitting.....	5
11. Adjournment of the Assembly.....	5
12. Adjournment – Definite Matter of Urgent Public Importance.....	7
CHAPTER III.....	7

Arrangements of Business	7
13. Order of Business.....	7
14. Order Paper	8
15. Presentation of Petitions.....	8
16. Presentation of Papers and Reports.....	9
CHAPTER IV.....	9
Questions to Ministers.....	9
17. Nature of Questions	9
18. Oral Questions without Notice.....	10
19. Question on Notice.....	10
20. Contents of Question	11
21. Notice Paper – Questions	12
22. Manner of asking and answering Questions.....	12
CHAPTER V.....	14
Personal Explanations.....	14
23. Statements by Ministers and Personal Explanations.....	14
CHAPTER VI	14
Public Business.....	14
24. Arrangement of Public Business	14
25. Questions for Debate.....	14

26. Admissibility of Motions.....	15
27. Notice of Motions or Amendments.....	16
28. Period of Notice.....	16
29. Notice Paper – Motions	17
30. Exemption from Notice.....	17
31. Dispensing with Notice.....	18
32. Privilege Motions.....	18
33. Moving of Motions.....	19
34. Seconding of Motions.....	19
35. Motions not Moved or Seconded.....	19
36. Withdrawal of Motions.....	19
37. Amendments to Motions.....	20

CHAPTER VII.....21

Rules of Debate.....21

38. Time and Manner of Speaking.....	21
39. Right of Reply.....	22
40. Interruptions.....	22
41. Contents of Speeches.....	23
42. Scope of Debate.....	23
43. Anticipation.....	24
44. Closure of Debate.....	24
45. Rules for Members not Speaking.....	24

CHAPTER VIII.....25

Rules of Order.....25

46. Responsibility for Order in the Assembly and in Committee	25
47. Order in the Assembly and in Committee.....	25

CHAPTER IX.....27

Voting.....27

48. Decision of Questions.....	27
49. Collection of Voices.....	27
50. Division.....	27

CHAPTER X.....28

Legislation.....28

51. Private Members' Bills	28
52. Introduction and First Reading of Private Members' Bills.....	28
53. Introduction and First Reading of Government Bills.....	28
54. Appointment of Days for Stages of Bills.....	29
55. Printing and Circulation of Bills.....	29
56. Procedure after Presentation of Report of Sectoral/Special Select Committee.....	30
57. Second Reading of Bills.....	30
58. Committal of Bills after Second Reading.....	30
59. Functions of Committees on Bills.....	31
60. Procedure in Committee of the Whole Assembly on a Bill.....	31
61. Procedure in Committee on a Bill	33
62. Procedure on Reporting of Bills from Committee of the Whole Assembly.....	33
63. Recommittal of Bill Reported from Committee of the Whole Assembly.....	34

64. Procedure on Bills Reported from Select Committees.....	34
65. Third Reading of Bills.....	35
66. Private Bills.....	35
67. Custody of Bills.....	37
68. Withdrawals of Bills.....	37
69. Bills Containing Substantially the Same Provisions.....	37
70. Negative Resolutions.....	37

CHAPTER XI.....38

Financial Procedures.....38

71. Estimates of Expenditure.....	38
72. Committee of Supply.....	38
73. Allotment of Time in Committee of Supply.....	39
74. Business Sub-Committee.....	39
75. Procedure in Committee of Supply.....	40
76. Amendments to Heads of Estimates in Committee of Supply.....	40
77. Appropriation Bill.....	42
78. Supplementary Estimates of Expenditure and Statements of Excesses.....	42
79. Supplementary Appropriation Bills.....	43

CHAPTER XII.....43

Committees.....43

80. Standing Committees	44
81. The Committee of Selection.....	44
82. The Public Accounts Committee.....	45
83. The Parliamentary Standing Committee for Constitutional Reform.....	45

84. The Committee on Appointments	46
85. The Parliamentary Management Committee.....	46
86. The Sectoral Committees	47
87. The Parliamentary Oversight Committee on the Security Sector.....	48
88. Select Committees.....	49
89. The Standing Orders Committee.....	49
90. The Assembly Committee.....	49
91. The Committee of Privileges.....	49
92. The Statutory Instruments Committee.....	50
93. Special Select Committees.....	51
94. Constitution of Select Committees.....	51
95. Procedure in Select Committee.....	51
96. Matter of Concern before Giving Evidence	54
97. Conduct of Examination	54
98. Counsel	55
99. Witness's Expenses	55
100. Evidence Containing Allegations	55
101. Confidentiality of Proceedings.....	56
102. Divisions in Select Committee.....	56
103. Premature Publication of Evidence.....	57
104. Reports from Committees.....	57
105. Minutes of Proceedings.....	58
CHAPTER XIII.....	58
Miscellaneous.....	58
106. Absence of Members.....	58
107. Employment of Members in Professional Capacity.....	58

108. Report of Debates.....	58
109. Strangers.....	58
110. Media.....	59
111. Amendment of Standing Orders.....	59
112. Suspension of Standing Orders.....	59
113. Rules in Cases not Provided for by Standing Orders.....	59

APPENDIX I.....	61
------------------------	-----------

PRAYERS READ IN THE NATIONAL ASSEMBLY

APPENDIX II.....	61
-------------------------	-----------

FORM OF OATH OF OFFICE

APPENDIX III.....	62
--------------------------	-----------

LEGISLATIVE BODIES (EVIDENCE) ACT

APPENDIX IV.....	67
-------------------------	-----------

AREAS OF SCRUTINY OF SECTORAL COMMITTEES

APPENDIX V.....	73
------------------------	-----------

COMPENDIUM OF RULINGS BY THE SPEAKER

INDEX99

INDEX

A

Absence of Members 58
Adjournment
 of the Assembly 4,5-6,7,8,17,24
 customary
 of the debate 22,
Admissibility of motions 15
Advisers 53
Allotment 38,39,
Amendment 5,6,9, 15,16,17,18, 19, 20,
21, 22, 23,24,25,28,29,30,31,32,33,34,
35,36,37,40,41,42,43,51,52,53, 59
 inter – dependent 32
 original 20, 21
 of Standing Orders 59
Amendments to motions 20, 32
Anticipation 24
Appropriation Bill 42,43,
Assembly Committee 49
Assent 18,24,37

B

Bill
3,8,14,15,17,18,21,23,24,27,28,29,30,
31,32,33,34,35,36,37,42,43,51,54,57,58
 Private 35,36
Bills Containing Substantially37
Bills Reported 17, 34
Business, order of 6, 7-8,12, 14
Business Sub – Committee 39,40

C

Cabinet 14,15,29,32,38,41 42,43,
Chair2,3,6,9,22,23,24,,27,28,46,
47,52,53

Chairperson2,3,4,9,20,21,22,23,25,27,
31,
Chamber
Character, personal
Circulation of Bills
Clerk
 of the Assembly

Client
Closure of debate
Collection of voices
Commencement
Commission
Committal
 of bill
Committee
 of Privileges
 of Selection
 of Supply
Commons
Conduct
Consent
Consolidated Fund
Constitution
Constitution Reform Committee
Consultation
Corrections
Counsel
Custody

D

Debates
Deliberating
Deputy Speaker
Disclosure
Disorder
 grave
Dissentient voice
Division
Duties
 of the Clerk

E

Election
 of Deputy Speaker
 of Speaker
Estimates of expenditure
Evidence
 secret
Examination
Expert Witnesses

F

Financial Paper
Financial procedure
First Reading
Functions of committee

G

Gazette
Government Bills
Government Business
Government motion
Guyana, public fund

H

Head of expenditure
Hours

I

Instruments
Interruption
Item
 of business

L

Language
Leader of Government Business
Legislation
 subsidiary

M

Matter, controversial
Media
Members, elected
Member's vote
Minister
 absent
Minutes
 of evidence
 of proceedings
Motion

N

National Assembly
Negative Resolutions
New clauses
Newspapers
Notice Paper

O

Oath
Objections
Objects, explanatory statement of
Opposition
Oral answer
Oral Questions
Order
 in the Assembly
Order Book
Order Paper
Order, special
Original vote

P

Paper
Parliamentary Management Committee
Parliamentary Secretary
Parliamentary Sectoral Committees
Person presiding
Personal Explanations
Personal pecuniary interest, direct

Petitioners
Petitions
 presentation of
Policy statement
Postponed clauses
Prayer
Preamble
Precedence
Precincts
Preside
President
Prima facie case
Printing of bills
Private Bill
Private Members
Privileges
Proceedings
Promoters
Public Accounts Committee
Public Bill
Public Business

Q

Quorum

R

Recess
Recommittal
 of Bills Reported
Records
Regulations
Renumbering
Report
 progress
Reputation
Resolutions
Right of reply
Rules
 of order

S

Schedules
 new
Scrutiny
Seat
Second Reading
Second time
Seconder
Sectoral Committees
Sectoral/ Special Select Committee
Select Committee
Session
Sessional Select Committee
Sittings
Speak
Speaker
Special Select Committees
Speeches
 budget
Standing Committees
 appointed
Standing Orders
Standing Orders Committee
Standing Orders, provisions of
Statement by Ministers
Statutory Instruments Committee
Strangers
Sub – clauses
Sub – committee
Sub – head
Subsidiary legislation
Supplementary Appropriation Bills
Supplementary estimates of expenditure
Suspend
Suspension
 of Standing Orders

T

Third reading
Time and manner of speaking

U

Urgent Public Importance
define matter of
Usage

V

Vacancy
Vote
casting
negative
Voting

W

Withdrawal
of Bill
Witness
recalcitrant

Y

Year, financial

CHAPTER I

OATH OF MEMBERS, ELECTION OF SPEAKER, DUTIES OF CLERK, QUORUM

1. Oath

(1) Except for the purpose of electing a Speaker and Deputy Speaker after a general election, no Member of the Assembly shall take part in the proceedings thereof until he or she has made and subscribed before the Assembly the Oath of Office set out in the First Schedule to the Constitution.

(2) Immediately following the election of a Speaker and Deputy Speaker after a general election, the Clerk shall administer the Oath first to the Speaker and Deputy Speaker if present and then to the other Members.

(3) At any other time, the Oath shall be administered by the Clerk immediately after Prayers.

2. Election of Speaker

(1) Whenever it is necessary for the Assembly to elect a person to be Speaker, whether after a general election or when a vacancy in the office of the Speaker occurred in any other way, the procedure of the election shall be as provided in this Standing Order.

(2) Any Member, having first ascertained that the Member or other person to be proposed is willing to serve if elected, may, addressing himself/herself to the Clerk, propose any other Member (not being a Minister or a Parliamentary Secretary) or any other suitable person to the Assembly as Speaker and if that proposal be seconded, the Clerk, if no other Member or person be proposed for the Office, shall declare the Member or person so proposed and seconded to be Speaker of the Assembly.

(3) If another such Member or person, willing to serve if elected, be proposed and seconded, the Clerk shall propose the question that the Member or person who was first proposed should be the Speaker. If that proposal be agreed to, the Member or other person so chosen shall be the Speaker, but if the proposal be negatived, the Clerk shall propose a like question in respect of any other such Member or person who has been proposed and seconded, until the question is carried in favour of one of the Members or other persons so proposed.

(4) No debate shall be allowed upon proposals for filling the office of Speaker but any Member may call for a division after the decision on the proposal has been announced.

3. Election of Deputy Speaker

(1) When there is a vacancy in the office of Deputy Speaker, the Assembly shall, in accordance with Article 56 of the Constitution, proceed to elect a Member to be Deputy Speaker.

(2) The election of the Deputy Speaker shall be conducted in a similar manner to the election of the Speaker, save that the Speaker, if present, shall preside.

4. Presiding in the Assembly and in Committee

(1) The Speaker or, in his or her absence, the Deputy Speaker or, if they are both absent, a Member of the Assembly (not being a Minister or a Parliamentary Secretary) elected by the Assembly for that Sitting, shall preside at each Sitting of the Assembly and shall act as Chairperson of Committees of the Whole Assembly, including the Committee of Supply.

(2) Save as otherwise provided in these Standing Orders, the Deputy Speaker, or other Members presiding, shall have all the authority and power of the Speaker when presiding or otherwise performing the functions of the Speaker.

(3) The Speaker may, without any formal communication to the Assembly or the Committee, request the Deputy Speaker to take the Chair.

(4) The Speaker or, in his or her absence, the Deputy Speaker, may at any time ask any Member present (not being a Minister or a Parliamentary Secretary) to take the Chair temporarily without any formal communication to the Assembly or to the Committee.

(5) Whenever the unavoidable absence of the Speaker from any day's Sitting is announced by the Clerk at the Table, the Deputy Speaker shall take the Chair and shall be invested with all the power of the Speaker until the next Sitting of the Assembly, or for twenty-four hours, whichever period is the shorter.

(6) The Speaker in the Assembly and the Chairperson in Committee shall have power to regulate the conduct of business in all matters not provided for in these Standing Orders.

5. Language

(1) The proceedings and debates of the Assembly shall be in the English Language.

(2) Every Petition shall be in the English Language.

6. Duties of the Clerk

- (1) The Clerk shall be responsible for keeping the Minutes of Proceedings of the Assembly and of Committees of the Whole Assembly, which shall record the names of Members attending, all decisions taken and details of every division held.
- (2) The Clerk shall submit the Minutes of Proceedings of each Sitting to the Speaker for his or her signature and shall then circulate copies thereof to Members before the commencement of the next Sitting.
- (3) At the end of each Session, the Clerk shall cause to be prepared and placed in the record of the Assembly, a bound volume containing the Minutes of Proceedings of that Session, marked with all such corrections as the Speaker may have directed to be made therein.
- (4) The Clerk shall be responsible for preparing from day to day an Order Book showing all business appointed for any future day and any notices of questions or motions which have been set down for a future day whether for a day named or not given. The Order Book shall be open to the inspection of Members at all reasonable hours.
- (5) The Clerk shall be responsible for preparing and circulating to Members before the commencement of each Sitting an Order Paper containing the business for that Sitting.
- (6) Subject to these Standing Orders, the Clerk shall be responsible for preparing and circulating to all Members, Notice Papers, containing all notices of motions and questions submitted by Members.
- (7) The Clerk shall be responsible for the custody of the Minutes of Proceedings, records, Bills and documents laid before the Assembly which shall be open to inspection by all Members of the Assembly and other persons under such arrangements as may be sanctioned by the Speaker.
- (8) It shall be the responsibility of the Clerk to provide every Select Committee of the Assembly with a Clerk and, if so required by the Committee, a shorthand writer.

7. Quorum

- (1) The quorum of the Assembly and of a Committee of the Whole Assembly shall consist of one-third of all the elected Members (excluding the Member in the Chair).
- (2) If any Member draws the attention of the Speaker in the Assembly or of the Chairperson in Committee of the Whole Assembly to the fact that a quorum is not present, the Speaker or Chairperson, as the case may be, shall direct that Members be summoned as if for a division.

(3) When the order to summon Members has been given in the Assembly, the Speaker shall, after the expiration of five minutes, count the Assembly. If a quorum is not then present, he or she shall adjourn the Assembly without question put.

(4) When the order to summon Members has been given in Committee of the Whole Assembly, the Chairperson shall, after the expiration of five minutes, count the Committee. If he or she ascertains that a quorum is not present, the Assembly should resume and the Speaker shall count the Assembly. If a quorum is then present, the Assembly shall resolve itself into Committee; but if a quorum is not present, the Speaker shall adjourn the Assembly without question put.

CHAPTER II SITTINGS OF THE ASSEMBLY

8. Ordinary Sitting of the Assembly

(1) Save as otherwise provided by the Constitution or resolved by the Assembly upon a motion moved by a Minister, the Assembly may sit every day except Saturdays and Sundays and, unless the Assembly otherwise decide, every adjournment of the Assembly shall be to the next Sitting day.

Sitting convened at the discretion of the Speaker

(2) If, during an adjournment of the Assembly, it is represented to the Speaker by the Government, or the Speaker is of the opinion, that the public interest requires that the Assembly should meet on a day earlier than that to which it stands adjourned, the Speaker may give notice accordingly and the Assembly shall meet at the time stated in such notice. The Clerk shall as soon as possible inform each Member in writing, or telegram or by appropriate electronic means of any such earlier meeting.

(3) Every direction under paragraph two (2) of this Standing Order shall be in writing and shall be signed by the Speaker and shall bear the business to be transacted at the meeting to which it relates.

(4) Forthwith upon receipt of any direction under paragraph three (3) of this Standing Order, the Clerk shall inform every Member of the Assembly, personally, if practicable, of the day and hour appointed by the Speaker for the holding of the Extraordinary Sitting of the Assembly and of the business to be transacted at such meeting.

Special Sittings

(5) Except by leave of the Assembly, no business other than the business specified in the direction under paragraph two (2) of this Standing Order shall be transacted at any Extraordinary Sitting of the Assembly. At the conclusion of the business, unless the Assembly has otherwise

decided, the Assembly shall stand adjourned without question being put to the day to which it had originally been adjourned at its last meeting.

(6) There shall be Specialittings of the National Assembly:-

- (a) When the President desires to address the Assembly on the State of the Nation; and
- (b) When the Government desires that a visiting Head of State, Head of Government or other dignitary shall address the Assembly.

9. Recess for the National Assembly

Notwithstanding anything contained in Standing Order No. 8, unless there are special reasons for so doing, no Sitting of the National Assembly shall be held from 10th August to 10th October in any year.

10. Hours of Sitting

(1) Save as otherwise provided by the Constitution and subject to paragraph two (2) of this Standing Order, every Sitting shall begin at 2.00 p.m. in the afternoon and unless previously adjourned, shall end at 10.00 p.m. on the same day.

(2) The Speaker may at any time suspend the Sitting for a stated period but, unless the Assembly otherwise resolve, the Speaker shall, at 4.00 p.m., suspend the Sitting for one hour, and at 7.00 p.m. suspend the Sitting for half an hour.

(3) The Assembly may at any time by motion made and carried without amendment or debates suspend or vary the provisions of paragraphs one (1) and two (2) of this Standing Order.

(4) The Assembly may, from time to time, alter, by resolution, the hours provided in this Standing Order for beginning and ending a Sitting.

11. Adjournment of the Assembly

(1) A Minister may move “That this Assembly do now adjourn” at any time after the conclusion of Questions to Ministers at any Sitting, but any other Member may only move such a motion under Standing Order No. 12 [Adjournment – Definite Matter of Urgent Public Importance].

(2) The Speaker shall at 9.55 p.m. interrupt the business under consideration which shall stand deferred to the next Sitting day, unless the Member in charge of the business names a different Sitting day to which that business should be deferred. If the Assembly is in Committee at that

time the Chairperson shall leave the Chair forthwith, report to the Assembly and the Committee shall be directed to sit again on such day as the Leader of Government Business shall direct. Then, at the time appointed for the termination of the Sitting in paragraph one (1) of Standing Order No. 10, the Speaker shall adjourn the Assembly without question put.

(3) A Minister may, without notice, at the time appointed in Standing Order No. 13 [Order of Business], move that the proceedings on any specified business be exempted at that day's Sitting from the provisions of paragraph four (4) of this Order and any such motion shall be decided without amendment or debate. Any business so exempted shall not be interrupted at 9.55 p.m. Upon the conclusion of all business so exempted, the Speaker shall call upon a Minister, to move "That this Assembly do now adjourn", and, if it is then after 10.00 p.m., the Speaker shall adjourn the Assembly without question put.

(4) Upon any motion "That this Assembly do now adjourn", a debate may take place in which any matter for which a Minister is responsible may be raised by a Member who has obtained the right to raise a matter on the motion for the adjournment that day. The Minister responsible for the matter raised shall reply. Both the Member who has obtained such a right and the Minister replying shall each be entitled to address the Assembly for fifteen minutes and this time shall not be extended. Thereafter, if time permits, any other Member who has obtained the right may similarly raise another matter subject to the same conditions. Any such debate shall cease at 10.00 p.m.

(5) If the motion which a debate under the provisions of paragraph four (4) of this Standing Order takes place has been made before the moment of interruption, such motion shall not lapse and such debate shall not be interrupted at the moment of interruption but shall continue for a maximum of thirty minutes. Thereafter the motion shall lapse.

(6) The right to raise a matter on the motion for the adjournment of the Assembly shall be allotted to a maximum of two Members only for each Sitting day, if necessary by ballot, under the directions of the Speaker.

(7) Any Member wishing to obtain the right to raise a matter on the motion for the adjournment shall give not less than three days' written notice thereof to the Speaker specifying the matter which he or she proposes to raise with the approval of the Speaker.

(8) Should the Member fail to obtain such right for the Sitting day named in his or her notice, he or she shall, at his or her request, be included in any vote held for the next Sitting day, subject to such arrangements as the Speaker may make.

12. Adjournment – Definite Matter of Urgent Public Importance

(1) Any Member may at the time appointed under Standing Order No. 13 [Order of Business] rise in his or her place and ask leave to move the adjournment of the Assembly for the purpose of discussing a definite matter of urgent public importance.

(2) A Member who wishes so to ask leave to move the adjournment of the Assembly shall, before the commencement of the Sitting, hand to the Speaker a written notification of the matter which he or she wishes to discuss. The Speaker shall refuse to allow the claim unless he or she is satisfied that the matter is definite, urgent and of public importance and may properly be raised on a motion for the adjournment of the Assembly. (See Appendix)

(3) If the Speaker is so satisfied and either:-

(a) leave of the Assembly is given; or

(b) if it is not given, at least eighteen elected Members rise in their places to support the request,

the motion shall stand over until 5.00 p.m. on the same day, and at that time any proceedings on which the Assembly is engaged shall be postponed until the motion for the adjournment is disposed of or until 9.00 p.m., whichever is the earlier. At 9.00 p.m. the motion for the adjournment, if not previously disposed of, shall lapse and the proceedings which have been postponed shall be resumed.

(4) Not more than one motion for the adjournment of the Assembly under this Standing Order may be allowed at any one Sitting.

CHAPTER III ARRANGEMENTS OF BUSINESS

13. Order of Business

(1) Unless the Assembly otherwise direct, the business of each sitting other than Private Members' Day shall be transacted in the following order:-

- (a) Prayers;
- (b) Oath of a New Member;
- (c) Messages from the President;
- (d) Announcements by the Speaker;
- (e) Presentation of Petitions;
- (f) Presentation of Papers and Reports ;
- (g) Reports from Committees ;

- (h) Oral Questions without Notice;
- (i) Questions on Notice;
- (j) Statements by Ministers, including Policy Statements;
- (k) Personal Explanations;
- (l) Requests for Leave to Move the Adjournment of the Assembly on Definite Matters of Urgent Public Importance;
- (m) Motions Relating to the Business or Sittings of the Assembly and Moved by a Minister;
- (n) Introduction of Bills; and
- (o) Public Business:
 - Government Business
 - Private Members' Business
 - Committees' Business

(2) Except on Private Members' Day the order of business in (o) shall be

- Private Members' Business
- Government Business
- Committees' Business

14. Order Paper

(1) In accordance with this Standing Order, the Clerk of the Assembly shall prepare an Order Paper for each Sitting of the Assembly showing the business before the National Assembly in the sequence in which orders of business are called on.

(2) The Order Paper shall be circulated as early as possible before each Sitting.

(3) An order may be postponed on motion moved without notice by the Member in charge of the order or, in his or her absence, by another Member he or she has asked.

(4) If any notices or orders of the day on the Order Paper have not been called on before the adjournment of the Assembly, they shall be listed on the Order Paper for the next Sitting.

15. Presentation of Petitions

(1) The Member presenting a Petition may state concisely the purport of the Petition.

(2) A Petition shall not be presented to the Assembly unless it shall have been endorsed by the Clerk as being in accordance with the rules in regard to Petitions.

(3) Every Petition must conclude with a plea setting forth the general objects of the Petition.

(4) The Assembly will not receive any Petition:-

(a) which is not addressed to the Assembly and which is not properly and respectfully worded; and

(b) which has not at least one signature on the sheet on which the plea of the Petition appears.

(5) All Petitions presented to the Assembly shall be ordered to lie upon the Table without question put unless a Member when presenting a Petition moves for it to be read, printed or referred to a Select Committee and any such motion shall be determined without amendment or debate.

16. Presentation of Papers and Reports

(1) Every Paper shall be presented by the Speaker or a Minister and its presentation shall be recorded in the Minutes of Proceedings.

(2) A Minister presenting a Paper may make a short explanatory statement of its contents but no debate shall then take place upon any such statement.

(3) All Papers presented to the Assembly shall be ordered to lie upon the Table without question put and any motion for the printing thereof shall be determined without amendment or debate.

(4) A report from any Committee shall be presented to the Assembly by the Chairperson of that Committee or by such other Member thereof as the Chairperson may designate and shall be ordered to be published without question put.

(5) The Leader of Government Business may present any Paper containing the reply of the Government to the recommendations or opinions expressed by a Committee of the Assembly and tabled in a report. Such a Paper shall be ordered to be published without question put.

CHAPTER IV QUESTIONS TO MINISTERS

17. Nature of Questions

(1) Questions may be put to a Minister relating to the responsibility with which he or she has been assigned.

(2) The right to ask a Question shall be subject to the Standing Orders in Chapter IV, the interpretation of which the Speaker shall be the sole judge.

18. Oral Questions without Notice

There shall be a 20 minute period for Oral Questions without Notice at the appropriate stage in the Order of Business at each Sitting of the Assembly which shall be subject to the following rules:-

- (a) the permission of the Speaker to ask the Question must be obtained before the start of the Sitting;
- (b) only Questions that are urgent and important or relate to the business of the day shall be permitted;
- (c) questions and answers shall be brief and precise and stated without argument or opinion; and
- (d) supplementary questions, not exceeding two (2) per original Question, may be permitted at the discretion of the Speaker.

19. Question on Notice

(1) Notice of a Question on Notice shall be given by a Member in writing to the Clerk, not later than twenty-one (21) clear days before the Sitting day on which the answer is required.

(2) Notice of a Question may be handed by a Member to the Clerk when the Assembly is sitting, or may be sent to or left at the Parliament Office at any time during the hours prescribed for the purpose. Every such notice must be signed by the Member giving it.

(3) A Member may have up to five (5) Questions on the Order Paper at any one time and not more than three (3) of these Questions shall be for oral answers. A Member requiring an oral answer to his or her Question shall so indicate or mark it with an asterisk.

(4) A Member who has given notice of a Question for oral answer may request that it be converted to a Question for written answer. Notice of such a request shall be given by the Member in writing to the Clerk on any working day before the Sitting day on which the answer is required.

(5) A Member who has given notice of a Question for written answer may request that it be converted to a Question for oral answer. Notice of such a request shall be given by the Member in writing to the Clerk not less than seven (7) clear days before the Sitting day on which the answer is required.

(6) If, in the opinion of the Speaker, a Question for oral answer is of such a nature as to require a lengthy reply, the Speaker may direct that such Question be converted to a Question for written answer.

20. Contents of Questions

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

- (a) the proper object of a question is to obtain information on a question of fact within the official cognisance of the Minister to whom it is addressed, or to ask for official action;
- (b) shall not deal with the action of a Minister for which he or she is not responsible to the Assembly;
- (c) a Question shall not contain more than one issue and shall be concise;
- (d) a Question shall not include the names of persons or statements not strictly necessary to render the Question intelligible;
- (e) a Question shall not contain statements which the Member who asks the Question is not prepared to substantiate;
- (f) a Question shall not contain arguments, inferences, opinions, imputations, epithets or offensive expressions;
- (g) a Question shall not refer to Proceedings in a Committee of the National Assembly which have not been reported to the National Assembly;
- (h) a Question shall not seek information about any matter which is of its nature secret;
- (i) a Question shall not be asked:
 - (a) on any matter which is sub judice;
 - (b) which deals with matters referred to a Commission of Enquiry and which is being heard by the said Commission;
- (j) a Question shall not be asked for the purpose of obtaining an expression of opinion, the solution of an abstract legal case or the answer to a hypothetical proposition;
- (k) a Question shall not be asked as to whether statements in the Media or of private individuals or bodies or persons are accurate;
- (l) a Question shall not be asked as to the character or conduct of any person except in his or her official or public capacity;
- (m) a Question shall not be asked reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion;

- (n) a Question shall not refer discourteously to, or seek information about the internal affairs of any territory within the Commonwealth or of a friendly foreign state;
- (o) a Question shall not be asked making or implying a charge of a personal character;
- (p) a Question shall not be asked seeking information set forth in accessible or ordinary works of reference; and
- (q) a Question fully answered shall not be asked again during the same Session.

(2) If the Speaker is of the opinion that any Question of which a Member has given notice to the Clerk or which a Member has sought permission to ask without notice, is an abuse of the right of questioning or infringes any of the provisions of this or any other Standing Order, he or she may direct: -

- (a) that it be printed or asked with such alterations as he or she may direct; or
- (b) that the Member concerned be informed that the Question is inadmissible.

21. Notice Paper - Questions

Once a Question on Notice has been approved by the Speaker, the Clerk of the Assembly shall immediately prepare and circulate to Members, a Notice Paper setting out the following:

Question No., Member Asking, Question Details, Minister Answering, Date Received, Date for Order Paper.

22. Manner of asking and answering Questions

(1) Questions on Notice shall be raised at the time appointed by Standing Order No. 13 [Order of Business] and the time allotted for such Questions and answers shall not exceed forty (40) minutes.

(2) At the time for the asking and answering of Questions on Notice under Standing Order No. 13 [Order of Business], the Speaker shall call in turn upon each Member in whose name a Question stands upon the Order Paper, in the order in which the Questions are printed. The Member so called shall then rise in his or her place and ask the Question by reference to its number on the Order Paper.

- (3) In the case of a Question for oral reply, the Minister questioned shall rise in his or her place and give his or her reply. However, a Minister may decline to answer a Question, if the publication of the answer would in his or her opinion be contrary to the public interest.
- (4) In the case of a Question for written reply, the Minister questioned shall immediately pass copies of the answer to the Clerk of the Assembly who shall circulate the answer to Members at that Sitting and record the Question and the reply in the Minutes of the Proceedings.
- (5) In the absence of the Minister to whom it is addressed, a Question may be answered by any other Minister duly authorised to give the answer on behalf of the absent Minister or on a request for deferment he held over for the next Sitting when the Minister is present.
- (6) After an oral answer to a Question has been given, supplementary questions may be asked for the purpose of elucidating the answer given orally, but the Speaker may refuse any such question which in his or her opinion introduces matters not relevant to the original Question, or which infringes any of the provisions of Standing Order No. 20 [Contents of Question].
- (7) When all the Questions on notice have been called, the Speaker, if time permits, shall call again any Question which has not been asked by reason of the absence of the Member in whose name it stands; in which case another Member may, if deputed by the absent Member, on his or her behalf either ask the Question or request its postponement.
- (8) Questions on the Order Paper for oral answers which remain outstanding at the expiration of forty (40) minutes shall be answered in writing by the Minister to whom the Question was addressed, who shall immediately pass copies of his or her answer to the Clerk of the Assembly for circulation to Members at that Sitting and for inclusion in the Minutes of Proceedings, unless at any time before the expiration of time a Member having a Question on the Order Paper for oral answer but whose name has not yet been called by the Speaker signifies to the Clerk at the Table his or her desire to postpone the Question to a later Sitting or to withdraw it.
- (9) At the request of a Minister and with the approval of the Assembly, the answer to a Question on the Order Paper may be deferred, once only, for a period of twelve (12) clear days.
- (10) Due to the absence of a Member who has asked a question, the question may be deferred for no more than three (3) Sittings and then would be removed from the Order Paper.
- (11) A Question may be withdrawn only at the request of the Member in whose name the Question stands on the Order Paper.
- (12) A Question withdrawn from the Order Paper may be asked again provided that notice as required by these Standing Orders is given.

CHAPTER V

STATEMENTS BY MINISTERS AND PERSONAL EXPLANATIONS

23. Statements by Ministers, Including Policy Statements

(1) A Minister may rise to make a statement on any matter of public interest including matters of government policy at the appropriate point on the Order Paper. Ministers may announce legislative proposals they intend to submit to Parliament or the course they intend to adopt in the transaction and arrangement of public business. Prior notice to the Speaker is necessary but neither his permission nor leave of the House is required.

There is no debate on the statement.

Personal Explanations

(2) With the leave of the Speaker, a Member may make a personal explanation at the time appointed under the Standing Order No. 13 [Order of Business] although there be no question before the Assembly; but no controversial matter may be brought forward nor any debates arise upon the explanation.

CHAPTER VI:

PUBLIC BUSINESS

24. Arrangements of Public Business

(1) Public Business shall consist of Motions and Bills.

(2) Subject to the Provisions of these Standing Orders, Government Business shall have precedence on every day except on every fourth Sitting when Private Members' Business shall have precedence.

(3) Government Business shall consist of Motions proposed to be made and Bills sponsored by Ministers or Parliamentary Secretaries and shall be set down in such order as the Government think fit.

(4) Private Members' Business shall be set down on the Order Paper by the Clerk of the Assembly in the order in which they qualify for the Order Paper.

25. Questions for Debate

(1) Subject to the provisions of the Constitution and these Standing Orders, any Member may introduce any Bill or propose any motion for debate in the Assembly, or may present any

Petition to the Assembly, and the same shall be disposed of in accordance with these Standing Orders:

Provided that, except on the recommendation or with the consent of the Cabinet signified by a Minister, the Assembly shall not:-

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding, makes provision for any of the following purposes:
 - (i) for imposing or increasing any tax;
 - (ii) for imposing any charge upon the Consolidated Fund or any other public fund of Guyana or for altering any such charge otherwise than by reducing it;
 - (iii) for the payment, issue or withdrawal from the Consolidated Fund or any other public fund of Guyana of any moneys not charged thereon or any increase in the amount of such a payment, issue or withdrawal; or
 - (iv) for compounding or remitting any debt due to Guyana; or
- (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the person presiding, would be to make provision for any of the purposes aforesaid.

(2) The signification of the recommendation or consent of the Cabinet shall be recorded in the Minutes of Proceedings.

(3) When a question for debate has been proposed, debated and decided, it shall not be competent for any Member to raise a question substantially identical thereto in the same Session except upon a substantive motion for rescission.

26. Admissibility of Motions

In order that a motion may be admissible, it shall satisfy the following conditions, namely:-

- (a) it shall raise substantially one definite issue;
- (b) it shall not contain ironical, unbecoming or offensive expressions or words that would not be permitted in debate;
- (c) it shall not contain the names of persons unless they are strictly necessary to render the motion intelligible;
- (d) it shall not refer to the conduct or character of persons except in their public capacity;

- (e) it shall not receive discussion of a matter which has been discussed in the same Session;
- (f) it shall not anticipate discussion of a matter which is likely to be discussed in the same Session;
- (g) it shall not relate to any matter which is under adjudication by a court of law;
- (h) it shall not relate to matters which have been referred to a Committee of the National Assembly for consideration and report; and
- (i) it shall not relate to a matter with which the Government is not officially concerned.

27. Notice of Motions or Amendments

(1) Where under these Standing Orders notice is required such notice shall be given in writing, signed by the Member and addressed to the Clerk of the Assembly. Such notice shall be handed to the Clerk when the Assembly is sitting or sent to, or left at, the Parliament Office at any time during the hours prescribed for the purpose.

(2) If the Speaker is of the opinion that any notice of motion which has been received by the Clerk of the Assembly infringes the provisions of any Standing Order or is in any other way out of order, he or she may direct:-

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

28. Period of Notice

(1) Except as provided in paragraph two (2) of this Standing Order, a Government motion shall not be placed upon the Order Paper for a day earlier than six (6) days from the day on which the Notice was given to the Clerk.

(2) With the consent of the Speaker, a Government motion may be placed upon the Order Paper for the Sitting of the day following that on which notice was given to the Clerk.

(3) Except as provided in paragraph nine (9) of Standing Order No. 104 [Reports from Select Committees], a Private Member's motion shall not be placed upon the Order Paper for a day earlier than twelve (12) days from the day on which the notice was published in the Notice Paper.

29. Notice Paper - Motions

Once a Motion has been approved by the Speaker, the Clerk of the Assembly shall immediately prepare and circulate to Members, a Notice Paper setting out the following:

Date Received, Member giving Notice, Motion, Date for Order Paper.

30. Exemption from Notice

Unless the Standing Orders otherwise provide, notice shall be given of any motion which is proposed to be made, with the exception of the following:-

- (a) a motion for the amendment of any motion;
- (b) a motion for the adjournment of the Assembly or a debate;
- (c) a motion of the election of a temporary presiding officer under paragraph one (1) of Standing Order No. 4 [Presiding in the Assembly and in Committee];
- (d) a motion for the suspension of Standing Orders put with the leave of the Speaker;
- (e) a motion for the withdrawal of strangers;
- (f) a motion that the Assembly resolve itself into Committee;
- (g) a motion made in the Committee of the Whole Assembly, other than the Committee of Supply;
- (h) a motion for the suspension of a Member;
- (i) a motion that a Petition be read, printed or referred to a Select Committee ;
- (j) a motion for the printing of a Paper under paragraph three (3) of Standing Order No. 16 [Presentation of Papers];
- (k) a motion relating to a matter of privilege;
- (l) a motion arising out of any item of business made immediately after that item is disposed of and before the next item is entered upon;
- (m) a motion to commit a Bill to a Sectoral Committee or to a Select Committee under Standing Order No. 54 or Standing Order No. 58;
- (n) a motion to recommit a Bill under paragraph one (1) of Standing Order No. 63 [Recommittal of Bills Reported from the Committee of the Whole Assembly];

- (o) a motion for withdrawal of a Bill under Standing Order No. 68 [Withdrawal of Bills];
- (p) a motion in respect of which Notice has been dispensed with under Standing Order No. 31 [Dispensing with Notice]; and
- (q) a motion “That the question be now put” under paragraph one (1) of Standing Order No.44 [Closure of Debate].

31. Dispensing with Notice

Notice shall not be dispensed with in the case of a motion or in respect of any proceedings for which notice is required, except with the consent of the Speaker and the assent of the majority of the Members present at the time.

32. Privilege Motions

- (1) A motion directly concerning the privilege of the Assembly shall take precedence over all other business.
- (2) Any Member desiring to raise a matter under this Standing Order shall first obtain leave of the Speaker who will determine whether the Member is entitled to raise the matter as a question of privilege.
- (3) If permission is given by the Speaker under paragraph two (2) of this Standing Order, the Member so permitted may raise it any time after Questions to Ministers and move that the matter be referred to the Committee of Privileges.
- (4) No debate shall ensue on a motion under this Standing Order but if the Speaker decides that a *prima facie* case has been made out he or she shall so state and refer the matter to the Committee of Privileges.
- (5) If during a Sitting of the Assembly a matter suddenly arises which appears to involve the Privileges of the Assembly and which calls for the immediate intervention of the Assembly, the proceedings may be interrupted, save during the progress of a division, by a motion based on such a matter.
- (6) No Member moving a matter under this Standing Order may speak for more than fifteen minutes.

33. Moving of Motions

- (1) On a motion made and when necessary seconded, the Speaker shall propose the question to the Assembly and, after debate, if any, shall then put the question for the decision of the Assembly.
- (2) If a motion embodies two or more separate propositions, the propositions may be proposed by the Speaker as separate questions.
- (3) If a Member desires to vary the term of a motion standing in his or her name, he or she may do so by giving an amended notice of motion, provided that such amendment does not, in the opinion of the Speaker, materially alter any principle embodied in the original motion or the scope thereof. Such amended notice of motion shall run from the time at which the original notice of motion was given.

34. Seconding of Motions

- (1) In the Assembly the question upon a motion or amendment shall not be proposed by the Speaker unless such motion or amendment has been seconded:

Provided that Government Business shall not require seconding.

- (2) In Committee of the Whole Assembly, a seconder shall not be required.

35. Motions not Moved or Seconded

- (1) If a Member does not move a motion or amendment which stands in his or her name when he or she is called on, it shall be removed from the Order Paper unless deferred by leave of the Assembly or moved by some other Member, duly authorized by that Member:

Provided that Government Business may be moved by any other Minister.

- (2) No question shall be proposed upon a motion or amendment which, under these Standing Orders, is required to be seconded, if it is not so seconded.

36. Withdrawal of Motions

- (1) A motion, after it has been moved by leave of the Assembly or Committee, and before the question is fully put thereon, may be withdrawn at the request of the mover provided there is no dissentient voice.
- (2) If an amendment has been proposed to a motion, the original motion cannot be withdrawn until the amendment has been disposed of.

(3) A motion so withdrawn may be made again in the same Session provided that notice as required by these Standing Orders, is given.

37. Amendments to Motions

(1) When any motion is under consideration in the Assembly or in a Committee thereof an amendment may be proposed to the motion if it is relevant thereto.

(2) An amendment may be proposed to any such amendment if it is relevant thereto.

(3) An amendment shall not be moved which has merely the effect of a negative vote.

(4) An amendment to a motion may be moved and seconded at any time after question upon the motion has been proposed by the Speaker or Chairperson, and before it has been put by the Speaker or Chairperson at the conclusion of the debate upon the motion. When every such amendment has been disposed of, the Speaker or Chairperson shall either again propose the question upon the motion or shall propose the question upon the motion as amended, as the case may require, and after any further debate which may arise thereon, shall put the question to the Assembly or Committee for its decision.

(5) (a) Upon any amendment to leave out any of the words of the motion, the question to be proposed shall be "That the words proposed to be left out, be left out of the question".

(b) Upon any amendment to insert words in, or add words at the end of a motion, the question to be proposed shall be "That those words be there inserted or added".

(c) Upon any amendment to leave out words and insert or add other words instead, a question shall first be proposed "That the words proposed to be left out, be left out of the question", and only if that question is agreed to, shall the question then be proposed "That those words be there inserted or added".

(d) When two or more amendments are proposed to be moved to the same motion, the Speaker shall call upon the movers in the order in which their amendments relate to the text of the motion, or in case of doubt in such order as he or she shall decide.

(e) (i) Any amendment may be withdrawn at the request of the mover, by leave of the Speaker, before the question is fully put thereon.

(ii) An amendment withdrawn in accordance with Standing Order 37(5)(e)(i) may be moved by another Member before the question is fully put thereon.

(6) (a) An amendment to an amendment may be moved and seconded at any time after the question upon the original amendment has been proposed and before it has been put at the conclusion of the debate on the original amendment.

(b) The provisions of paragraph five (5) of this Standing Order shall apply to the discussion of amendments to amendments except that in any question to be put, the words “original amendment” shall be substituted for the word “question”.

(c) When every such amendment to an amendment has been disposed of, the Speaker shall either again propose the question upon the original amendment, or shall propose the question upon the original amendment as amended, as the case may require.

(7) An amendment, whether in the Assembly or in Committee of the Whole Assembly, shall be put into writing by the mover and delivered to the Clerk before the question is proposed thereon.

(8) When the question upon an amendment to a motion has been proposed by the Speaker or Chairperson an earlier part of the motion may not be amended unless the amendment under discussion is withdrawn.

(9) An amendment shall not raise any question which, by these Standing Orders, can only be raised by a substantive motion after notice.

CHAPTER VII: RULES OF DEBATE

38. Time and Manner of Speaking

(1) A Member desiring to speak shall rise in his or her place and if called upon shall address his or her observations to the Speaker or the Chairperson. No Member shall speak unless called upon by the Speaker or Chairperson.

(2) If two or more Members rise at the same time, the Speaker or Chairperson shall call upon the Member who first catches his or her eyes.

(3) No Member shall speak more than once on any question except:-

(a) when the Assembly is in Committee;

(b) in explanation as prescribed in paragraph four (4) of this Standing Order; or

(c) in the case of a mover of a substantive motion or the Member in charge of a Bill, in reply:

Provided that any Member may, without prejudice to his or her right to speak at a later period of the debate, second a motion or amendment by rising in his or her place and stating that it is his or her intention to second the motion or amendment.

(4) A Member who has spoken on a question may again be heard to offer explanation of some material part of his or her speech which he or she claims has been misrepresented, but he or she shall not introduce new matter.

(5) A Member who has spoken again when a new question has been proposed by the Speaker or Chairperson, such as a proposed amendment or a motion for the adjournment of the debate.

(6) A Member shall not read his or her speech except with the leave of the Speaker but he or she may read extracts from books or papers in support of his or her argument, and may refresh his or her memory by reference to notes.

(7) No Member may speak on any question after it has been put to the vote by the Speaker or Chairperson, that is, after the voices of the Ayes and Noes have been collected.

(8) No Member may speak on any matter in which he or she has a direct personal pecuniary interest, without disclosing the extent of that interest.

(9) No Member shall be entitled to speak for more than thirty minutes on any question except that:-

(a) a mover of a motion shall be entitled to speak for forty-five minutes on such motion or in reply; and

(b) the Speaker shall grant extensions of time for periods of fifteen minutes to any Member upon the Assembly approving a motion made that such extension be granted. Any such motion shall be put forthwith without debate.

39. Right of Reply

(1) The mover of a motion may reply after all the other Members present have had an opportunity of addressing the Assembly and before the question is put, and after such reply no other Member may speak, except as provided in paragraph two (2) of this Standing Order.

(2) A Minister may conclude a debate on any motion which is critical of the Government or reflects adversely on or is calculated to bring discredit upon the Government or a Government Officer.

40. Interruptions

Subject to these Standing Orders, no Member shall interrupt another Member except:-

(a) by rising on a Point of Order, when the Member speaking shall resume his or her seat and the Member interrupting shall simply direct attention to the point which he or she desires to bring to notice and submit it to the Speaker or Chairperson for decision; or

(b) to elucidate some matter raised by that Member in the course of his or her speech provided that the Member speaking is willing to give way and resumes his or her seat and that the Member wishing to interrupt is called by the Chair.

41. Contents of Speeches

- (1) Subject to these Standing Orders, debate upon any motion, Bill or amendment shall be relevant to such motion, Bill or amendment, and a Member shall confine his or her observations to the subject under discussion.
- (2) Reference shall not be made to any matter which is *sub judice*, in such a way as might, in the opinion of the Chair, prejudice the interest of parties thereto.
- (3) It shall be out of order to attempt to reconsider any specific question on which the Assembly has come to a conclusion during the current Session except upon a substantive motion for rescission.
- (4) It shall be out of order to use offensive and insulting language about Members of the Assembly.
- (5) A Member shall be referred to in the Assembly either with the title “Comrade” before his or her surname or official designation or as the “Honorable Member Mr. /Ms.”
- (6) No Member shall impute improper motive to any Member of the Assembly.
- (7) The President’s name shall not be used to influence the Assembly.
- (8) The conduct of the President or any other person performing the function of President, Members of the Assembly and Judges of the Supreme Court of Judicature or other persons performing judicial functions shall not be raised except upon a substantive motion moved for the purpose.

42. Scope of Debate

- (1) When an amendment proposes to leave out words and to add or insert other words instead of them, debate upon the question “That the words proposed to be left out of the question” may include both the words proposed to be left out and those proposed to be added or inserted.
- (2) On an amendment proposing only to leave out words or to add or to insert words, debate shall be confined to the omission, addition or insertion of such words respectively.
- (3) Debate upon any motion “That the debate be now adjourned” or “That this Assembly be now adjourned” if moved during any debate, or in Committee upon any motion “That the Chairperson do report progress and ask leave to sit again”, shall be confined to the matter of such motion; and a Member who has made or seconded such motion shall not be entitled to move or second any similar motion during the same debate: but this paragraph shall not be construed as

restricting the customary adjournment of the Assembly on the conclusion of the business of the day.

43. Anticipation

(1) It shall be out of order to anticipate a Bill by discussion upon a motion dealing with the subject matter of that Bill.

(2) It shall be out of order to anticipate a Bill or a notice of motion by discussion upon an amendment or a motion for the adjournment of the Assembly.

(3) In determining whether discussion is out of order on the grounds of anticipation, regard shall be had by the Chair to the probability of the matter anticipated being brought before the Assembly within a reasonable time.

44. Closure of Debate

(1) After a question has been proposed any Member may at any time during the course of debate rise in his or her place and move "That the question be now put" and unless it appears to the Chair that motion is an abuse of the rules of the Assembly or an infringement of the rights of the minority, the question "That the question be now put" shall be put forthwith. No debate on that motion shall be allowed, and if the motion is carried, the debate then before the Assembly shall cease and the question before the Assembly shall be put forthwith.

(2) When the question "That the question be now put" has been carried and the question consequent thereon has been decided, any Member may claim that any other question already proposed from the Chair be now put and if the assent of the Chair is given such question shall be put forthwith and decided without amendment or debate.

(3) A motion under this Standing Order shall not be decided in the affirmative if it appears on a division that less than eighteen Members voted in the majority in support of the motion.

45. Rules for Members Not Speaking

A Member present in the Assembly during the debate:-

- (a) shall enter or leave the assembly with decorum;
- (b) shall not read books, newspapers, letters, other documents or read or operate computers or electronic devices save such as relate to the business before the Assembly except with the permission of the Speaker;

- (c) shall maintain silence while another Member is speaking and shall not interrupt, except in accordance with these Standing Orders;
- (d) shall otherwise conduct himself or herself in a fit and proper manner; and
- (e) shall not use a cellular phone in a manner which disturbs the Assembly.

CHAPTER VIII: RULES OF ORDER

46. Responsibility for Order in the Assembly and in Committee

- (1) The Speaker in the Assembly and the Chairperson in Committee shall be responsible for the observance of the rules of order in the Assembly and Committee respectively and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the Assembly except upon a substantive motion made after notice.
- (2) When the Speaker or Chairperson rises, any Member then speaking or wishing to speak shall immediately resume his or her seat and the Assembly, or the Committee, shall be silent.

47. Order in the Assembly and in Committee

- (1) The Speaker or the Chairperson, after having called the attention of the Assembly or of the Committee to the conduct of a Member who persists in irrelevant or tedious repetition either of his or her own arguments, or of the arguments used by other Members in debate, may direct him or her to discontinue his or her speech and to resume his or her seat.
- (2) The Speaker or the Chairperson shall order any Member whose conduct is grossly disorderly to withdraw immediately from the Assembly during the remainder of that day's Sitting and may direct such steps to be taken as are required to enforce this order. But if, on any occasion, the Speaker or the Chairperson considers that his or her powers under the previous provision of this Standing Order are inadequate, the Speaker or Chairperson may name such Member for disregarding the authority of the Chair under this Standing Order, in which event the procedure prescribed in the next paragraph should be followed.
- (3) Whenever a Member has been named by the Speaker or the Chairperson, then: -
 - (a) if the offence has been committed in the Assembly, the Speaker shall call upon a Minister to move "That Cde. / the Hon. Member Mr. /Ms..... be suspended from the service of the Assembly". The Speaker shall put the question on such motion forthwith, no seconder being required and amendment, adjournment or debate being allowed;
 - (b) If the offence has been committed in Committee, the Chairperson shall forthwith

suspend the proceedings of the Committee and as soon as the Assembly has resumed, shall report the circumstances, whereupon the procedure provided for in the proceeding sub-paragraph shall be followed; and

(c) If any such motion be carried, and a Member be suspended, his or her suspension on the first occasion shall continue until the expiration of the fifth day, and on the second occasion shall continue until the expiration of the tenth day on which the Assembly sits after the day on which he or she was suspended, and on the third or any subsequent occasion until the Assembly resolves that such suspension be terminated.

(4) Not more than one Member shall be named at the same time, unless several Members present together have jointly committed the offence.

(5) A Member who is directed to withdraw or who is suspended under this Standing Order shall forthwith leave the Assembly and its precincts.

(6) If any Member who has been directed to withdraw or who has been suspended under this Standing Order, refuses at any time to obey the direction of the Speaker to withdraw from the Assembly and its precincts, the Speaker shall call the attention of the Assembly to the fact that recourse to force is necessary in order to compel obedience to his or her direction, and the Member named by him or her as having so refused to obey his or her direction shall thereupon without further question put be suspended from the service of the Assembly during the remainder of the Session.

(7) If resort to force is necessary, the Speaker may suspend the Sitting during the removal of the Member.

(8) A Member who is directed to withdraw or who is suspended under this Standing Order shall not be entitled to attend the Sitting from which he or she was directed to withdraw or in a case of suspension to attend any Sitting or enter the precincts of the Assembly until the termination of his or her suspension.

(9) In the case of grave disorder arising in the Assembly, the Speaker may, if he or she thinks it necessary to do so, adjourn the Assembly without question put, or suspend the Sitting for a time to be named by him or her.

(10) Nothing in this Standing Order shall be taken to deprive the Assembly of the power of proceeding against any Member according to any resolution of the Assembly.

CHAPTER IX: VOTING

48. Decision of Questions

(1) Save as otherwise provided in the Constitution or in these Standing Orders all questions proposed for decision in the Assembly or in Committee shall be determined by a majority of the votes of the elected Members thereof present and voting.

(2) The Speaker or any other Member presiding shall not vote unless on any Question the votes are equally divided, in which case, except as otherwise provided in the next paragraph, he or she shall have and exercise a casting vote.

(3) A Speaker elected from among persons who are not Members of the Assembly shall have neither an original nor a casting vote and if, upon any question before the Assembly when such a Speaker is presiding, the votes of the Members are equally divided, the motion shall be declared lost.

49. Collection of Voices

(1) At the conclusion of a debate upon any question the Speaker or Chairperson shall put that question for the decision of the Assembly, and shall collect the voices of the Ayes and of the Noes, after which no further debate may take place upon that question.

(2) The result shall be declared by the Speaker or Chairperson stating "I think the Ayes have it" or "I think the Noes have it" as the case may be; but any elected Member may challenge the opinion of the Chair by claiming a division.

50. Division

(1) If a division is claimed, it shall be taken by the Clerk calling each elected Member's name and asking each such Member separately how he or she desires to vote and recording the vote accordingly. The Clerk shall then announce the number of those who have voted for, those who voted against the proposal and those who declined to vote and the Speaker or Chairperson shall declare the result of the division.

(2) Every elected Member present, unless he or she expressly says that he or she declines to vote, shall record his or her vote either for the Ayes or the Noes. The Clerk shall enter in the Minutes of Proceedings the record of each Member's vote, and the names of those Members who declined to vote.

(3) If a Member states that he or she voted in error or that his or her vote has been counted wrongly, he or she may claim to have his or her vote altered provided that such claim is made as

soon as the Clerk has announced the numbers and before the Chair has declared the results of the division. Upon such claim being made the Speaker or Chairperson, at his or her sole discretion shall either direct the Clerk to alter that Member's vote or direct a fresh division be held.

CHAPTER X: LEGISLATION

51. Private Members' Bill

(1) Subject to the provisions of these Standing Orders, any Member, other than a Minister, desiring to introduce a Bill, shall give written notice to the Clerk of his or her intention to do so and shall together with the notice submit three copies of the Bill to the Clerk, along with an explanatory statement of objects and reasons which shall not contain arguments.

(2) Copies of the Bill together with the explanatory statement of objects and reasons shall be circulated to Members by the Clerk.

52. Introduction and First Reading of Private Members' Bills

(1) Having regard to the provisions of Standing Order No. 25, a Motion for leave to introduce a Private Member's Bill shall be set down under Private Members' Business on the Order Paper not earlier than fourteen (14) clear days from the date on which written notice was given to the Clerk.

(2) If a motion for leave to introduce a Private Member's Bill is opposed, the Speaker, after permitting a brief explanatory statement by the Member moving for leave and by the Member opposing it, may without further debate or amendment, put the question.

(3) If leave is granted, the Clerk shall then read aloud the title of the Bill, which shall be recorded in the Minutes of Proceedings as having been read a first time and ordered to be published, without question put.

53. Introduction and First Reading of Government Bills

(1) Except as provided in paragraph three (3) of this Standing Order any Member may move for leave to introduce a Bill of which he or she has given notice but a Bill may be presented to the Assembly on behalf of the Government after notice without an order of the Assembly for its introduction.

(2) A notice of the presentation of a Bill on behalf of the Government may be entered on the Order Paper for the day of the Sitting on which the Bill is to be presented.

(3) Except on the recommendation or with the consent of the Cabinet signified by a Minister, the Assembly shall not proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the person presiding, makes provision for any of the following purposes :-

- (a) for imposing or increasing any tax;
- (b) for imposing any change upon the Consolidated Fund or any other public fund of Guyana or for altering any such change otherwise than by reducing it;
- (c) for the payment, issue or withdrawal from the Consolidated Fund or any other public fund of Guyana or any moneys not charged thereon or any increase in the amount of such a payment, issue or withdrawal; or
- (d) for compounding or remitting any debt due to Guyana.

54. Appointment of Days for Stages of Bills

(1) After a Bill has been introduced and read a first time, the Member in charge may either:

- (a) name a day to be appointed for the next stage of the Bill, provided an interval of not less than six (6) days must elapse between the first and second reading of a Bill, unless the Assembly, on motion made and question put, agree to proceed with the Bill at an earlier date; or
- (b) move that the Bill be referred to a Sectoral Committee for consideration and report; or
- (c) move that the Bill be referred to a Special Select Committee for consideration and report.

(2) No Bill shall be read a second time before the expiration of six (6) days from the date of its publication in the *Gazette* and until it has been printed and circulated to Members.

55. Printing and Circulation of Bills

(1) The Clerk shall be responsible for the printing of Bills from the draft handed to him or her by the Member in charge of the Bill and before any Bill is printed, he or she shall satisfy himself or herself that: -

- (a) the Bill is divided into successive clauses numbered consecutively;
- (b) the Bill has in the margin a short summary of each clause; and
- (c) the provisions of the Bill do not go beyond its title.

(2) As soon as possible after the printing of a Bill the Clerk shall circulate a copy to every Member. The Bill may be accompanied by a short memorandum explanatory of the contents and objects of the Bill.

The Clerk shall as soon as possible cause every Bill to be published in the *Gazette*.

56. Procedure after Presentation of Report of Sectoral/ Special Select Committee

(1) When a Bill has been referred to a Sectoral or Special Select Committee in accordance with Standing Order No. 54, the Committee may circulate the Bill for the purpose of eliciting opinion thereon.

(2) After presentation of the final report by the Committee the Member in charge may move that the Bill, as reported by the Sectoral or Special Select Committee as the case may be, be read a second time, provided that copies of the report of the Sectoral or Special Select Committee, as the case may be, have been made available to Members for at least six (6) days before the day on which the motion is made.

(3) When a Committee's Report on a Bill is so tabled, the Bill will be placed on the Order Paper for a second reading at which time the Bill and the proposed amendments, if any, in the report form part of the debate. The Bill goes through the second and third readings.

57. Second Reading of Bills

(1) On the second reading of a Bill a debate may arise covering the general merits and principles of the Bill.

(2) To the question "That the Bill be now read a second time" an amendment may be proposed to leave out the word "now" and add at the end of the question "upon this day six months", or an amendment may be moved to leave out all the words after the word "That" in order to add words stating the object and motive on which the opposition to the Bill is based, but such words must be strictly relevant to the Bill and not deal with its details.

58. Committal of Bills after Second Reading

(1) When a Bill has been read a second time in accordance with Standing Order No. 57, it shall stand committed to a Committee of the Whole Assembly, unless the Assembly on motion made commits it to a Select Committee. Such motion shall not require notice and must be made immediately after the Bill has been read a second time and may be moved by any Member. The question thereon shall be put without amendment or debate.

(2) When a Bill has been committed to a Select Committee, in accordance with Standing Order No. 58 (1), no further proceedings shall be taken thereon until the Select Committee has presented its report to the Assembly.

(3) A Bill, while under consideration in Committee of the Whole Assembly in accordance with Standing Order No. 58 (1), may, on motion made in the Assembly, be withdrawn from that Committee and be referred to a Select Committee, and the reference to a Select Committee may be in respect of the Bill as a whole, or to specified clauses.

(4) When a Committee's report on a Bill is so tabled, the Bill will be placed on the Order Paper for a third reading at which time the Bill and the proposed amendments, if any, in the report form part of the debate. The Bill goes through the third reading.

59. Functions of Committees on Bills

(1) Any Committee to which a Bill is committed shall not discuss the general merits and principles of the Bill but only its details.

(2) Any such Committee shall have power to make such amendments therein as it thinks fit, provided that the amendments, including new clauses and new schedules, are relevant to the subject matter of the Bill; but if any such amendments are not within the title of the Bill, it shall amend the title accordingly, and shall report the same to the Assembly.

60. Procedure in Committee of the Whole Assembly on a Bill

(1) The Chairperson in Committee of the Whole Assembly shall call the number of each clause in succession or a number of clauses together. If no amendment is proposed thereto, or when all proposed amendments have been disposed of, he or she shall propose the question "That the clause (or the clause as amended) or the clauses stand part of the Bill" and, when all Members who wish to speak thereon have spoken, he or she shall put that question to the Committee for its decision.

(2) Any proposed amendments of which notice has not been given shall be handed to the Chairperson in writing.

(3) The following provisions shall apply to amendments relating to Bills:-

- (a) an amendment must be relevant to the subject matter of the Bill, and to the subject matter of the clause to which it relates;
- (b) an amendment must not be inconsistent with any clause already agreed to or with any previous decision of the Committee;
- (c) an amendment must not be such as to make the clause which it proposes to amend unintelligible or ungrammatical;

- (d) if an amendment refers to, or is not intelligent without a subsequent amendment or schedule, notice of the subsequent amendment or schedule must be given before or when the first amendment is moved so as to make the series of amendments intelligible as a whole;
- (e) in order to save time and repetition of arguments, the Chairperson may allow a single discussion to cover a series of inter-dependent amendments;
- (f) the Chairperson may refuse to allow an amendment, which is, in his or her opinion, frivolous or meaningless, to be moved;
- (g) except on the recommendation or with the consent of the Cabinet, to be signified by a Minister and recorded in the Minutes of Proceedings, the Committee shall not proceed upon any amendment which, in the opinion of the Chairperson, would make provision for any of the purposes described in paragraph three (3) of Standing Order No. 53 [Introduction and First Reading of Bills]; and
- (h) the Chairperson may at any time during the discussion of a proposed amendment withdraw it from the consideration of the Committee if, in his or her opinion, the discussion shall have shown that the amendment violates the provisions of this Standing Order.

(4) The provisions of paragraphs five (5) and six (6) of Standing Order No. 37 [Amendments to Motions] shall apply to the discussion of amendments to Bills, with the substitution where appropriate of the word “clause” for the word “motion” or the word “question”, and of the word “Chairperson” for the word “Speaker” and the word “Committee” for the word “Assembly” throughout.

(5) A clause may be postponed, unless a decision has already been taken upon the amendment thereto. Postponed clauses shall be considered after the remaining clauses of the Bill have been considered and before new clauses are brought up.

(6) Any proposed new clause shall be considered after the clauses of the Bill have been disposed of and before consideration of any schedule to the Bill:

Provided that a new clause proposed in substitution for a clause which has been disagreed to may be considered immediately after such disagreement.

(7) When the number of a new clause is called, amendments may be proposed thereto. If no amendment is proposed, or when all the proposed amendments have been disposed of, the Chairperson shall propose the question “That the clause (or the clause as amended) be added to the Bill” and when all Members who wish to speak thereon have spoken, he or she shall put that question to the Committee for its decision.

(8) Schedules shall be disposed of in the same way as clauses and any proposed new schedule shall be considered after the schedules to the Bill have been disposed of, and shall be treated in the same manner as a new clause.

(9) When every clause or schedule or proposed new clause or schedule has been dealt with, the preamble, if there is one, shall be considered and the question put “That this be the preamble to the Bill”. No amendment to the preamble shall be considered which is not made necessary by a previous amendment to the Bill.

(10) If an amendment to the title of the Bill is made necessary by an amendment to the Bill, it shall be made at the conclusion of the proceedings detailed above, but no question shall be put that the title (as amended) stand part of the Bill, nor shall any question be put upon the enacting formula.

(11) At the conclusion of the proceedings in Committee on a Bill, the Chairperson shall put the question “That the Bill (or the Bill as amended) be reported to the Assembly” which question shall be decided without amendment or debate.

(12) If any Member, before the conclusion of proceedings on a Bill, moves to report progress and such motion is carried, the Assembly shall resume and the Member in charge of the Bill shall report progress to the Assembly and ask leave to sit again, and name a day for the resumption of the proceedings.

(13) A Committee having met to consider a Bill shall proceed with its consideration, except that during the proceedings on a Bill the Member in charge of the Bill may, subject to the discretion of the Chairperson, move a motion “That the Committee do not proceed further with the Bill”. If the motion is carried the Member in charge of the Bill shall then report the Bill to the Assembly as so far amended or without amendments, as the case may be, explaining the proceedings of the Committee on the Bill.

61. Procedure in Committee on a Bill

A Select Committee on a Bill shall be subject to Standing Orders No. 95 [Procedure in Select Committees] and No. 102 [Divisions in Select Committees] but before reporting the Bill to the Assembly, it shall go through the Bill as provided in Standing Order No. 60 [Procedure in Committee of the Whole Assembly on a Bill].

62. Procedure on Reporting of Bills from Committee of the Whole Assembly

As soon as a Committee of the Whole Assembly has agreed that a Bill be reported, the Assembly shall resume, and the Member in charge of the Bill shall report it to the Assembly and either name a future day for the third reading of the Bill or move that it be read the third time forthwith.

63. Recommittal of Bills Reported from Committee of the Whole Assembly

- (1) If any Member desires to delete or amend any provision contained in a Bill as reported from a Committee of the Whole Assembly or to introduce any new provision therein he or she may at any time before a Member rises to move the third reading of the Bill, move that the Bill be recommitted either wholly or in respect only of some particular part or parts of the Bill or some proposed new clause or new schedule, no notice of such motion being required, and if the motion is agreed to the Bill shall stand so recommitted. The Assembly may then, upon motion made, resolve itself into Committee to consider the business so recommitted either forthwith or upon a later day.
- (2) When the whole Bill has been recommitted, the Committee shall go through the Bill as provided in Standing Order No. 60 [Procedure in Committee of the Whole Assembly].
- (3) When the Bill has been recommitted in respect only of some particular part or parts or of some proposed new clause or new schedule, the Committee shall consider only the matter so recommitted and any amendment which may be moved thereto.
- (4) At the conclusion of the proceedings in Committee on a Bill recommitted under the provisions of this Standing Order, the Chairperson shall put the question “That the Bill (or the Bill as amended on recommittal) be reported to the Assembly” which question shall be decided without amendment or debate. As soon as the Bill has been reported, the Member in charge of the Bill may either name a future day for the third reading of the Bill or move that it be read the third time forthwith.

64. Procedure on Bills reported from Select Committees

- (1) When a Bill has been reported from a Select Committee, the Assembly may proceed to consider the Bill as reported from the Select Committee upon a motion “That the report of the Select Committee on the Bill be adopted” moved under paragraph nine (9) of Standing Order No. 104 [Reports from Committees].
- (2) If that motion is agreed to without amendment, the Assembly may proceed to the third reading of the Bill as reported from the Select Committee.
- (3) Upon a motion to approve the report of the Select Committee on a Bill, any Member may propose an amendment to add at the end of the motion, the words “Subject to the recommittal of the Bill (either wholly or in respect of some particular part or parts of the Bill or some proposed new clause or new schedule) to a Committee of the Whole Assembly” and if that motion is agreed to with such an amendment, the Bill shall stand so recommitted. The Assembly may then, upon motion made, resolve itself into a Committee to consider the business so recommitted.
- (4) A Committee of the Whole Assembly upon a Bill recommitted under the provisions of this Standing Order shall proceed in accordance with paragraph two (2) or paragraph three (3) of Standing Order No. 63 [Recommittal of Bills Reported from Committee of the Whole Assembly]

and the conclusion of its proceedings and the remaining proceedings on the Bill shall be subject to paragraph four (4) of that Standing Order.

65. Third Reading of Bills

(1) On the third reading of a Bill no amendments may be proposed to the question “That the Bill be now read a third time and passed” and the question shall be put without amendment or debate.

(2) Where a Bill is passed by the Assembly, the Speaker shall have the power to correct patent errors and make such other changes in the Bill as are consequential upon the amendments accepted by the Assembly.

(3) Where amendments are made in the Bill, the renumbering or lettering of the clauses, sub-clauses and all references therein, the numbering or lettering of clause or sub-clauses as required by such renumbering, re-lettering or amendments and any clerical errors may be rectified by the Clerk of the Assembly.

66. Private Bills

(1) Every Bill (not being a Public Bill) intended to affect or benefit some particular person, association or corporate body, herein called a “Private Bill” shall be introduced into the Assembly under the provisions of this Standing Order.

(2) Any Bill (not being a Government Bill) which, in the opinion of the Speaker, appears to affect directly private rights or property, shall be introduced into the Assembly as a Private Bill under the provision of this Standing Order.

(3) A Private Bill shall be introduced by a Member only: -

(a) on petition from the promoters stating the objects of and reasons for the Bill; and

(b) after notice of the Bill has been given by not less than three successive publications of the Bill at the expense of the promoters in the *Gazette* and three notices have been inserted in a newspaper containing a statement of the objects of and reasons for the Bill.

(4) The petition shall be presented by being lodged with the Clerk, and shall be read at the first Ordinary Sitting of the Assembly after it is lodged, and thereupon the Speaker shall put the question that the promoters be allowed to proceed.

(5) (a) When leave to proceed has been granted, a copy of the Bill shall, if not previously lodged, be lodged with the Clerk within six months after such leave has been granted.

(b) Upon lodging the Bill, the promoters shall pay to the Accountant General the cost, as

ascertained by the Clerk, of publication in the *Gazette* and in a newspaper together with the prescribed stamp duty except in such cases where the Assembly has remitted the stamp duty.

- (c) The Clerk shall cause the Bill lodged with him or her to be printed as early as possible, and at the first Ordinary Sitting of the Assembly following the publication of notices of the Bill in accordance with paragraph three (3) of this Standing Order, the Speaker, if he or she is satisfied that the said notices have been published, shall put the question that the Bill be read a first time, upon which no discussion shall be allowed. After the Bill is read the first time, it shall stand upon the Order Paper for second reading at the next Ordinary Sitting of the Assembly.

(6) Upon the day ordered for the second reading, the Speaker shall, unless the Assembly otherwise orders, propose the question that the Bill be read a second time.

(7) When the Bill has been read a second time it shall stand committed to a Committee of the Whole Assembly, unless the Assembly on motion made commits it to a Select Committee. Such motion shall not require notice and must be made immediately after the Bill has been read a second time, and the question thereon shall be put without amendment or debate.

(8) (a) Every Select Committee on such a Bill shall require proof of the facts and other allegations set forth in the Bill as showing that it is expedient that the Bill should be passed, and may take such oral or other evidence as it may think requisite. Thereafter, if the Select Committee finds that the said facts and allegation are not proved, it shall report to the Assembly accordingly and thereupon no further proceedings shall be taken with reference to the Bill, unless the Assembly makes a special order to the contrary.

(b) If the Select Committee finds that the said facts and allegations had been proved, the Committee shall consider the several clauses of the Bill and may strike out clauses, add new clauses, and make any other amendments which it shall deem necessary, and in respect of such new clauses and other amendments, shall describe their purport in a special report to the Assembly. No new clauses or amendments shall be allowed in such a Bill which are foreign to the objects of and reasons for the Bill or which are beyond its scope.

(9) No person other than a Member shall be heard in opposition to any Private Bill, unless he or she has previously lodged a petition with the Clerk showing the nature of his or her objections to the Bill, and stating whether his or her objections extend to the whole or some part of the preamble if any, or to the clauses of the Bill, and praying that he or she may be heard by himself or herself or his or her counsel against the Bill.

(10) Subject to the provisions of this Standing Order, all petitions against a Bill, containing a plea that the petitioners be heard by themselves or counsel shall stand referred to the Select Committee and the Committee shall hear all such opposers who appear to have a *locus standi*.

(11) When it is intended to examine witnesses the petitioner or Member requiring such witnesses shall deliver to the Clerk two days at least before the day appointed for their examination, a list containing names, residence and occupation of such witnesses.

(12) The evidence of every witness shall be taken down and read over to the witness who may then desire any correction to be made; and in case no such correction shall be made, the evidence shall stand as taken down and not be altered afterwards.

(13) The Select Committee shall examine the Bill and make such amendments thereto as it thinks proper, and shall report to the Assembly that it has examined the Bill and (if the fact be so) made amendments thereto and shall make to the Assembly such recommendations, if any, as it thinks fit.

(14) After the report of the Committee has been presented to and adopted by the Assembly, the Speaker shall put the question without amendment or debate, that the Bill be read the third time.

67. Custody of Bills

Every Bill passed by the Assembly shall remain in the custody of the Clerk who shall, subject to Article 164 of the Constitution, at the earliest opportunity, submit the Bill to the President for his or her assent and the President shall assent in accordance with Article 170 of the Constitution.

68. Withdrawal of Bills

The Member in charge of a Bill may move a motion, without notice, for its withdrawal, either before the commencement of Public Business or when any stage of the Bill is reached, but before the question is put.

69. Bills Containing Substantially the same Provisions

Once the second reading of any Bill has been agreed to or negatived, no question shall be proposed during the same Session for the second reading of any other Bill containing substantially the same provision.

70. Negative Resolutions

(1) The period prescribed for the purpose of Section 22 (1) of the Interpretation and General Clauses Act, Chapter 2:01 [which relates to subsidiary legislation subject to negative resolution of the National Assembly] shall be 40 days from the date on which the subsidiary legislation is laid before the Assembly.

(2) Where notice of a motion that any subsidiary legislation subject to negative resolution shall be annulled is given within 21 days of the date on which the subsidiary legislation is laid before

the Assembly, that motion shall be debated as soon as practicable and in any event before the expiration of the period prescribed in paragraph one (1) hereof.

CHAPTER XI: FINANCIAL PROCEDURES

71. Estimates of Expenditure

(1) The Estimates of Revenues and Expenditure for a financial year shall be laid before the Assembly by a Minister before or within ninety days after the commencement of that year. At the Sitting at which the Estimates are presented to the Assembly or at any subsequent Sitting, a Minister, after signifying the recommendation or the consent of the Cabinet may, without notice, move a motion for the approval of the Estimates of Expenditure. Such motion shall be the occasion for the Minister to make the Annual Financial Statement or Budget Speech.

(2) After the motion has been proposed the debate thereon shall be adjourned for not less than two days after which five further days shall be allotted for the debate on the motion. The debate, when resumed, shall be confined to the financial and economic state of the country and the general principles of Government policy and administration as indicated by the Budget Speech and the Estimates. After Members have spoken and the Minister has replied, or at the end of the Sitting on the last day allotted (whichever is earlier), the debate in the Assembly shall be concluded, but the question on the motion shall not be put at this stage.

(3) The Assembly shall resolve itself into Committee of Supply, without question put, to consider the Estimates.

(4) On conclusion of consideration of the Estimates in the Committee of Supply, the Assembly shall resume without question put and the Minister shall report to the Assembly.

(5) The motion for the approval of the Estimates shall be amended if necessary, and put, without further debate, as moved or as amended, as the case may be.

(6) For the purpose of this Standing Order and Standing Order No. 73 [Allotment of Time in Committee of Supply] an allotted day shall be any day on which the consideration of the motion for approval of the Estimates, whether by the Assembly or in the Committee of Supply, stands as the first Public Business for that day, and on such a day no other Public Business may be taken before 9.00 p.m.

72. Committee of Supply

(1) There shall be a Committee of the Whole Assembly to be called the Committee of Supply. The deliberations of the Committee shall be in public.

(2) It shall be the duty of the Committee of Supply to consider the Estimates and Supplementary Estimates of Expenditure and Statements of Excesses presented to the Assembly.

73. Allotment of Time in Committee of Supply

(1) There shall be allotted a maximum of seven (7) days for consideration of the Estimates of Expenditure in the Committee of Supply:

Provided that if the debate on the motion for the approval of the Estimates in the Assembly was agreed to on a day earlier than the last day allotted for the debate, the day or days thus saved may be added to the days allotted under this paragraph.

(2) Upon any day allotted under paragraph one (1) of this Standing Order no dilatory motion shall be moved except by a Minister upon proceedings upon the Estimates of Expenditure and such proceedings shall not be interrupted or postponed under any Standing Order.

(3) The Speaker may name the hour upon any day allotted under paragraph one (1) of this Standing Order at which proceedings upon any head of Expenditure in the Estimates shall be concluded.

(4) If in the case of any Head the proceedings thereon are concluded before the hour named under paragraph three (3), the next business may be entered upon forthwith.

(5) If in the case of any Head the hour so named is reached before the business concerned is disposed of, the Chairperson shall permit consideration to continue until the business of that Head is disposed of:

Provided that the amount of time allotted to the next Head is not altered.

(6) If the total time allotted for consideration of the Estimates under paragraph one (1) has elapsed, the Chairperson shall put forthwith any question necessary to dispose of all remaining business.

74. Business Sub-Committee

(1) There shall be a Sub-Committee of the Committee of Supply, to be known as the Business Sub-Committee, to consist of the Speaker as Chairperson and not less than six (6) or more than ten (10) Members to be nominated by the Committee of Selection, as soon as may be after the

beginning of each Session. It shall be the duty of the Sub-Committee to consider the allocation of time for consideration of the Estimates of Expenditure in the Committee of Supply and to report to that Committee upon:-

- (i) the number of Sittings to be allocated to the consideration of the Estimates;
- (ii) the allocation of the proceedings to be taken at each Sitting; and
- (iii) the time at which proceedings, if not previously brought to a conclusion, shall be concluded.

(2) All resolutions of the Business Sub-Committee shall be reported to the Committee of Supply at the commencement of the proceedings at the next Sitting of that Committee and shall be printed and circulated with the Minutes of the Proceedings of the Committee.

(3) Whenever the Business Sub-Committee has reported to the Committee of Supply the Minister in charge of the Estimates may forthwith move "That this Committee doth agree with the Business Sub-Committee in the said resolution (or resolutions)". Such a motion shall not require notice and the question thereon shall be decided without amendment or debate.

(4) If the question is resolved in the affirmative, the resolution (or resolutions) shall operate as a resolution of the Assembly, but if negatived the resolution (or resolutions) shall stand recommitted to the Business Sub-Committee.

75. Procedure in Committee of Supply

(1) On consideration of the Estimates of Expenditure in Committee of Supply, each Head of Expenditure shall be considered with the appropriate details, and any reference in these Standing Orders to a Sub-head or an item means a Sub-Head or an item in the Estimates for the Head then under discussion.

(2) On the consideration of the Estimates the Chairperson shall call the title of each Head of Expenditure in turn, and shall propose the question "That the sum of \$..... for Head stand part of the Estimates" and unless an amendment is proposed under the provisions of the next Standing Order, a debate may take place on that question. Any such debate shall be confined to the policy of the service for which the money is to be provided and shall not deal with the details of any item or Sub-Head but may refer to the details of revenues or funds for which that service is responsible.

(3) When the question upon every Head of the Estimates has been decided, the Chairperson shall put the question to the Committee that the Estimates (or the Estimates as amended) be reported to the Assembly, which question shall be decided without amendment or debate. Upon

such question being agreed to, the Assembly shall resume, and the Minister in charge of the Estimates shall report it to the Assembly.

76. Amendments to Heads of Estimates of Committee of Supply

(1) No amendment shall be moved in the Committee of Supply under this Standing Order until one day after that on which it was published in the Notice Paper.

(2) An amendment to any Head of Expenditure to increase the sum allotted thereto whether in respect of any item or Sub-Head or of the Head itself may only be moved by a Minister who shall signify to the Committee the recommendation or the consent of the Cabinet to the increase. Every such amendment shall take the form of a motion “That Head be increased by \$..... in respect of Sub-Head Item”.

(3) An amendment to increase a Head whether in respect of any item or Sub-Head or of the Head itself shall take precedence over an amendment to reduce the Head in the same respect, and if it is carried no amendment to reduce the Head in that respect, shall be called.

(4) An amendment to any Head of Expenditure to reduce the sum allotted thereto in respect of any item therein may be moved by any Member, and shall take the form of a motion “That Head be reduced by \$..... in respect of (or by leaving out) Sub-Head, Item”.

(5) Any amendment to reduce a head in respect of any Sub-Head or by leaving a Sub-Head shall only be in order if the Sub-Head is not itemized.

(6) An amendment to reduce a Head without reference to a Sub-Head therein shall only be in order if the Head is not divided into Sub-Heads.

(7) An amendment to leave out a Head shall not be in order and shall not be placed on the Notice Paper.

(8) In case of each Head, amendments in respect to items or Sub-Heads in that Head shall be placed upon the Notice Paper and considered in the order in which the items or Sub-Heads to which they refer stand in the Head in the Estimates.

(9) When notice has been given of two or more amendments to reduce the same item, Sub-Head, or Head they shall be placed upon the Notice Paper and considered in the order of the magnitude of the reductions proposed, the amendment proposing the largest reduction being placed first in each case.

(10) Debate on every amendment shall be confined to the item, Sub-Head or Head to which the amendment refers, and after an amendment to an item or Sub-Head has been disposed of, no amendment or debate on a previous item or Sub-Head of that Head shall be permitted.

(11) When all amendments standing on the Notice Paper in respect to any particular Head of Expenditure have been disposed of the Chairperson shall again propose the question “That the sum of \$..... for Head stand part of the Estimates” (or shall propose the amended question “that the (increased) (reduced) sum of \$..... for Head stand part of the Estimates”) as the case may require. The debate on any such question shall be subject to the same limitations as apply to a debate arising under paragraph three (3) of Standing Order No. 75 [Procedure in Committee of Supply].

77. Appropriation Bill

(1) The Appropriation Bill shall be introduced in the Assembly after the Estimates of Expenditure have been approved.

(2) The Bill will provide for the issue from the Consolidated Fund of the sum necessary to meet the Expenditure approved by the Assembly in the Annual Estimates and the appropriation of those sums for the purposes specified therein.

(3) After the Bill has been published in the *Gazette* and introduced in the Assembly, the Minister may without notice, move that the remaining stages be taken forthwith.

(4) No debate shall take place on the motions for the second reading and the third reading of the Bill, and the Bill shall not be committed.

(5) The question for the second reading and for the third reading shall be put without amendment or debate.

78. Supplementary Estimates of Expenditure and Statements of Excesses

(1) If in respect of any financial year it is found:-

(a) that the amount appropriated by the Appropriation Act for any purpose is insufficient or that a need has arisen for Expenditure for a purpose for which amount has been appropriated by that Act; or

(b) that any moneys have been expended for any purpose in excess of the amount appropriated for that purpose by the Appropriation Act or for a purpose for which no amount has been appropriated by that Act; or

(c) that advances have been made from the Contingencies Fund for Expenditure for which no other provision exists, a Minister may present a Paper with the Supplementary Estimate or, as the case may be, the Statement of Excess showing the sums required or spent and that Paper shall be ordered to be printed and shall stand referred to the Committee of Supply without question put and shall be

appointed to be considered on a day to be named by the Minister presenting the Paper but not earlier than one (1) day after that on which the Paper was presented.

(2) On the day named under paragraph one (1) of this Standing Order the Committee of Supply shall stand as the first item of Public Business and the Assembly shall resolve itself into that Committee without question put.

(3) When the Assembly has resolved itself into a Committee of Supply to consider such a Paper, a Minister may move without notice (the recommendation or the consent of the Cabinet being first signified) “That this Assembly approves the proposal (or proposals) set out in Financial Paper No.” to which motion amendments may be moved to add words either leaving out or reducing an item or a Sub-Head of any particular proposal or if there be more than one proposals leaving out any particular proposal:

Provided that when an amendment has been proposed to leave out or reduce any item or Sub-Head no amendment may be moved to an earlier item or Sub-Head and that when an amendment to leave out a proposal (or where there is only one proposal, the question “That this Assembly approves the proposal set out in Financial Paper No.” has been proposed), no amendment to an item or Sub-Head in that proposal may be moved.

(4) When the motion “That this Assembly approves the proposal (or proposals) set out in Financial Paper No.”, or that motion as amended has been agreed to, the Assembly shall resume and the Minister in charge shall report that the Committee has come to a Resolution and move “that this Assembly doth agree with the Committee in the said Resolution” and the question thereon shall be put forthwith without amendment or debate.

(5) If the consideration of the proposal (or proposals) in a Financial Paper has not been concluded by the time for the suspension or the adjournment, the Assembly shall resume and the Minister in charge shall after reporting any Resolutions that may have been agreed to, report progress and ask leave to sit again and shall then name a day for the resumption of the Committee.

79. Supplementary Appropriation Bills

If from time to time, whether in the course of a particular financial year or after its close, a Supplementary Appropriation Bill is presented appropriating only proposals which have been approved by the Committee of Supply and the necessary questions shall be put forthwith without amendment or debate.

CHAPTER XII COMMITTEES

80. Standing Committees

(1) The following Standing Committees shall be established at the commencement of each National Assembly:-

- (a) The Committee of Selection;
- (b) The Public Accounts Committee;
- (c) The Parliamentary Standing Committee for Constitutional Reform;
- (d) The Committee on Appointments;
- (e) The Parliamentary Management Committee,
- (f) The Sectoral Committees specified in Standing Order No.86; and
- (g) The Parliamentary Oversight Committee on the Security Sector.

(2) Standing Committees shall continue for the duration of an Assembly, unless the Assembly provides otherwise. The business and proceedings before a Standing Committee shall not lapse by reason of prorogation and shall be proceeded with in the next ensuing Session of the same Assembly.

(3) The Assembly may establish and appoint further Standing Committees as it considers necessary.

(4) Unless otherwise provided for in Standing Orders, a Standing Committee shall consist of such Members of the Assembly as the Committee of Selection shall determine.

(5) Unless otherwise provided for in these Standing Orders, any Member of the Assembly, whether elected or non-elected, shall be eligible for membership of any Standing Committee and shall have the right to vote therein.

81. The Committee of Selection

(1) There shall be a Standing Committee to be known as the Committee of Selection appointed as soon as may be after the beginning of each National Assembly to perform the functions allotted to it by these Standing Orders, and for such other matters as the Assembly may from time to time refer to it.

(2) The Committee of Selection shall consist of the Speaker as the Chairperson, and not less than six (6) or more than ten (10) Members to be nominated by the Assembly. The Committee shall

inform the Assembly by means of its Minutes of Proceedings when any Member has been nominated to any Committee.

(3) The Committee shall not have power to send for persons, papers and records.

(4) Every recommendation or decision of the Committee of Selection shall be reported to the Assembly at the next Sitting.

82. The Public Accounts Committee

(1) There shall be a Standing Committee to be known as the Public Accounts Committee to consist of not less than six (6) or more than ten (10) Members to be nominated by the Committee of Selection as soon as may be after the beginning of each National Assembly. It shall be the duty of the Committee to examine the accounts showing the appropriation of the sums granted by the Assembly to meet Public Expenditure and such other accounts laid before the Assembly as the Assembly may refer to the Committee together with the Auditor General's report thereon.

(2) The Chairperson of the Public Accounts Committee must be a Member of the main Opposition in the Assembly.

(3) Within ninety days of the presentation of a report from the Public Accounts Committee, the Government shall table its Treasury Memorandum, as its response thereto.

83. The Parliamentary Standing Committee for Constitutional Reform

(1) Pursuant to Article 119A of the Constitution, as soon as may be after the beginning of each National Assembly there shall be appointed a Standing Committee for Constitutional Reform for the purpose of continually reviewing the effectiveness of the working of the Constitution and making periodic reports thereon to the National Assembly, with proposals for reform as necessary. The Parliamentary Standing Committee for Constitutional Reform shall consist of not less than six (6) or more than ten (10) Members to be nominated by the Committee of Selection.

(2) To assist in its work, the Committee shall have the power to co-opt experts or enlist the aid of other persons of appropriate expertise, whether or not such experts or other persons are Members of the National Assembly.

(3) The Parliamentary Standing Committee for Constitutional Reform shall have the same powers, duties and responsibilities in relation to its functions as conferred on Select Committees by Standing Order No. 86.

84. The Committee On Appointments

(1) Pursuant to Article 119C of the Constitution as soon as may be after the beginning of each National Assembly there shall be appointed a Standing Committee of the National Assembly which shall have responsibility for initiating or otherwise taking such actions or addressing such matters as may be entrusted to the Committee by the National Assembly in respect of functions required to be discharged by the National Assembly under the Constitution in relation to the appointment of a member for a Commission established under the Constitution.

(2) The Committee on Appointments shall consist of not less than six (6) or more than ten (10) Members to be nominated by the Committee of Selection.

(3) It shall be the duty of the Committee to:-

- (a) identify the appropriate bodies for consultation in the appointment of the relevant members of the Commission, conduct the necessary consultation with them and, where necessary, receive nominations from appropriate bodies;
- (b) make recommendations to the National Assembly:-
 - (i) for a consensual mechanism for the Ethnic Relations Commission, the Women and Gender Equality Commission, the Indigenous Peoples' Commission, and the Rights of the Child Commission;
 - (ii) for the appointment of members of the Commissions with the exception of the Public Procurement Commission; and
 - (iii) in connection with any other matter referred to it by the Assembly from time to time.
- (c) report to the National Assembly in relation to each Commission as soon as possible upon the discharge of its functions in relation thereto.

85. The Parliamentary Management Committee

(1) There shall be a Standing Committee to be known as the Parliamentary Management Committee to be appointed as soon as may be after the beginning of each National Assembly to consider and decide on matters relating to the business of the National Assembly, such other matters which the Committee may wish to consider and such other matters referred to it by the National Assembly.

(2) The Committee shall comprise ten (10) Members, five (5) representing the Government and five (5) representing the Opposition to be nominated by the Committee of Selection, with the Speaker as the Chair and in his or her absence, the Deputy Speaker. The Speaker, and the Deputy Speaker, if he or she is not a Member of the Committee, shall have neither an original nor a casting vote.

(3) A quorum shall be five (5) Members, two (2) representing the Government and two (2) representing the Opposition one (1) of whom shall be representative of the main Opposition Party and the Speaker or, in his or her absence, the Deputy Speaker. If a meeting which is convened cannot be held for the lack of a quorum, Members of the Committee shall be given forty-eight hours notice of the holding of another meeting at which other meeting the Members present shall comprise a quorum provided at least one (1) Member of the Opposition is present.

86. The Sectoral Committees

(1) Pursuant to Article 119B of the Constitution as soon as may be after the beginning of each National Assembly there shall be appointed Standing Committees to be known as Parliamentary Sectoral Committees as follows:-

- (a) Committee on Natural Resources;
- (b) Committee on Economic Services;
- (c) Committee on Foreign Relations; and
- (d) Committee on Social Services,

with responsibility for the scrutiny of all areas of Government policy and administration.

(2) Each Committee shall consist of seven (7) Members, four (4) representing the Government and three (3) representing the Opposition, to be nominated by the Committee of Selection. The Government and Opposition shall be entitled to elect one alternate Member for each Sectoral Committee.

(3) Each Sectoral Committee shall have a Chairperson and a Vice Chairperson elected from among Members of the Government and the Opposition, respectively and shall alternate annually with two (2) Sectoral Committees, each to be chaired by the Government and Opposition, respectively.

(4) Sectoral Committees shall, in the exercise of their responsibilities, examine all policies and administration for each sector to determine whether the execution of Government policy is in consonance with the principles of good governance and in the best interest of all the people of Guyana.

(5) Sectoral Committees shall have the authority to:-

- (a) determine areas of Government activity for scrutiny or specific examination;

- (b) request the Minister assigned responsibilities for the sector to submit written or oral information, including government documents and records about any specific area of government policy and administration;
- (c) review existing legislation on government policy administration for any of the sector;
- (d) summon persons to give evidence in accordance with the Legislative Bodies (Evidence) Act Chapter 1:08 of the Laws of Guyana;
- (e) scrutinize government documents, papers and records;
- (f) visit any government activity or project in Guyana as agreed and arranged by the Sectoral Committee;
- (g) in the discharge of their mandate, utilize the services of experts, specialists and other sources of advice as the Committees may determine;
- (h) establish a timetable for the conduct of their work;
- (i) make recommendations to the Assembly on legislation or any other action to be taken on matters falling within their purview; and
- (j) submit periodic reports to the National Assembly on their work.

(6) The National Assembly may request a Sectoral Committee to enquire into and report on any aspect of the policy or administration of the Government within its terms of reference.

(7) Within sixty days of the presentation of a report from a Sectoral Committee, the Government shall, upon the request of the Committee, table a comprehensive response thereto.

87. The Parliamentary Oversight Committee on the Security Sector

(1) Pursuant to Article 119D of the Constitution, as soon as may be after the beginning of each National Assembly, there shall be appointed a Standing Committee of the National Assembly named the Parliamentary Oversight Committee on the Security Sector which shall have responsibility for examining the policies and administration of the entities in the Security Sector, namely the Disciplined Forces of Guyana.

(2) To assist it in its work the Committee shall have the power to co-op experts or enlist the aid of other persons of appropriate expertise, whether or not such experts or persons are Members of the National Assembly.

88. Select Committees

(1) The following Sessional Select Committees shall be appointed at the commencement of each Session of the National Assembly:-

- (a) The Standing Orders Committee;
- (b) The Assembly Committee;
- (c) The Committee of Privileges; and
- (d) The Statutory Instruments Committee.

(2) Unless otherwise provided for in these Standing Orders, any Member of the Assembly, whether elected or non-elected, shall be eligible for Membership of any Select Committee and shall have the right to vote therein.

89. The Standing Orders Committee

(1) There shall be a Committee to be known as the Standing Orders Committee to consist of the Speaker as Chairperson and not less than six (6) or more than ten (10) Members to be nominated by the Committee of Selection as soon as may be after the beginning of each Session. It shall be the duty of the Committee to consider from time to time and report all matters relating to the Standing Orders which are referred to it by the Assembly.

(2) The Committee shall not have the power to send for persons, papers and records unless the Assembly so resolve.

90. The Assembly Committee

There shall be appointed a Committee to be known as the Assembly Committee to consist of the Speaker as Chairperson and not less than six (6) or more than ten (10) Members to be nominated by the Committee of Selection as soon as after the beginning of each Session, to consider and advise the Speaker upon all matters connected with the comfort and convenience of Members of the Assembly. The Committee shall from time to time report to the Assembly but shall not have power to send for persons, papers and records unless the Assembly so resolve.

91. The Committee of Privileges

There shall be appointed a Committee to be known as the Committee of Privileges to consist of the Speaker as Chairperson and not less than six (6) or more than ten (10) Members to be nominated by the Committee of Selection as soon as may be after the beginning of each Session. There shall be referred to this Committee any matter which appears to affect the powers and

privileges of the Assembly. It shall be the duty of the Committee to consider any matter so referred, and to report thereon to the Assembly.

92. The Statutory Instruments Committee

(1) As soon as may be after the beginning of each Session, there shall be appointed a Sessional Select Committee to be known as the Statutory Instruments Committee to consist of the Speaker as Chairperson and not less than six (6) or more than ten (10) Members to be nominated by the Committee of Selection.

(2) The Statutory Instruments Committee shall have the duty of considering all such instruments (as defined by the Interpretation and General Clauses Act for the time being enforced) as under the authority of any law are to be laid before the Assembly, and are to be subject to negative resolution within the meaning of the Interpretation and General Clauses Act, and to bring to the special attention of the Assembly any instrument: -

- (a) which involves the expenditure of public moneys or imposes or fixes fees for licenses or for services;
- (b) which cannot be challenged in the courts on the ground that it is ultra vires, or is only temporarily so challengeable;
- (c) the making of which appears to constitute an unusual or unexpected use of the powers conferred by the Law under which it is was made;
- (d) which purports to have retroactive effect although the law under which it was made does not, in terms give the Minister such power;
- (e) the publication or the laying before the Assembly of which appears to have been unduly delayed;
- (f) in respect of which there has been unjustifiable delay in notifying the Speaker that the Instruments had come into operation before it was laid before the Assembly;
- (g) the purport or form of which appears to require elucidation;
- (h) which may be in conflict with any provision of the Constitution of the Republic of Guyana;
or
- (i) which it considers is not in accordance with the letter, spirit or intention of its enabling Act.

(3) The Statutory Instruments Committee or a Special Select Committee shall consider all Regulations or Instruments subject to an affirmative resolution for the purpose set out in the aforesaid paragraph two (2) as may be referred to it by the Assembly.

(4) The Statutory Instruments Committee shall not consider or report on the merits or policy of any regulations.

93. Special Select Committees

(1) A Select Committee other than a Sessional Select Committee shall be known as a Special Select Committee. It shall be nominated by resolution of the Assembly and shall consist of such Members as may be nominated by the Committee of Selection.

(2) Unless otherwise provided for in these Standing Orders, any Member of the Assembly, whether elected or non-elected, shall be eligible for membership of any Special Select Committee and shall have the right to vote therein.

(3) A Special Select Committee shall have power to elect its own Chairperson.

94. Constitution of Select Committees

(1) Every Select Committee shall be so constituted as to ensure as far as possible, that the balance of parties in the Assembly is reflected in the Committee.

(2) Unless otherwise provided in the Standing Orders or by Resolution of the Assembly, the Committee of Selection may determine the size of each Committee.

(3) In the event of the death of a Member nominated to a Committee, or if his or her seat becomes vacant for any other reason, the Assembly or the Committee, as the case may require, shall nominate another Member in his or her place, and in so doing shall observe the provision of paragraph one (1) of this Standing Order.

95. Procedures in Select Committees

(1) Except as otherwise provided in Standing Orders, this Standing Order shall apply to all Standing and Select Committees.

(2) A written notice informing Members of the Committee of a meeting of the Committee shall ordinarily be circulated by the Clerk of the Committee no later than three days before the meeting unless the Committee by agreement adjourns to a time earlier than three (3) days. The notice must contain a summary of the items of business proposed to be dealt with at the meeting.

(3) The business to be transacted at every meeting of a Committee shall be confined to the matter referred to it by the Assembly and any extension or limitations thereof made by the Assembly, and in the case of a Select Committee on a Bill to the Bill committed to it and relevant amendments.

(4) If the Chairperson is unable to be present at any meeting, the Committee shall elect another Chairperson whose tenure of office shall be for the day of his or her election.

(5) Unless Standing Orders otherwise direct, a Select Committee may send for persons, papers and records, and shall have leave to report its opinion and observations together with the minutes of evidence taken before it to the Assembly.

(6) Unless the Assembly otherwise direct, three (3) Members shall be the quorum. In ascertaining whether there is a quorum present, the Member in the Chair shall not be excluded.

(7) If a Member is absent from three (3) or more consecutive Sittings of a Committee without the permission of the Chairperson of the Committee, the Chair shall so advise the Committee of Selection.

(8) Meetings of a Committee may be held within the precincts of the National Assembly, and if it becomes necessary, a Committee may meet at any other place within Guyana, with the consent of the Speaker.

(9) (a) The Meetings of a Committee shall be held in Private.

(b) However, Sectoral Committees and the Public Accounts Committee may sit in public, unless the Committee determines otherwise. In determining what proceedings shall be held in private, the Committee shall strive to reach a decision by consensus, failing which the provisions of Standing Order No. 48 [Decision of Questions] shall apply.

(c) All persons other than Members of the Committee and Officers of the Committee shall withdraw whenever the Committee is deliberating.

(10) The first meeting of a Select Committee shall be held at such time and place as the Chairperson in the case of a Sessional Select Committee, or the Speaker in the case of a Select Committee, shall appoint. Subsequent meetings shall be held at such time and place as the Committee may determine:

Provided that if the Committee fails to do so the Chairperson shall, in consultation with the Clerk of the Committee, appoint such time and place.

(11) Except by leave of the Assembly no Select Committee may sit while the Assembly is sitting, but a Select Committee may sit at any time when the Assembly is adjourned.

(12) (a) When it is intended to examine any witness, the Member requiring such witness shall deliver to the Clerk of the Committee the name, residence and occupation of any witness he desires to examine.

(b) If the Committee desires to send for any witness, the Chairperson shall supply the name, residence and occupation of every such witness to the Clerk of the Committee at

least seven (7) days before his or her evidence is required. The Clerk shall then send for every such witness on behalf of the Committee.

(13)(a) A witness shall ordinarily be given the opportunity to make a submission in writing before appearing to give oral evidence.

(b) A Committee may expunge from any transcript of proceedings, any evidence or statement that it considers to be irrelevant to its proceedings, offensive or possibly defamatory.

(14) The Committee may at its discretion refuse to hear any irrelevant evidence or any recalcitrant witness.

(15) Subject to this Standing Order, any Member of the Assembly (not being a Member of the Committee) may attend any meeting of a Committee, but such a Member will not be able to join in the deliberations; only Members of the Committee of Privileges may attend any meeting of that Committee while the Committee is deliberating.

(16) A Committee may seek the assistance of persons as Advisers or Expert Witnesses to the Committee during its consideration of a matter.

(17) Advisers may remain present during relevant proceedings that are not open to the public, unless excluded by the Committee.

(18) The Chairperson or Vice Chairperson of a Committee shall maintain order in the Committee and may order any stranger or other person, not being a Member of the Committee, to withdraw from a meeting if that person's conduct is disorderly, but disorder by Members of a Committee can only be censured by the Assembly on receiving a report thereof.

(19) (a) A Committee may appoint a sub-committee or sub-committees.

(b) A Committee may prescribe rules for the conduct of a sub-committee's proceedings provided that these rules are consistent with Standing Orders. Subject to any such rules, the same rules for the conduct of proceedings in a Committee shall apply to a sub-committee.

(20) (a) Any Member of a Select Committee may bring up a report for its consideration, and all such reports shall be entered in full upon the Minutes of Proceedings of the Committee. When all the reports have been brought up, the Chairperson shall propose the reports in order until one is accepted as a basis for discussion, beginning with his or her own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the Chairperson on any report shall be "That the Chairperson's or (Mr. or Ms...)'s report be considered paragraph by paragraph". When this question has been agreed to it shall not be proposed on any

further reports, but any portions thereof may be offered as amendments to the report under consideration, if they are relevant to it.

- (b) The Committee shall then proceed to go through the report paragraph by paragraph and paragraphs one (1) to seven (7) of Standing Order No. 60 [Procedure in Committee of the Whole Assembly on a Bill] shall apply to such consideration as if the report were a Bill and the paragraphs thereof the clauses of the Bill.
- (c) Upon the conclusion of the consideration of the report paragraph by paragraph and when all proposed new paragraphs have been considered the Chairperson shall put the question that this report be the report of the Committee to the Assembly.

96. Matter of Concern before Giving Evidence.

A person who is to appear before a Committee may raise any matter of concern relating to that evidence with the Clerk of the Committee before appearing before the Committee. Any such matters shall be brought to the attention of the Committee.

97. Conduct of Examination

(1) The Committee shall, before a witness is called for examination, decide the mode of procedure and the nature of questions that may be asked of the witness, subject to Standing Order No. 98.

(2) The Chairperson of the Committee shall first ask the witness such question or questions as he or she may consider necessary with reference to the subject matter under consideration or any subject connected therewith according to the mode of procedure mentioned in clause one (1) of this Standing Order.

(3) The Chairperson will recognize and call other Members of the Committee to ask any other questions.

(4) The Chairperson will take care to ensure that all questions put to a witness are relevant to the Committee's mandate.

(5) A witness may object to a question on the ground that it is not relevant. However, the Chairperson will then determine whether the question is relevant to the Committee's Proceedings and the Chairperson's decision in this matter shall not be open to dispute.

(6) A witness may be asked to place before the Committee any other relevant points that have not been covered and which a witness thinks are essential to be placed before the Committee.

(7) The evidence of every witness shall be taken down verbatim and sent in proof to the witness

by the Clerk of the Committee. The witness shall be at liberty, within twelve days from that on which the Clerk sent out the proof, to suggest corrections due to inaccurate reporting, and the evidence shall be printed with such of the corrections as may be approved by the Chairperson.

98. Counsel

- (1) A witness may be accompanied by Counsel (of witness's choice) and may consult Counsel in the course of a meeting at which the witness appears.
- (2) Counsel may :-
 - (a) with the Committee's agreement, address the Committee on the procedure to be followed by the Committee before Counsel's client is heard;
 - (b) when, in his or her opinion, the client's reputation may be seriously damaged by proceedings of a Committee, request that further witnesses give evidence in the client's interest.

99. Witness's Expense

No expense may be paid to any witness or proposed witness except with the permission of the Speaker.

100. Evidence Containing Allegations

- (1) If, during the Committee's public proceedings, evidence is given which, in the Committee's view, is injurious to a person's reputation, the Committee may adjourn the proceedings to be heard privately, and invite that person to be present during the giving of such evidence.
- (2) A person who is to appear before a Committee will be informed of or given a copy of any evidence (other than secret evidence) or material in the Committee's possession that contains an allegation that may seriously damage the reputation of that person.
- (3) Any person whose reputation may be seriously damaged by proceedings of a Committee may request from the Clerk of the Committee a copy of all material and evidence (except secret evidence) that the Committee possesses concerning that person.
- (4) The Committee shall consider any such request and may furnish such material if it considers it to be necessary to prevent serious damage to that person's reputation.

101. Confidentiality of Proceedings

- (1) The deliberations of a Committee and proceedings of a Committee or Sub-committee (other than proceedings during the hearing of public evidence, where permissible by these Standing Orders or the Assembly), are not open to the public and remain strictly confidential to the Committee until it reports to the Assembly.
- (2) Paragraph one (1) does not prevent:-
 - (a) the disclosure, by the Committee or by a Member of the Committee, of proceedings to a Member of Parliament or to the Clerk or another officer of the National Assembly in the course of their duties;
 - (b) the disclosure by the Committee, of proceedings to any other person for assisting in the Committee's consideration of a matter; and
 - (c) the disclosure of proceedings in accordance with Standing Orders.
- (3) A Committee making an Interim Report or a Special Report to the Assembly may resolve that some or all proceedings relating to the report remain confidential to the Committee until it reports finally to the Assembly.

102. Divisions in Select Committee

- (1) Every division in a Select Committee shall be taken by the Clerk of the Committee asking each Member of the Committee separately how he or she desires to vote and recording the votes accordingly.
- (2) When a division is claimed in a Select Committee every Member of the Committee present shall, unless he or she expressly states that he or she declines to vote, record his or her vote either for Ayes or Noes. The Clerk of the Committee shall enter in the Minutes of the Proceedings the record of each Member's vote and the names of those Members who decline to vote.
- (3) As soon as the Clerk has collected the votes he or she shall state the number of Members voting for the Ayes and Noes respectively and the Chairperson shall then declare the result of the division. The Chairperson shall not have an original vote but in the event of an equality of votes he or she shall give a casting vote.
- (4) If a Member of the Committee states that he or she voted in error or that his or her vote has been wrongly counted he or she may claim to have his or her vote altered, provided that such request is made as soon as the Clerk has announced the numbers and before the Chairperson has declared the result of the division.

103. Premature Publication of Evidence

The proceedings of and the evidence taken before any Select Committee and any documents presented to and decisions of such a Committee shall not be published by any Member thereof or by any other person before the Committee has presented its report to the Assembly.

104. Reports from Committees

- (1) Every Committee shall, before the end of the Session in which it was appointed, make a report to the Assembly upon the matters referred to it.
- (2) If a Committee finds itself unable to conclude its work before the end of the Session, it may so report to the Assembly. The Assembly may, on consideration of the request or motion or report, resolve that the Committee shall remain in being and continue its work.
- (3) A Committee shall have leave to make a Special Report relating to the powers, functions and proceedings of the Committee on any matter which it thinks fit to bring to the notice of the Assembly.
- (4) A Report or Special Report together with the minutes of any evidence taken before the Committee shall be presented to the Assembly by the Chairperson or any other Member deputed by the Committee and shall be ordered to lie upon the Table and be printed without question put.
- (5) Standing Committees shall report to the National Assembly from time to time but shall report on the progress of its work for the previous year and its work programme for the ensuing period.
- (6) A Committee may from time to time make an Interim Report informing the Assembly of the progress of its investigation into the matter before it.
- (7) A Committee may from time to time make a Special Report to the Assembly seeking authority from the Assembly to do something, or seeking guidance from the Assembly on some procedural question which has occurred in the Committee, or informing the Assembly of some other matter connected with its proceedings which it considers should be reported to the Assembly.
- (8) A Committee may, in its report, indicate the differing views of its Members.
- (9) The report of a Committee may be taken into consideration by the Assembly on a motion "That the report of the Committee on...be adopted". Such a motion may be moved by any Member after one day's notice.

105. Minutes of Proceedings

The Minutes of Proceedings of a Committee shall record all proceedings upon the consideration of any report or Bill in the Committee and upon every amendment proposed to such a report or Bill together with a note of any division taken in the Committee and of the names of Members voting therein or declining to vote.

CHAPTER X111 Miscellaneous

106. Absence of Members

(1) Any Member who is prevented from attending a Sitting of the Assembly shall acquaint the Clerk as early as possible of his or her inability to attend.

(2) If without the leave of the Speaker obtained in writing before the end of the last of the Sittings referred to in this paragraph, any elected Member is absent from the Assembly for more than six (6) consecutive Sittings occurring during the same Session and within a period of not longer than two calendar months, he or she shall vacate his or her seat in the Assembly under Articles 54 and 156 (1) (b) of the Constitution.

107. Employment of Members in Professional Capacity

No Member of the Assembly shall appear before the Assembly or any Committee thereof as Counsel or Solicitor for any party or in any capacity for which he or she is to receive a fee or reward.

108. Report of Debates

(1) An official report of all speeches made in the Assembly shall be prepared under the supervision of the Clerk, acting under such instructions as the Speaker may give.

(2) The report shall be published in such form as the Speaker may direct, and a copy thereof shall be sent to each Member as soon as practicable.

109. Strangers

(1) Strangers may be admitted to the debates in the Assembly under such rules as the Speaker may make from time to time for that purpose.

(2) If, at any Sitting of the Assembly, any Member moves that strangers withdraw, the Speaker shall forthwith put the question “That strangers do withdraw” without permitting any debate or amendment.

(3) The Speaker may, whenever he or she thinks fit, order the withdrawal of strangers from any part of the Chamber and its precincts and may order the doors of the Chamber to be closed.

(4) Strangers must withdraw from the Chamber and its precincts when called upon to do so by the Speaker.

110. Media

The Speaker may grant a general permission to the representative of any media to attend Sittings of the Assembly under such rules as the National Assembly may make from time to time. If such rules are contravened, such permission may be revoked.

111. Amendment of Standing Orders

(1) Unless the Speaker shall otherwise direct, not less than twelve days’ notice of a motion to amend the Standing Orders shall be given, and the notice shall be accompanied by a draft of the proposed amendments.

(2) The motion shall be set down for the earliest convenient Sitting after the expiration of the notice.

(3) When the motion is reached, the mover shall move the motion, and after it has been seconded, the motion shall be referred forthwith, without any question being put thereon, to the Standing Orders Committee, and no further proceedings shall be taken of any such motion until the Committee has reported thereon.

112. Suspension of Standing Orders

Any one or more of these Standing Orders may, after notice, or with the leave of the Speaker, be suspended on a motion made by a Member at any Sitting.

113. Rules in Cases not Provided for by Standing Orders

(1) In any matter not herein provided for, resort shall be had to the usage and practice of the Commons Assembly of Parliament of Great Britain and Northern Ireland, which shall be followed as far as the same, may be applicable to the Assembly, and not inconsistent with these Standing Orders or with the practice of the Assembly.

(2) In cases of doubt the Standing Orders of the Assembly shall be interpreted in the light of the relevant usage and practice of the Assembly of the Commons, but no restriction which the Assembly of Commons has introduced by Standing Order after the making of these Standing Orders shall be deemed to extend to the Assembly or its Members until the Assembly has provided by Standing Order for such restriction.

APPENDIX I
PRAYERS READ IN THE NATIONAL ASSEMBLY

Almighty God, we, who are here gathered together, do most humbly beseech Thee to guide us in all our consultations, so that we may together build a land where knowledge is free, where the mind is without fear, and the head is held high, and where words come from the depth of truth.

Grant us, O God, Thine aid and guidance, so that we may deal justly with the several causes that come before us, laying aside all private interests, prejudices and personal preferences, so that the result of our counsels may be to the glory of thy Blessed Name, the maintenance of true religion, the preservation of justice, the safety, honour and happiness of the President, and the peace and prosperity of Guyana.

Grant us O God, the vision so to lead, that all the people of this fair land may enter into that state of brotherhood and unity, where the mind is led forward by Thee into ever widening thought and action.

APPENDIX II
FORM OF OATH OF OFFICE

(To be made and subscribed by Members of the National Assembly)

I,..... do hereby solemnly declare that I will bear faith and allegiance to the People of Guyana , that I will faithfully execute the office of Member of the National Assembly without fear or favour, affection or ill-will and that in the execution of the functions of that office I will honour, uphold and preserve the Constitution of the Co-operative Republic of Guyana.

APPENDIX IV

Sectoral Committees' Areas of Scrutiny

Name of Sectoral Committee	Areas of Scrutiny	Responsible Ministries
Parliamentary Sectoral Committee on Natural Resources	Bauxite Industry Geological Surveys Geology & Mines	Public Works & Communication
	Acquisition & Beneficial occupation of non-beneficial occupied Lands in Georgetown, New Amsterdam, other Towns Water Resources	Housing & Water
	Acquisition/Transferral/ Occupation of Lands not Beneficially occupied in Georgetown, New Amsterdam & other Towns Hydrometeorology	Agriculture
	Forestry	Fisheries, Other Crops & Livestock
	Natural Resources/ Environment Forestry & Forest Policy National Parks Wild Life Land Use Thermal & Hydro Power	The President

Name of Sectoral Committee	Areas of Scrutiny	Responsible Ministries
Parliamentary Sectoral Committee on Economic Services	Public Works Communications NFMU GPO Corporation Public Utilities Regional Development District Administration Municipalities Local Authorities Housing, CHP Town & Country Planning Water Supply Agriculture Drainage & Irrigation Rice, Sugar Fisheries Division Livestock Division New Guyana Marketing Corporation Licensing of Buses/hire cars/goods vehicles Roads: Planning, Design, Maintenance, Construction Works & Construction Government Buildings Mechanical Equipment Electrical Inspection Civil Aviation Transport Planning Services Material testing Shipping & Harbour Services River & Sea Defence Maritime Transport	Public Works & Communication Local Government & Regional Development Housing & Water Agriculture Fisheries, Other Crops & Livestock Home Affairs Transport & Hydraulics

Name of Sectoral Committee	Areas of Scrutiny	Responsible Ministries
<p>Parliamentary Sectoral Committee on Foreign Relations</p>	<p>Diplomatic Relations Multilateral Relations The United Nations The Commonwealth OAS Organisation of Islamic Conferences CARICOM The Rio Group Foreign Affairs</p> <p>Cabinet Matters Defence/Territorial Integrity National Security Civil Define Public Information</p>	<p>Foreign Affairs</p> <p>The President</p>
<p>Parliamentary Sectoral Committee on Social Services</p>	<p>Culture Archives, Libraries, Museums Cinemas & Video Censorship National Commemoration Committee Youth Affairs Sport</p> <p>Primary, Secondary, Technical, Higher Education Examinations local & Overseas School Feeding Book Distribution</p>	<p>Culture, Youth & Sport</p> <p>Education</p>

Name of Sectoral Committee	Areas of Scrutiny	Responsible Ministries
<p>Parliamentary Sectoral Committee on Social Service</p>	<p>Maintenance/Public Safety & Order Public Holidays, Road Traffic Immigration Gambling prevention Fire Protection, Prisons Marriage licences Registration of Births/Deaths/ Marriages</p> <p>Children Services Adoption Services Probation/Welfare Operating an Advice Bureau for Women with financial, personal & legal problems Supervision of Government Social Security National Relief NIS Co-op Society/Friendly Society Industrial Relations Occupational Health & Safety Statistical Services Recruitment & Placement</p> <p>Administrative Organisation Public Service Personnel Public Sector Training Management Services Public Service Reform Non PSC administrative Matters</p>	<p>Home Affairs</p> <p>Labour, Human Services & Social Security</p> <p>Public Service</p>

Name of Sectoral Committee	Areas of Scrutiny	Responsible Ministries
Parliamentary Sectoral Committee on Social Services	<p>Amerindian Affairs</p> <p>General legal assistance to President All legal matters except where law assigns to another authority Deeds Registry State Solicitor Public Trustee & Official Receiver's Dept.</p> <p>Consumer Affairs</p> <p>National Art Collection</p> <p>Health Services: primary health care, public hospitals, clinics, etc Rehabilitation services, Blood bank, Pharmacy and Poison Boards, etc</p>	<p>Amerindian Affairs</p> <p>Attorney General & Legal Affairs</p> <p>Tourism, Industry & Commerce</p> <p>The President</p> <p>Health</p>

APPENDIX V

RULING ON ADJOURNMENT MOTION

An Adjournment Motion consisting of six pages and six resolutions was received by me at 12.10 p.m. The Hon. Member Mr. Robert Corbin informed me of his intention to introduce the Motion at 11.45 a.m.

On a ruling by my distinguished predecessor, the Hon. Sase Narain, Adjournment Motions are required to be lodged with the Clerk by 11.00 a.m., on the day on which it is intended to be moved. The rationale for the rules is clearly demonstrated in this case. I have been unable to properly read the document, much less study it.

Nevertheless several features are immediately apparent.

The issues which are referred to in the Motion occurred between December 2003 and January 2004. There has been more than sufficient time for a Motion to be lodged for debate. Only 14 days notice is required for a Private Member's Motion. The rules which apply to a Motion do not apply to an Adjournment Motion and I have no doubt that some of the matters raised are proper subjects for debate.

As Members are aware the subject of the Adjournment Motion must be **definite, urgent and of public importance.**

2.

Erskine May's Parliamentary Practice Seventeenth Edition at page 364 defines **“definite”** as **“a single specific matter,” “not couched in general terms or covering a great number of cases,” “not offered when facts are in dispute or before they are available”** and **“not importing an argument”**.

There are 34 “Whereas” (Introductory) clauses in the Motion and the first such clause invokes seven (7) distinct issues which are described in the clause as *“several allegations”*.

In relation to the issue of **“urgency”** the matter must be of recent occurrence and raised without delay. In this regard Erskine May states at page 365: **“The fact that a grievance is continuing is not sufficient if it is not of recent occurrence”**.

I referred to the fact that the events are dated between December and January and that there was sufficient time for a Private Member's Motion.

The matter must be of public importance. I have no doubt that the issues raised are of public importance.

3.

In *Parliamentary Procedure* by Kashyat it is stated at page 767 that the matter must have arisen **“suddenly in the manner of an emergency and should not have arisen over a series of weeks”**. There is also a requirement that the fact be **“admitted or established”**.

The same author describes an Adjournment Motion as **“a very potent procedural device”** because it disrupts the normal business of the House because of its urgency.

For the reasons of:

Late notification;

Multiplicity of issues;

The fact that the issues arose prior to the end of January;

And the other reasons I have described.

I am unable to allow the Motion.

I have not dealt with issues of jurisdiction, the provisions of the Police Act, sub judice and others.

Sgd. HON. HARI N. RAMKARRAN, S.C., M.P.,
.....

Speaker of the National Assembly

15th March, 2004

ANNOUNCEMENT

25th October, 2005.

I received a letter from Hon. Member Mr. Robert Corbin dated October 20, 2005, with enclosures requesting me to declare the seat of Hon. Member Mr. Raphael Trotman vacant on the ground that he has been disqualified pursuant to Article 156 (3) of the Constitution.

I wrote to the Hon. Member Mr. Trotman on October 24, 2005, inviting him to let me have his views. I have met with Mr. Trotman and have considered his representations.

I have also taken legal advice on this matter and the opinions which I have received concur with my own.

Mr. Trotman resigned from the PNCR on May 27, 2005, and from the two Parliamentary Committees of which he was a Member on June 1, 2005. According to press reports Mr. Trotman is now associated with a new political party called the Alliance For Change which is due to be officially launched shortly.

Article 156 (3) of the constitution provides as follows:

“A member of the National Assembly elected on a list shall be disqualified from being a member of the Assembly, if he or she, in the prescribed manner, declares that he or she will not support the list from which his or her name was extracted or, declares that he or she abstain from supporting that list or, declares his or her support for another List.”

The conditions for disqualification, therefore, are a declaration made in the prescribed manner. The declaration must state that the member will not support the list or will abstain or will support another list.

“To openly align oneself for or against (a party or position)” can constitute a declaration, (Concise Oxford Dictionary 10th Ed. Revised page 312). And in the absence of the manner of the declaration being prescribed, the use of the word “declares” in the context of the phrase “declares that he or she will not support the list....” contained in Article 156 (3) of the Constitution suggests that no formality as regards the declaration is required. Thus the declaration may take the form of a written or oral statement and may be express or implied. No one can say what formality, if any, the legislature had or may have had in mind.

In my view Mr. Trotman's resignation constitute a declaration for the purpose of Article 156 (3) of the Constitution

The manner in which the declaration is to be made has not been prescribed. The question arises as to whether Article 156 (3) can be invoked having regard to the failure of the legislature to do so.

In *Peters (Winston) v Attorney General and Another* (2001) 63 WIR 244, the Court of Appeal held that the failure of the Rules Committee to make rules under S 144 of the Representation Act was not fatal because by virtue of the conjoint effect of S55 of the Interpretation Act and S78 of the Supreme Court of Judicature Act, the Rules of the Supreme Court applied to Section 144 of the Representation of the People Act.

It appears that when the court is given jurisdiction but the procedure has not been defined, the gap can be filled by the court exercising its inherent jurisdiction. In *Jaundoo v Attorney General of Guyana* (1971) 16 WIR 141 the Privy Council held that in the absence of any provision prescribing the method of access to the High Court, a person complaining of an infringement of his constitutional rights was entitled to adopt any form of procedure by which the High Court might be approached to involve the exercise of any of its powers.

In *Jamaat Al Muslimeen v Bernard and Others* (No. 3) (1994) 46 WIR 429 the question was whether the court could order an interim payment in the exercise of a power given to it by statute to order such payments in circumstances specified in rules to be made by the Rules Committee, when the Rules Committee had made no such rules. The Court held that it could not because this went beyond procedure.

Several examples are given of this including the case of *R v Accused* (1992) 1 NZLR 257 in which it was held by the New Zealand Court of Appeal that a power to use video-taped evidence in criminal cases involving sexual offences against minors, could not be exercised until the associated regulations governing the manner and form of the making and identification of the videotape has been made and come into force. The head-note stated:

“Parliament had placed the completion and, therefore, the timing of the legislation is in the hands of the executive. The courts would not usurp or substitute this function.”

Arising from these authorities the issue is whether the prescribing of the manner for the making of the declaration pursuant to Article 156 (3) of the Constitution is a procedural or a substantive requirement.

A provision that the manner of making a declaration will be prescribed can only be referring to a procedure such as whether it should be by a statement, oral or written affidavit, a statutory declaration or by a letter to the Speaker or to the political party to whose list the member belongs. Clearly these falls within the category of procedural and therefore Article156 (3) can be given effect in the absence of a prescribed manner for the declaration.

19th December, 2005

The Hon. Mr. Reepu Daman Persaud,
Minister of Parliamentary Affairs,
Office of the President,
New Garden Street,
Georgetown.

Dear Minister,

I refer to your Motion moved at 10.00 p.m., on Thursday 15th December, 2005, to suspend Standing Order 9 to enable the National Assembly to sit after 10.00 p.m., to conclude the business on the Order Paper which, as you are aware, I allowed with great reluctance.

Standing Order 8 provides that the National Assembly shall sit every day except Saturday and Sunday. Standing Order 9 provides that the National Assembly shall adjourn at 10.00 p.m.

The clear intention to be derived from the combined effect of the above Standing Orders is that the National Assembly is expected to sit every day where, despite such sittings, its business for that day cannot be concluded by 10.00 p.m., as a result of which the business of the National Assembly would be severely disrupted, then power exists under Standing Order 24 to move a motion for suspension of Standing Order 9 without notice.

It is not contemplated by the Standing Orders that in a situation where the National Assembly meets once every two weeks that Standing Order 9 should be suspended merely to enable the day's business to be concluded for the purpose of convenience. It is intended that the power should be used sparingly, for example, to allow a member to conclude his/her speech where he/she requires only a short time to do so.

I am therefore of the view that any attempt to extend a day's sitting in the National Assembly by moving for a suspension of Standing Order 9 without notice merely for the purpose of convenience when the National Assembly meets only once in every two weeks, would be an abuse of the power granted by Standing Order 24.

I am therefore informing you that I will not allow such a motion without notice in the future save in exceptional circumstances. You will note that Standing Order 24(d) provides that the leave of the Speaker is required to move the motion for suspension without notice.

ANNOUNCEMENTS BY THE SPEAKER ON AMENDMENTS

Standing Order No. 37 (7)

This is an appropriate time to set out the principles which should apply in making amendments to bills and motions in the National Assembly.

1. Amendments must be made in writing.
2. Amendments must be presented in the usual format in accordance with the Standing Orders so as to give clear indication of (a) the words to be deleted; (b) the words to be added; (c) the words to be substituted for words to be deleted.
3. Notice of amendment must be given in sufficient time to enable members to consider them.
4. Simple amendments which require little or no time for consideration by members, or for which there is no objection, will be accepted if delivered to the Clerk on hour before the convening of the National Assembly.
5. Amendments which will require some study by members or which is likely to generate discussion, disagreement or debate must be delivered to the Clerk before 10.00 a.m. on the day on which the debate is to take place.
6. Substantial or complex amendments as in the case of the motion on the National Development Strategy must be delivered to the Clerk before 10.00 a.m. on the day before the debate is to take place in the National Assembly.
7. Amendments which alter, add to or substitute resolve clauses will be permitted in accordance with our practice as occurs in many Parliaments, including the House of Commons. However, an amendment which alters the nature of the motion or bill will not be allowed.

Dated this 14th day of December, 2006.

BRIEF ON INTERRUPTION

Honourable Members,

I have observed with grave concern the rising level of heckling of a Member while he or she is speaking.

Under Standing Order No. 45 – Rules for Members not speaking, it is stated at paragraph (c) that a Member present in the Assembly during a debate “shall maintain silence while another Member is speaking and shall not interrupt, except in accordance with these Standing Orders”.

What does interruption here mean?

The answer is clearly set out in Standing Order No. 40 **Interruptions** and it reads as follows:

Subject to these Standing Orders, no Member shall interrupt another Member except:–

- (a) by rising on a Point of Order, when the Member speaking shall resume his or her seat and the Member interrupting shall simply direct attention to the point which he or she desires to bring to notice and submit it to the Speaker or Chairman for decision;
- or

- (b) to elucidate some matter raised by that Member in the course of his or her speech, provided that the Member speaker is willing to give way and resume his or her seat and that the Member wishing to interrupt is called by the Chair.

Words of interruption, if used in moderation, are not unparliamentary, but when they are frequent and loud, they cause serious disorder. When words of interruption are intended to denote approbation of some sentiment expressed, they should not be uttered until the end of a sentence as this will offer no interruption of speech. But those same words could express dissent, derision or contempt.

When expressions become dissent, derision or contempt, disorder has arisen. When under these circumstances the Assembly is called to order, but Members persist in their interruption or cries, it is the duty of the Chair to direct the disorderly Member or Members to withdraw from the Chamber. If the interruption should be so continuous and prolonged as to constitute a state of grave disorder the Chair may use the powers given by Standing Order No. 47 – Order in the Assembly and Committee.

I implore Members to acquaint themselves with this Standing Order.

15th February, 2007.

ANNOUNCEMENTS BY THE SPEAKER

Honourable Members, yesterday I was very tolerant with those Members who heckled and interrupted several speakers during the debate. Both sides of the House were guilty of this offence.

I must remind you that under our Standing Orders there are rules for Members not speaking.

I wish to draw your attention to Standing Order No. 45 which states,

“A Member present in the Assembly during the debate –

- (a) shall enter or leave the Assembly with decorum;
- (b) shall not read books, newspapers, letters or other documents save such as relate to the business before the Assembly;
- (c) shall maintain silence while another Member is Speaking and shall not interrupt, except in Accordance with these Standing Orders; and
- (d) shall otherwise conduct himself in a fit and proper manner’.

Further, the twenty-first edition of Erskine May has the following, among other things, to say about Members not speaking.

“Members must not disturb a Member who is speaking, by hissing, chanting, clapping, booing, exclamations or other interruption. On 22nd January, 1693, it was resolved ‘that Mr. Speaker do call upon the Member by name, making such disturbance, and that every such person shall incur the displeasure and censure of the House’”.

Cry of ‘Shame’

A gross form of interruption by loud cries of ‘shame’, has been strongly condemned by the Speaker, who declared his intention to take notice of the committal of the offence.

It is my view that the behavior by some Members in the Assembly yesterday can be considered as grave disorder. The twenty-third edition of Erskine May says the following about grave disorder.

“In event of grave disorder arising in the House, the Speaker is empowered by Standing Order No. 46 if he thinks it necessary, to adjourn the House without question put, or to suspend the sitting for a time to be named by him”.

Honourable Members, as you are no doubt aware, Standing Order No. 46 of our Assembly gives the Speaker responsibility for order in the Assembly and in Committee. Standing order 46 states –

- (1) The Speaker in the Assembly and the Chairman in Committee shall be responsible for the observance of the rules of order in the Assembly and Committee respectively and their decision upon any point of order shall not be open to appeal and shall not be reviewed by the Assembly except upon a substantive motion made after notice.

- (2) When the Speaker or Chairman rises, any Member then speaking or wishing to speak shall immediately resume his or her seat and the Assembly, or the Committee, shall be silent.

Honourable Members, I hope that I am not forced to use my authority under the Standing Orders today nor during the remainder of my stay in the Chair.

May 10, 2007

**The Hon. Samuel Hinds,
Prime Minister,
Office of the Prime Minister,
Wight's Lane,
Kingston,
Georgetown.**

Dear Prime Minister,

I refer to your letter of May 8, 2007, requesting me to disallow the Motion under the name of the Hon. Robert Corbin intitled INTRODUCTION OF THE VALUE ADDED TAX (VAT) on the grounds that it is overtaken by time and is in violation of S.O. 26(e).

The National Assembly is moved by the Motion to:

- * establish an all-Party Committee to make recommendations for the reduction on the rate of the tax, for widening the range of zero rated and exempt supplies and a phased implementation of the Value-Added Tax;
- * the Government immediately implement significant levels of salary increases for those categories of workers most adversely affected by the implementation of VAT;
- * the Government establish a National Commission on tax reform to review the tax system and make recommendations.

The first part of the Motion seeks the establishment of an all-Party Committee to make recommendations on three matters, namely, reducing the rate of the tax, widening the range of zero rated and exempt supplies and a phased implementation of VAT.

Your contention is that VAT has already been implemented and therefore **the Motion** has been overtaken by time.

If your contention is correct then only one-third of one-third part of the Motion has been overtaken by time and not the Motion.

In any event, the fact that VAT has already been implemented does not prevent the proposed all-Party Committee from recommending VAT on a range of goods be rescinded and the reintroduction be staggered.

I therefore do not subscribe to your argument.

Standing Order 26(e) reads: *In order that a motion may be admissible, it shall satisfy the following conditions...(e) it shall no revive discussion of a matter which has been discussed in the same Session.*

The specific issues, summarised above, which the National Assembly is being moved to approve are referred to collectively in the rules as **a matter**. If the **matter** (collectively) was raised before and **specifically decided upon** by the National Assembly, I should be most obliged if you would point out the occasion. Until such time I regret that I cannot agree with your request that the Motion be disallowed.

This rule must not be confused with the general discretion of the Speaker who can properly disallow a Member from *[reviving] discussion of a matter* which has engaged the National Assembly in the past.

Yours faithfully,

STATEMENT

One of the best known rules of parliamentary procedures, familiar to Parliamentarians worldwide, is that the conduct of certain officials cannot be questioned except by way of a motion tabled for that purpose. This rule applies to Speakers and is or ought to be known to every Parliamentarian.

It came to my attention yesterday that my decision to allow Hon. Member Winston Murray's motion proposing a Limit on the Aggregate Amount of Debt Obligations under section 81(3) of the Fiscal Management and Accountability Act would be questioned and that an attempt would have been made to demonstrate that my decision violated the Standing Orders and Article 171 of the Constitution.

I spoke to the Prime Minister and two other members of the Governing Party conveying the information I had received and expressing my deep concern at the prospect of my decision being the subject of criticism during a debate in violation of the Standing Orders.

I received certain assurances which I assumed to mean, now I realize mistakenly, that the Standing Orders would be observed. To my surprise, about ten minutes into the speech of Hon. Member Dr. Ashni Singh, he claimed that the Motion did not conform to Standing Order 25. This constituted a direct criticism of my decision to approve the Motion as having satisfied the requirements of the Standing Orders, including Standing Order 25. I required the Hon Member to demonstrate how the Motion violated Standing Order 25 and if he could not, he must withdraw his assertion. He declined to do either.

During the brief suspension that followed, the Hon Member Dr. Singh informed me that he was prepared to withdraw his assertion but that he wished to proceed to demonstrate that the Motion did not qualify because it violated Article 171 of the Constitution. I informed him that since that would constitute a criticism of my decision which can only be made on a motion for that purpose, I could not allow him to speak to that aspect. The Hon. Member then informed me that in such a case he

would have nothing further to say. Upon the resumption, the Hon Member withdrew his assertion in connection with Standing Order 25 and indicated the line he intended to take in his presentation as outlined above. I informed him that I could not allow him to raise such an issue and he declined to proceed with his speech.

Where a Member is dissatisfied with a decision of the Speaker approving a motion, he or she has a right and every opportunity to table a motion challenging the decision of the Speaker. Such a motion would obviously receive priority over and the motion challenged. If the National Assembly agrees with the challenge, then obviously the challenged motion could not be proceeded with. There was ample time for the Hon. Member to take this course but he declined to do so and sought to unwisely proceed on an alternative course which was totally impermissible.

The rule against challenging decisions of the Speaker exists to protect the dignity and integrity of the National Assembly. Imagine if the Hon. Member were allowed to proceed, I would have had to sit through a lecture by the Hon. Member on the provisions of the Constitution in enforced and painful silence because I am not permitted to enter the debate. The Hon. Member, otherwise a brilliant scholar and, I might add, a gentleman, is not a lawyer. I am and do have a nodding acquaintance with the Constitution. This untenable situation is prevented by the particular rule.

Upon receipt of the motion from Hon. Member Winston Murray, the Clerk wrote to him stating his view that the motion did not qualify. Mr. Murray replied, disagreeing with the Clerk, who, thereupon, wrote to the Chief Parliamentary Draughtsman (CPD). The latter advised the Clerk that he did not agree with the Clerk's position but that his decision to disallow the motion was in order because the motion violated article 171 of the Constitution. Out of courtesy, I wrote to the Attorney General setting out my views and requested a response. I did not receive a considered response but was told by the Attorney General that he agreed with the CPD. Copies of the correspondence are available from the Clerk.

I wish to make it clear that I am the sole authority charged with the responsibility of approving motions and I am not required to consult with any one. I do not normally do so except where I require legal advice. In this case I sought the legal opinion of one of my distinguished colleagues who unhesitatingly confirmed the view that I had formed.

Let me hasten to add that decisions of all public officials, including the Speaker, are subject to critical review by the press and public. My decisions have been criticized in public on many occasions in the past, including by the Opposition. In debate in the National Assembly, however, the Standing Orders apply.

H. N. Ramkarran
Speaker of the National Assembly
Parliament Building
Georgetown

March 27, 2008.

QUESTION FOR DEBATE/ADMISSIBILITY OF MOTIONS

Recently the events at Lusignan came up for debate on an Adjournment Motion moved by the Government. There was no formal conclusion to the debate because an Adjournment Motion does not have a formal conclusion. There is no resolve clause at the end of an Adjournment Motion so that no question could be put.

A Motion was subsequently table by Mr. Robert Corbin in which he asked the National Assembly to condemn the brutal and horrific killing of eleven of our citizens, extending deepest sympathy to the families and that of the corporal of the GDF who was murdered and called on the government to implement a definite plan to arrest the downward spiral of our country's security.

This identical motion had been tabled when Parliament was convened to discuss Lusignan but the Government declined a request by Mr. Corbin to move a motion to suspend the Standing Orders to abridge time to allow the motion to proceed that day. The Government had tabled its own Adjournment Motion which it proceeded with. The Opposition walked out.

The question has arisen as to whether Mr. Corbin's motion qualifies.

There are two Standing Orders which relate to the issue which has been raised. These are 25(3) and 26(e).

25(3) states: *When a question for debate has been proposed, debated and decided, it shall not be competent for any Member to raise a question substantially identical thereto in the same Session except upon a substantive motion for rescission.*

26(e) states: *In order that a motion be admissible, it shall satisfy the following conditions, namely,....(e) it shall not revive discussion of a matter which has been discussed in the same Session.*

I offer the following thoughts:

1. A draughtsman/woman does not deliberately set out to create a contradiction. This being so, every attempt must be made to ascertain the meaning and intent of the provisions so as to reconcile them. This is the duty of the Speaker upon appropriate legal advice.
2. The first Standing Order opens the possibility of a Member objecting to another Member raising a question for debate on an approved motion which is substantially identical to one already proposed, decided and debated.
3. The questions in the motion (the resolve clauses) proposed by Mr. Corbin have not been *“proposed, debated and decided.”* I have explained the nature of an Adjournment Motion where no question is ever *“proposed, debated and decided.”*
4. The second Standing Order addresses the Speaker. It tells him/her that he/she should not admit a motion which *“revives discussion of a matter which has been discussed in the same Session.”*
5. I wrote on this matter to the Prime Minister a while ago in relation to the VAT Motion. I interpreted *“matter”* to mean a question which has been *“proposed, debated and decided.”* *“Matter”* in 26(e) is clearly defined by 25(3) as a question which has been *“proposed, debated and decided.”* I suggest that any other interpretation would be untenable because otherwise how do you interpret *“matter.”* It certainly cannot be interpreted to mean “issue” because a vast variety of “issues” are discussed in Parliament again and again, for example, crime. Interpreting it to mean “issue” would result on a large number of matters which the Government or Opposition is interested in to be rejected for debate.

6. In relation the Lusignan killings, what is the “matter?” How could it be defined? Was a discussion about the security situation in Guyana, which is what was essentially discussed, in the Adjournment Motion? Once defined as a “*matter*” I will in future be bound by such a decision and the work of the National Assembly will be seriously disrupted because it will not be able to address a large number of vital matters.
7. I am supported by the authorities. The following is the position in the UK (Erskine May p 326): **“A motion or an amendment which is the same, in substance, as a question which has been decided during a Session may not be brought forward again during that same Session....However, a question which has not been definitely decided may be raised again.”**
8. The position in Australia is as follows (House of Representatives Practice, I. C. Harris p 275): **“The Speaker may disallow any motion (or amendment) which is the same in substance as any question which has been resolved in the affirmative or negative during the same Session....The same question rule has rarely been invoked....However, a question which has not been definitely decided may be raised again.”**
9. There are other supporting passages in other texts but I think that this is enough.

Dated the 6th May, 2008

H. N. Ramkarran

Speaker of the National Assembly.

December 30, 2008

**The Hon. Mr. Clement Rohee
Minister of Home Affairs
6 Brickdam
Georgetown.**

Dear Minister,

I am in receipt of your letter of December 24, 2008, in connection with our informal exchanges in the National Assembly in which you raised the point that Minister Robert Persaud, having made a Statement by Minister on the flood situation, a motion by Mr. Robert Corbin to adjourn the National Assembly on a matter of urgent public importance relating to the said flood situation should not be allowed because it violated S.O. 43 (2) which states: “It shall be out of order to anticipate a Bill or a notice of motion by discussion upon an amendment or a motion for the adjournment of the Assembly.” This is called the rule against anticipation.

I expressed the view that Mr. Corbin’s motion for an adjournment of the Assembly did not anticipate a notice of motion. It merely followed a Statement by Minister.

There is a vast difference between a motion and a Statement by Minister.

In the extract you sent to me, Mrs. Jagan had tabled a motion which was on the Notice Paper and later sought to move a motion to adjourn the Assembly. This fell squarely and directly within the confines of S.O. 43(2) which prohibits this exact situation.

The Presiding Member said:

“I must advise that a substantive Motion on the same matter was submitted by the Member Cde. Janet Jagan. That Motion was approved by the Speaker and has today been put on the Notice Paper. Copies of Notice Paper No. 180 have been circulated to Members”.

From the rules governing the restriction on Motion for the Adjournment as set out in May’s Parliamentary Practice which, along with our Standing Orders governs the proceedings of this Assembly, I have observed that:

“Members are precluded under the rule of anticipation from discussing on an adjournment motion, a notice of motion or an order of the day which already stands upon the Notice Paper or Order Book.”

As Cde. Janet Jagan’s substantive motion was published on a Notice Paper, the Chair regrets that it cannot, in the circumstances, allow the matter to be raised on a Motion for the Adjournment of the Assembly.”

The extract and the ruling of the Presiding Member fortify me in the correctness of the conclusion I made in this matter.

In future I recommend that you formally raise objections on a Point of Order rather than in informal notes so that I can give rulings which will become precedents in the event that the same issue arises in future.

Yours faithfully,

Sgd. HNR

RULING

Trade Union Recognition (Amendment) Bill No. 25 of 2008

This Bill came up for its second reading on December 29, 2008. Hon. Member Robert Corbin MP objected to the second reading on a Point of Order relying on Standing Order 54(2) which states:

“No bill shall be read a second time before the expiration of six (6) days from the date of its publication in the Gazette and until it has been printed and circulated to Members.”

Mr. Corbin argued that the Bill was first circulated to Members on December 22, 2008, six clear days from December 29, 2008, but since there were two public holidays and one Sunday on December 25, 26 and 28, there were only three working days since the Bill was first circulated.

He relied on section 40 of the Interpretation and General Clauses Act, Chapter 2:01, which states:

In computing time for the purpose of any written law unless the context otherwise requires the following provisions shall apply –

- (d) when an act or proceeding is directed or allowed to be done or taken -*
 - (i) within any time not exceeding six days, public holidays shall not be reckoned in the computation of the time;*
 - (ii) within any time exceeding six days, public holidays shall not be reckoned so as to reduce the time to less than six days not being public holidays.”*

Mr. Corbin in his arguments, supplemented and supported by those advanced by Hon. Member Winston Murray, advanced the proposition that since there were two public holidays since the circulation of the Bill at its first reading, there were less than six days between the

first and second readings and, on an interpretation of section 40, Standing Order 54(2) was violated and the Bill ought to be deferred.

Upon my invitation for comments on Mr. Corbin's Point of Order, there were several contributions. I shall deal only with that made by Hon. Member Anil Nandalall who said that Section 40 of the Interpretation and General Clauses Act relates only to "*written laws*" and that the Standing Orders are not "*written Laws.*" Consequently, Mr. Corbin's arguments which are based on Section 40 of the Interpretation and General Clauses Act, are not applicable to the Standing Orders.

I shall deal first with Mr. Nandalall's argument.

In section 5(1) of the Interpretation and General Clauses Act, "*written law*" is defined as "*the constitutional instruments, Acts of Parliament, subsidiary legislation and applied laws.*"

"*Subsidiary legislation*" in the same section is defined as "*any proclamation, regulation, rule, order, by-law, resolution, rule, notice, notification, direction or other instrument, made under or by virtue of any Act, and having legislative effect...*"

Standing Orders can only be given effect to by a motion in the National Assembly and when such motion is passed, it becomes a resolution. Having been passed in the National Assembly, it has legislative effect. These Standing Orders were given effect to by this procedure in May, 2006.

I therefore disagree with Mr. Nandalall and rule that the Standing Orders fall within the definition of "*written laws.*"

Now for Mr. Corbin's arguments.

Standing Order 54(2) states that "*No Bill shall be read a second time before the expiration of six days...*" This means that the Bill is required to be read in not less than six days. This places the issue within Section 40(d)(ii) of the Act which provides for an act to be done within any time exceeding six days. Section 40(d)(i) refers to an act which must be done within any time not exceeding six days and so is inapplicable to this situation. I do not agree

that because the Government choose to have the second reading in six days that section 40(d)(ii) is inapplicable.

Section 40(d)(ii) establishes that where an act is required to be done in a time exceeding six days, then public holidays shall not be taken into account where the effect would be to reduce the time to less than six days which are not public holidays.

If December 25 and 26 are taken onto account, the effect would be to reduce the time to four days which are not public holidays, the same effect prohibited by the subsection.

In the circumstances I do not agree with the Point of Order advanced b y Mr. Corbin and rule that the Bill was properly before the National Assembly on December 29, 2008.

Dated the 8th January, 2009

Hari N. Ramkarran
Speaker of the National Assembly