



I find and indicated long ago to Mr. Corbin, when he initially made the application, that I would favour such an application. So that was made to Mr. Corbin and I do favour the application. I need now to put it.

*Question -*

*That the Honourable House be adjourned on a Matter of Urgent Public Importance.*

*Put and agreed to.*

*Motion carried.*

The Adjournment Motion shall stand down until 16:30 hrs. when the debate on it shall commence. I refer Members to Standing Order No. 12 (3) for the other particulars in relation to how the matter should proceed.

## **Announcements by the Speaker**

**51<sup>st</sup> Sitting dated March 27, 2008**

### **MOTION BY MR. MURRAY PROPOSING A LIMIT ON THE AGGREGATE AMOUNT OF DEBT OBLIGATIONS – Questioning Speaker’s Ruling**

Preamble

*The Speaker made a statement with respect to the questioning of his decision to allow a motion by Mr. Winston Murray, M.P., proposing a limit on the Aggregate Amount of Debt Obligations.*

Verbatim

**The Speaker (Hari N. Ramkarran):** 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 31 (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 realise 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 No. 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 No. 25. I required the Hon. Member to demonstrate how the Motion violated Standing Order No. 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 No. 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 take a motion challenging the decision of the Speaker. Such a motion would obviously receive priority over 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 alternate 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 that 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. Upon receipt of the CPD's letter, the Clerk referred the matter to me for a decision. I came to the conclusion that the Motion did not violate Article 171 of the Constitution. Out of courtesy, I wrote 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 anyone. 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 hast 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 criticised in public on many occasions in the past, including by the Opposition. In debate in the National Assembly, however, the Standing Orders apply.

**March 29, 2008**

### **PREVIOUS RULING MADE ON MR. MURRAY'S MOTION - Questioning Speaker's Ruling**

#### **Preamble**

*The Speaker made a statement as to a previous ruling made on Mr. Murray's motion which was called into question by Dr. Luncheon and stated that his decision cannot be called into question in a debate and that it can only be done by way of motion.*