

## 11.

## No. 1 of 1947. Standing Rules and Orders of the Legislative Council.

MADE UNDER  
ARTICLE 65 OF THE BRITISH GUIANA (CONSTITUTION) ORDER IN  
COUNCIL, 1928.

## GENERAL.

- Definition.** 1. In these Rules and Orders unless the context otherwise requires "President" shall include Presiding Member or (when the Council is in Committee), Chairman; and "Clerk" shall mean the Clerk of the Council.
- Meetings.** 2. (a) Notice of the First Meeting of each session shall be published in the Gazette and despatched by the Clerk to each Member not less than one week before the day of Meeting, except in case of emergency when as long notice as possible shall be given.  
(b) The Council shall ordinarily meet on Tuesdays, Wednesdays, Thursdays and Fridays from 2.00 p.m. to 5.00 p.m. The President may, however, require the Council to sit on such other days and at such other times as he may determine.  
(c) As early as possible before each meeting, the Clerk shall lay at the place of each Member of the Council a copy of the Order of the Day.
- Adjournment.** 3. A meeting may be adjourned at any time by a vote of the majority of the Members, or by the President if he shall think fit.  
On an adjournment the President shall fix the date and hour at which the meeting is to re-assemble or he may adjourn the meeting *sine die*.
- Presence of strangers.** 4. (a) The Clerk is authorised to issue orders of admission to any person who may be recommended for such by any Member of the Council provided that not more orders shall be issued than there is accommodation available for the due comfort of strangers.  
(b) The President may at any time order strangers to withdraw and the doors of the Council chamber to be closed.
- Reporters.** 5. (a) The Clerk may grant to the accredited representative of any newspaper permission to attend the sittings of the Council,

(b) If there should be published in any newspaper an unfair or misleading report of anything which has transpired at a Meeting of the Council, the Council may direct that no representative of that newspaper may be permitted to attend the sitting of the Council for such period as the Council may determine.

6. A Member desirous of having the doors closed may move that this be done. No debate on the motion shall be held, but the President shall at once put the question. If it is decided in the affirmative the doors shall be closed and the Member who made the motion shall then state, in the form of a motion, the subject he wishes discussed, after which the question whether the subject shall be discussed with closed doors or not shall be put to the Council without debate. If the motion is carried, discussion shall take place under the ordinary rules of debate; if the motion is lost, the doors shall be opened.

Discussion  
in camera.

#### ORDER OF BUSINESS.

7. The business of the Council shall be arranged in the following order—

Order of  
business.

- (a) reading and confirmation of Minutes;
- (b) announcements by direction of the President;
- (c) presentation of Reports and other documents, with permission of the Council, to be laid on the table;
- (d) government Notices;
- (e) unofficial Notices;
- (f) questions;
- (g) petitions;
- (h) order of the Day.

8. Before the Council proceeds to the Order of the Day a Member may with the permission of the President, make a statement to the Council (a) drawing attention to any alleged breach of Privilege or (b) explaining any matter affecting his personal conduct as a member of the Council.

Personal  
explanations.

9. The Order of the Day shall include all business to be transacted according to notice given and orders made, business remaining over from the previous meeting being put down first. Unless otherwise resolved, the business shall be taken in the order arranged.

Order of the  
Day.

New  
Members,  
swearing in.

10. New Members shall be sworn in on their presenting themselves for the purpose, provided that no business is thereby interrupted.

#### MOTIONS AND QUESTIONS.

Notices of  
Motions and  
Questions.

11. (1) Except as hereinafter provided a Member wishing to move a motion or to ask a question shall give at least one day's notice at a meeting of the Council (at the same time furnishing the Clerk with a copy of the notice) of his intention to bring forward such motion or to ask such question at some subsequent meeting of the Council.

(2) A notice of motion given for any day shall, if the Council shall not sit on that day, hold good for the next day thereafter on which the Council shall meet.

When  
motions by  
Unofficial  
Members take  
precedence.

12. Subject to the provisions of Order No. 11 Motions by Unofficial Members shall on every Wednesday during the session take precedence over all other business.

Motions  
without  
notice.

13. The following Motions may be made without notice—

(a) a motion by way of amendment to any motion being debated in the Council;

(b) a motion for the adjournment of the Council or of the debate;

(c) a motion for the suspension of Standing Rules and Orders;

(d) a motion for the confirmation or amendment of the Minutes of the Council;

(e) a motion that a petition do lie on the table or be printed or be referred to a Select Committee or be rejected;

(f) A motion for the withdrawal of strangers;

(g) a motion that Council resolve itself into Committee of the whole Council;

(h) a motion made when Council is in Committee;

(i) a motion for the suspension of a Member;

(j) a motion that the question be now put.

Questions.

14. (a) Questions relating to public affairs may be put to any Official Member.

(b) Notice of any question shall be given as provided in Order No. 11.

(c) A written reply to each question shall be read by an Official Member and a copy of the reply shall be handed to

the Member putting the question. A reply may with the consent of the majority of the Council be taken as read.

(d) The reply to any question shall be conclusive and no speech or debate on the reply shall be allowed, but any Member may, with the permission of the President, put a supplementary question for the purpose of further elucidating any matter of fact not made clear to him by the reply.

(e) Questions shall be put in such a manner as not to involve opinion, argument or inference; and no facts shall be stated unless they be necessary to make the question intelligible.

(f) An answer shall be confined to the points contained in the question, with such explanation only as will render the answer intelligible.

(g) All answers to questions shall be given in writing except by leave of the Council.

(h) If a question is asked without notice it shall be competent to the Member questioned to require that notice should be given.

15. The President shall be the sole judge of the propriety or admissibility of a question and he may disallow any question which in his opinion is an abuse of the right to ask questions.

President  
may disallow  
any  
question.

#### AMENDMENTS.

16. (a) The President may require the mover of an amendment which has been seconded to put the amendment into writing and deliver it to the Clerk.

Rules as to  
amendments.

(b) An amendment must be relevant to the question to which it is proposed.

(c) An amendment must not raise any question which can be raised only by a distinct motion after notice.

(d) After a decision has been given on an amendment to any part of a question an earlier part cannot be amended.

(e) Where an amendment of any part of a question has been proposed, an earlier part cannot be amended unless the amendment so proposed is withdrawn.

(f) An amendment to a question must not be inconsistent with a previous decision on the same question.

(g) An amendment must not be substantially identical with an amendment moved by another Member.

(h) An amendment must not be substantially a direct negative of the original proposition or of any amendment thereto.

(i) An amendment may be moved to any amendment.

Order in which taken, on question being put.

17. When an amendment to a question shall have been submitted, and when more amendments than one shall have been submitted, the President at the close of the Debate shall put the question for the decision of the Council in this wise; "That the words of the question stand as in the original motion" which, if it be decided in the affirmative will throw out all amendments and he shall then put the original motion to be affirmed or negatived. If the first question which would preclude all amendments be negatived, then, in case only one amendment shall have been proposed and seconded, he shall put the question as it was proposed to be amended; but in case more amendments than one shall have been proposed and seconded, he shall put the questions of amendment *seriatim* and in the inverse order of their having been proposed; and when any one amendment is affirmed all other amendments shall be thereby negatived, and the President shall then put the motion, as so amended, to be affirmed or negatived.

Admissibility.

18. The President shall be the sole judge of the admissibility of any amendment.

#### PETITION.

Petitions, how presented and dealt with.

19. (a) Every petition must be presented by some Member who shall be responsible for its being properly and respectfully worded and must bear the signatures of the petitioners (or their marks attested by the signatures of two witnesses) as well as the signature of the person by whom it is drawn.

(b) A Member presenting the Petition may state concisely the purpose thereof and may move that it do lie on the Table or be read or printed or referred to a Select Committee or rejected.

(c) No debate shall be permitted on such motion nor shall any other Member speak upon, or in relation to, such petition, except to second such motion formally.

(d) Subject to the provisions of paragraph (b) of this Rule, every petition addressed to the Legislative Council, shall be considered by the Governor in Council, and shall be laid on the table at a session of the Legislative Council with the decision of the Governor in Council thereon.

#### RULES OF DEBATE.

Rules of debate.

20. (a) Every Member shall speak standing and shall address himself to the President.

(b) No Member shall interrupt another when speaking, except by rising to order. A Member rising to order shall

direct attention to the point which he desires to bring to notice and shall submit it to the decision of the President.

(c) If two or more Members rise at the same time the President shall decide which Member shall address the Council.

(d) When the President addresses the Council any Member then standing shall immediately resume his seat.

21. No Member shall speak twice to a Motion except as hereinafter provided—

Member not to speak twice.

(a) the mover of an original motion shall have the right of reply after all Members who desire to speak shall have spoken but the mover of an amendment shall not have any right to reply;

(b) any Member who may second an original motion in the formal words "I second this motion" and no others, may reserve his speech until later in the debate;

(c) when the Council is in Committee.

22. Except with the consent of the President—

(a) no Member, in moving a motion, shall speak for longer than three-quarters of an hour; and

(b) no other Member shall speak on the motion for longer than one half of an hour.

23. A Member may speak on the question before the Council and upon any amendment proposed thereto.

24. After the mover of any motion or any amendment has spoken in support thereof, no debate shall be allowed until the motion or amendment has been duly seconded, unless the Council is in Committee when a motion or amendment may be put without being seconded.

25. A Member shall not read his speech, but may with the permission of the President, read extracts of moderate length from written or printed documents in support of his argument.

Speeches not to be read.

26. (a) After a question has been proposed, a Member rising in his place may claim to move, "that the question be now put," and unless it appears to the President that the motion is an abuse of the rules of the house, or an infringement of the rights of the minority, the question, "That the question be now put," must be put forthwith.

Closure.

(b) When the motion, "That the question be now put," has been carried, and the question consequent thereon has been decided, any further motion may be made (the assent of the President as aforesaid not having been withheld) which may be requisite to bring to a decision any question already proposed from the chair.

(c) When a clause is under consideration a motion may be made (the assent of the President as aforesaid not having been withheld) that the question that certain words of the clause defined in the motion stand part of the clause, or that the clause stand part of or be added to the bill, be now put.

(d) Every motion made under this rule must be put forth-with and decided without amendment or debate.

Allocation of  
time for  
debate.

**27.** Before or when a Member rises to move a question which stands in his name, the President may fix the total time to be occupied in the debate thereon, and may adjourn the debate from time to time as he may think fit.

Procedure on  
question  
being put.

**28.** After the question has been put by the President no further discussion shall be allowed.

Division.

**29.** When a division is challenged the Clerk shall write down the names of those Members voting for or against the motion, and of those abstaining, and he shall duly record these names in the minutes. After the division has been taken the Clerk shall hand a written statement of the number of votes for and against to the President who shall declare the result.

Call to order.

**30.** Any Member who deviates from the rules of debate may be called to order immediately by any other Member and if any question arises as to whether the Member is in order, the decision of the President shall be final.

Relevancy.

**31.** (a) Every Member shall confine his observations to the subject under consideration.

(b) The President after having called the attention of the Council to the conduct of a Member who persists in irrelevant or tedious repetition either of his own argument or of the arguments used by other Members in debate, may direct the Member to discontinue his speech.

MISCONDUCT OF MEMBERS.

32. The President may order any Member or Members whose conduct is grossly disorderly to withdraw immediately from the Council during the remainder of that day's sitting; and the Clerk shall act on such orders as he may receive from the chair in pursuance of this Standing Order. But, if, on any occasion, the President deems that his powers under this Standing Order are inadequate, he may name such Member or Members or he may call upon the Council to adjudge upon the conduct of such Member or Members.

Disorderly  
Member  
ordered to  
withdraw.

33. Whenever any Member shall have been named by the President or by the Chairman of a Committee of the whole Council, immediately after the commission of the offence, of disregarding the authority of the Chair, or of abusing the Rules of the Council or of persistently and wilfully obstructing the business of the Council, then if the offence has been committed by such Member in the Council, the President shall forthwith put the question, on a motion being made, no amendment, adjournment or debate being allowed. "That such Member be suspended from the service of the Council"; and if the offence has been committed in a Committee of the whole Council, the Chairman shall forthwith suspend the proceedings of the Committee and report the circumstances to the Council; and the President shall on a motion being made thereupon, put the same question without amendment, adjournment or debate, as if the offence had been committed in the Council itself.

Suspension of  
Member  
named.

34. Any member suspended from the service of the Council shall forthwith quit the precincts of the Council Chamber and during the period of his suspension such member shall continue to absent himself.

Member  
suspended  
to quit the  
precincts of  
the Council.

35. Not more than one member shall be named at the same time, unless several members present together have jointly disregarded the authority of the chair.

One Member  
at a time to  
be named.

36. If any Member who has been suspended from the service of the Council under Order No. 33 shall refuse to obey the direction of the President, when summoned by the Clerk under the President's orders to obey the directions, the President shall call the attention of the Council to the fact that recourse to force is necessary in order to compel obedience to his direction and the Member named by him as having refused to

Disobedient  
Member;  
Suspension  
for remainder  
of Session.



obey his direction shall thereupon and without further question put, be suspended from the service of the Council during the remainder of the Session.

### BILLS.

Government Bills to take precedence.

**37.** (a) Government Bills shall take precedence in the Order of the Day over all other Bills unless the President shall direct otherwise.

Read a first time without debate.

(b) All Bills shall on introduction be read a first time without any previous debate.

Publication in Gazette.

(c) Every Bill, except a Bill to impose or alter import, export or excise duties, shall be published in the Gazette for general information.

Second reading.

(d) No Bill shall be read a second time before the expiration of seven days from the date of its publication. A copy of every Bill shall be sent to each Member by the Clerk of the Council on the date of its publication.

Private Bills, payment of cost.

(e) All Private Bills shall be prepared and printed at the expense of the parties concerned.

When committed.

(f) When a Bill has been read a second time, the President shall at the same or any subsequent meeting put the question that the Bill be committed, which being carried, the Council shall resolve itself into Committee to consider it clause by clause.

Procedure in Committee of the whole Council.

**38.** When a Bill is under consideration in Committee, the Chairman shall call the several clauses in order, by reading the number of each clause. If it is proposed to move any amendments on a clause when called, he shall put them in their proper order. If the clause is not amended he shall put the question "That this clause stand part of the Bill." If the clause is amended, he shall put the question "That this clause as amended stand part of the Bill."

Record of proceedings.

**39.** The proceedings of a Committee of the whole Council shall be recorded in the minutes of the Council as part of the day's proceeding and no report to the Council shall be required.

Withdrawal of Government Bill.

**40.** The Member in charge of a Government Bill may, on receiving instructions in writing from the Governor to withdraw the Bill, so inform the President, and the Bill shall thereupon be withdrawn. The Member shall deliver to the Clerk the Governor's instruction.

41. When a Motion for the Third Reading of a Bill is to be put, the question shall be "That this Bill be now read a Third time and passed."

Third reading.

42. When a Bill has been read a third time and passed it shall be printed and submitted to the Governor for his assent.

Submission to Governor for assent.

#### RULES AND REGULATIONS.

43. No motion for the passing of any Rule or Regulation shall be made until after the expiration of seven days from the publication of the draft thereof in the Gazette.

Rules and Regulations not to be passed till seven days after publication.

#### FINANCE COMMITTEE.

44. (1) There shall be a Standing Finance Committee of the Legislative Council (hereinafter referred to as "the Committee") the Members of which shall be the Financial Secretary and the Unofficial Members of the Council.

(2) The Financial Secretary shall be the Chairman of the Committee.

(3) The Committee shall sit at a time on a stated day each month to be fixed by the Committee and on such other occasions as the Committee may be convened by the Chairman. Not less than forty-eight hours notice of each Meeting and of the Agenda to be discussed shall be given to the Members.

(4) *The Chairman and nine Unofficial Members of the Council shall constitute a quorum* but only the Unofficial Members of the Council shall be entitled to vote; and all matters before the Committee shall be decided by a majority of the Members voting.

(5) Except in the case of proposals which have been considered by any *ad hoc* committee of the Council all proposals involving expenditure from public funds for which the sanction of the Council is necessary shall be considered by the Committee before they are submitted to the Council, for consideration and approval.

(6) Every proposal involving expenditure from public funds which has been approved by the Committee shall be submitted for the consideration and approval of the Council and, where a proposal which has not been approved by the Committee is submitted to the Council for consideration the Council shall be specifically notified of the fact that the Committee did not approve the proposal.

(7) The Minutes of every Meeting of the Committee shall be presented to the Council by the Chairman and be laid on the Table.

## SELECT COMMITTEES.

On Consolidation Bills.

45. A Select Committee on Consolidation Bills shall be nominated at the commencement of every Session by the President who shall have power to discharge Members nominated on the Committee and to appoint Members to serve in the place of those discharged and also to add Members to the Committee in respect of any particular Bill.

May be appointed at any time.

46. The Council may at any time agree to the appointment of a Select Committee, the Chairman and members of which shall be nominated by the President.

Composition.

47. Every Committee shall consist of not less than three Members. No Committee shall be competent to act unless a majority of Members are present.

Dissolution.

48. Committees shall not be dissolved by a prorogation of a Session, and they may continue to transact business when the Council is not in Session. Committees shall be dissolved on the presentation to the Council of their report upon the matter committed to them.

When private right affected parties may be heard.

49. In any case where individual rights or interests or the property of any private person may be affected by any public or private Bill, the Council, may, after presentation of a petition, on motion decide, or a Committee may decide, that any party may be heard in person or by Counsel before the Council or a Committee as the case may be.

Examination of witnesses.

50. When it is intended to examine any witnesses, the person requiring such witnesses shall deliver to the Clerk a list containing the name, residence and occupation of each witness at least two days before the day appointed for their examination. The evidence of each witness whether given on oath or not shall be taken down by the Clerk and signed by the witness.

Private Bills.

51. Every Bill intended to affect or benefit some particular person, association or corporate body, shall contain a section saving the rights of Her Majesty, Her heirs and successors, all bodies politic and corporate, and all others, except such as are mentioned in the Bill and those claiming by, from or under them. No such Bill, not being a Government measure, shall be introduced into the Legislative Council until due notice has been given by not less than three successive publications of the Bill, at the expense of the promoters, in the

Gazette and in some daily newspaper on the same dates as in the Gazette, and where any particular premises are affected until after a copy of the Bill has been affixed to the police station nearest to such property for not less than three weeks. Proof that the requirements aforesaid have been complied with shall be made by statutory declaration to the satisfaction of and deposited with the Clerk.

CUSTODY OF PAPERS.

52. All Papers laid before the Council shall be deposited with the Clerk, who shall be responsible for the safe custody thereof, and also shall produce any such paper if so required by a member.

Clerk to have custody of papers.

SUSPENSION OF STANDING ORDERS.

53. Any of these Standing Rules and Orders may be suspended with the consent of the Council.

Suspension of Standing Orders.

PRACTICE OF HOUSE OF COMMONS.

54. In all cases not provided for in the British Guiana (Constitution) Order in Council, 1928, or in these Rules and Orders, the practice and procedure of the Commons House of Parliament of Great Britain shall be followed so far as the same may be applicable to the Council.

Where no special provision practice of House of Commons to apply.

*Made by the Governor with the advice of the Legislative Council this 3rd day of October, 1947.*

C. C. WOOLLEY,  
Governor.

APPENDIX.

(1) QUORUM OF THE LEGISLATIVE COUNCIL.

Eight Members, exclusive of the President or presiding Member form a quorum—*vide* Article 64 of the British Guiana (Constitution) Order in Council, 1928, as amended by Article 4 (e) of the British Guiana (Constitution) Order in Council, 1943.

(2) PROCEDURE RELATING TO THE ASKING OF QUESTIONS IN THE LEGISLATIVE COUNCIL.

*(Circulated to Members of the Legislative Council on 1st June, 1944).*

Some years ago when presiding over a meeting of the Legislative Council His Excellency Sir Wilfrid Jackson remarked that much time would be saved if Honourable Members would

address copies of any questions they intended to ask to the Colonial Secretary. This statement is perfectly correct but from this remark a procedure has developed which is contrary to the Standing Rules and Orders and which may in some cases cause grave harm to the reputation of persons whose names may be mentioned in the questions. It seems desirable therefore to set out the correct procedure and to refer to certain rules which govern the right to ask questions.

2. Standing Order No. 14 provides that—

“ Notice of any question shall be given as provided in Order No. 11.”

And Order No. 11 provides that—

“ x x x a member wishing x x x x to ask a question shall give at least one day’s notice at a meeting of the Council (at the same time furnishing the Clerk with a copy of the notice) of his intention x x x to ask such question at some subsequent meeting of the Council.”

From this it will be observed that notice of a question must be given “ at a meeting of the Council ” and that at the same time the Members must furnish “ the Clerk with a copy of the notice ”. The present procedure whereby Members give notice of questions standing in their names and set out in full in a Schedule to the Order Paper is incorrect as the Clerk has no official knowledge of any question until a copy of the notice is handed to him “ at a meeting of the Council ” and consequently a question cannot be disallowed before that stage is reached. Thus wide publicity may be given to a question which contains a reflection on a person or body corporate and if the question is ultimately disallowed the reflection remains current and beyond the possibility of recall.

3. Except with the permission of the President questions may not be read out (Erskine May. 239). The formula commonly adopted is—

“ I beg to give notice of the question which I now hand to the Clerk.”

4. Standing Order 15 provides that “ the President shall “ be the sole judge of the propriety or admissibility of a question and he may disallow any question which in his opinion “ is an abuse of the right to ask questions ”. The refusal of a question cannot be made the subject of a debate. (May. 239.)

5. Questions may only relate to public affairs, proceedings pending in Council and matters of administration. Questions of excessive length may be disallowed on that ground alone. A question which requests Government to ascertain any facts from any source other than a Government source is clearly out of order. An explanation may be sought regarding the intentions of Government but not an expression of Government's opinion upon matters of policy. Questions may not contain statements of fact unless they are necessary to make the question intelligible and can be authenticated. A question must not contain expressions of opinion, arguments, inferences or imputations. Any question which would publish the names of persons or statements not strictly necessary to render the question intelligible is disallowed. Likewise questions which contain quotations, epithets or controversial, ironical or offensive expressions are disallowed. A question may not be asked concerning the character or conduct of any person except in his official capacity and any question making or implying a charge of a personal character may be disallowed.

---