



MALAWI PARLIAMENT

STANDING ORDERS

Adopted by the House on 22nd May 2003

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PART I
Preliminary

1. These Standing Orders may be cited as the National Assembly Standing Orders and are made pursuant to section 56 (1) of the Constitution.
2. (1) Any variation, amendment or revocation of these Standing Orders shall be by a resolution of the Assembly.

(2) These Standing Orders shall be published in such form, as may be determined, by the Clerk on account of any variation, amendment or revocation of any of these Standing Orders.

- (3) These Standing Orders come into effect on adoption by the House.

PART II

Definitions and Interpretations

3. (1) Save as otherwise provided by this Standing Order, words and phrases used in these Standing Orders shall have the same meaning as in the Malawi (Constitution) 1995.

- (2) Where these Standing Orders confer a power to impose a duty on the holder of an office as such, then, unless the contrary intention appears, the power may be exercised and the duty shall be performed by the holder of the office for the time being or by the person duly appointed to act for him.

- (3) In these Standing Orders, unless the context otherwise requires, the following expressions shall have the meanings hereby assigned to them -

“ad hoc Committee” means a Committee of the House appointed by the House for a matter suddenly arising for enquiry and report to the House;

“Act of Parliament” means a bill which has been laid before the National Assembly; been passed in the National Assembly by a simple majority or such other majority as is otherwise required by the Constitution of Malawi in respect of any particular Bill; and been assented to by the President in accordance with the Constitution.

“Assembly or House” means Assembly or House established by the Constitution and shall be deemed to include any committee or sub-committee and other groups or bodies of members or officers of the National Assembly appointed by or with the authority of such a House for the purpose of carrying out any function or representing such a House;

“Chairperson” means the person presiding over a Committee of the Assembly;

“Chief Whip” means a member appointed by party leadership to direct the party’s interests in the House;

“Committee” means a Committee of the Whole House, a Standing Committee, or an ad hoc Committee;

“Committee of the Whole” means a Committee composed of the whole body of elected members of Parliament;

“Constitution” means the Constitution of the Republic of Malawi, 1995 as amended;

“Clerk” means the Clerk of the National Assembly or, in his /her absence, or if the office is vacant, the person for the time being performing the duties of the Clerk;

“Departmentally Related Committee” means a Standing Committee of the House to which oversight of a Government Ministry, statutory corporation or other public body funded by the Treasury is assigned;

“Deputy Minister” means a Deputy Minister of the Government;

“Evidence” means a record of what was said or tendered at a Committee meeting;

“Dissolution” means the end of Parliament to be followed by a general election;

“*Gazette*” means the Malawi *Gazette* and includes any Supplement thereto and any *Gazette* Extraordinary;

“House” means the National Assembly;

“Leader of the House” means a Minister of Government responsible for Government business in the House and recognized by the Speaker as such;

“Whip” means a member appointed by the leadership of the Party to look after the conduct of a member in relation to business of the House or Committee.

“Leader of the Opposition” means the parliamentary leader of the largest party, elected by the parliamentary membership, which is not in Government or in coalition with a Government party, and who is recognized by the Speaker as such;

“Leave of the Assembly or House” means permission to do something that is granted without a dissentient voice;

“ maiden speech” means the first speech made in the Assembly by a newly elected Member in the first Parliament to which that Member is elected;

“Material interest” means an interest held by a member not in common with other members.

“Meeting” means the period between the time when the Assembly first assembles after being summoned and the time at which it is adjourned sine die;

“Minister” means a Minister of the Government;

“Minutes” means a record of deliberations and decisions of a Committee;

“Motion” means a proposal made by a member that the House or a Committee thereof do something, order something to be done or express an opinion concerning some matter;

“One day’s notice” means notice given on any sitting day for a motion or enquiry to be made on the next succeeding sitting day;

“Order Paper” means an agenda for the House for any particular sitting day;

“Parliament” means the supreme legislative body of the Republic of Malawi consisting of the President and the National Assembly;

“Precincts of the Assembly” shall have the meaning assigned thereto in the National Assembly (powers and Privileges) Act;

“President” means the President of the Republic of Malawi, who is Head of State and Head of Government of the Republic of Malawi;

“Party” means a registered political organization which has representation in the Assembly;

“Privilege” means immunity from legal suit and other privileges conferred on the National Assembly and its Members under the National Assembly (Powers and Privileges) Act (Cap. 2:04);

“Prorogation” means the end of a session of Parliament to be followed by a State Opening of Parliament;

“Point of order” means a matter related to the procedure or practice of the House, which a Member is entitled to raise when seeking the guidance of the Chair or complaining of unparliamentary behaviour on the part of another Member;

“Question” except in respect of the question period and a question of privilege, means a proposal put to the House or a Committee thereof by the Speaker or Chair for consideration and disposal in some manner;

“Sergeant-at-arms” includes any person for the time being performing the duties of the Sergeant-at-Arms by direction of the Speaker;

“Session” means a period commencing when the Assembly first meets after a general election or prorogation and ending when the Assembly is thereafter prorogued or dissolved;

“Sitting” means the period between the time when the Speaker takes the Chair and the time when the Assembly is adjourned to the next sitting day;

“Standing Orders” means Standing Rules and Orders of the Assembly and any other rules and orders of procedure amending or replacing them made in pursuance of section 56 (l) of the Constitution;

“The Speaker” means the Speaker of the National Assembly and unless otherwise specified includes a person presiding at a sitting of the Assembly in accordance with the provision of Standing Order 6;

“Standing Committee” means a committee established for the duration of a Parliament to consider and to report to the House on matters falling within the duties specifically referred to it under these Standing Orders and on other matters that may be from time to time referred to it by the House;

“Stranger” means any person other than a member or an officer of the Assembly;

“Substantive motion” means a self-contained independent proposal submitted for the approval of the House and drafted in such a way as to be capable of expressing a decision of the House. It is neither incidental nor relating to a proceeding or order of the day already before the House.

“Table” means the Clerk’s Table.

“Votes and Proceedings” means a record of what was done by the House on the previous day but ignores everything that was said unless it is especially ordered to be recorded.

4. These Standing Orders are subject to the provisions of the Constitution.

PART III General Authority of The Speaker

5. In all cases not hereinafter provided for, the Speaker shall decide having regard to House practices developing in Malawi in view of the constitutional principles of a democratic society, the practices in Commonwealth Parliaments or other Parliaments in so far as the same may be applicable to the Malawi Parliament.

6. (1) There shall preside at any sitting of the Assembly –

- (a) The Speaker;
- (b) in the absence of the Speaker, if there is more than one Deputy Speaker present, such one of them, if any, as the Speaker may nominate to preside thereat;
- (c) in the absence of the Speaker and every Deputy Speaker, such member of the Chairperson’s Panel, not being a Minister, or Deputy Minister as the Assembly may, by election, select for that meeting.

(2) There is hereby established, for purposes of paragraph 1 of this Standing Order, a Chairperson’s Panel, consisting of all chairperson of Committees of the House, who shall be available to take the Chair at any time, without undue formality during the unavoidable absence of the Speaker or Deputy Speakers, or when so requested by the Speaker.

7. (1) The Speaker shall preserve order and decorum in the House and shall decide questions of order and practice. In deciding a point of order or practice, Mr. Speaker shall state the reasons for the decision and shall cite any Standing Order or other applicable authority. Mr. Speaker may invite submissions from members but no debate shall be permitted on any submission. No decision shall be subject to an appeal to the House.

(2) The Speaker shall not take part in any debate before the House unless in circumstances allowed by the Constitution in Section 53(3)(d) and 53(7).

8. Any Member deviating from the Standing Orders may be immediately called to order by the Speaker or any Member may rise in his place and address the Speaker calling attention to the deviation.

9. (1) Every Member shall have a seat reserved for him by the Speaker.

(2) The front seats to the right hand of the Speaker shall be reserved for members holding Government Ministerial office.

(3) The other seats to the right hand of the Speaker shall be reserved for members in accordance with any request that the Leader of the House may at any time make to the Speaker.

(4) The seats to the left hand of the Speaker shall be reserved for members of the Opposition and in accordance with any request the Leader of the Opposition or Leader of the next largest party in opposition may at any time make to the Speaker.

(5) A member who is not a member of a political party represented in Parliament shall, on request to the Speaker, have reserved any seat in the House, which has not been otherwise reserved under this Order, but if two or more such members request that the same seat be reserved, the Speaker shall determine for whom it shall be reserved.

(6) As far as practicable, each party shall occupy a block of seats in the Chamber. The Speaker shall decide any dispute as to the seats to be occupied.

PART IV Duties of Clerk

10. (1) The Clerk of the House is responsible for the safe-keeping of all the papers and records of the House, and has the direction and control over all the officers and clerks employed in the offices, subject to such orders as he or she may from time to time receive from the Speaker of the House.

(2) Subject to paragraph (3) of this Standing Order the Clerk shall attend all sittings of the Assembly and Committee of the whole House. The Clerk shall, when so required by the Speaker, attend the sittings of any Committee of the Assembly established under Part XXIX.

(3) The Clerk may, with the approval of the Speaker, assign any of his deputies to attend sitting of the Assembly or a Committee of the whole House in his place whenever his duties require him to be elsewhere.

11. (1) The Clerk shall be responsible for giving effect to the directions of the Speaker in regard to the management and general administration of Parliament and the precincts of Parliament.

(2) Subject to the directions of the Speaker, the Clerk shall be responsible for the distribution of all parliamentary and other relevant documents to Members.

PART V Journals and Records

12. All votes and proceedings of the Assembly shall be noted by the Clerk and shall constitute the journals of the Assembly.

13. The Clerk shall neither take, nor permit to be taken, any Parliamentary Journals or Records from the Parliament Chamber or office of the Assembly without an order of the Assembly or by the leave or order of the Speaker.

14. (1) An Official Report of the proceedings in the Assembly which shall be in English and as nearly as possible verbatim shall be prepared under the general supervision of the Clerk who shall conform to any instructions given by the Speaker in that behalf.

(2) The Speaker shall give instructions to the Clerk as to the facilities which are to be afforded to Members for making of representations in regard to proofs of the Official Report of speeches delivered by them in producing the Official Report expeditiously. It shall be the duty of the Clerk to comply with any instructions issued under this paragraph and the Speaker shall inform the Assembly of any instructions so issued in such manner as he may deem fit.

(3) For the purposes of paragraph (2), every Member whose speech is to be published in the Official Report shall be accorded an opportunity to read the speech in proof, either by providing to him a copy of the proof or otherwise, and may suggest such corrections thereto as relate only to textual errors and not the substance of what was said.

(4) A Member who in accordance with paragraph (3) makes a correction to a speech or remark made by him or her shall report the correction to the Clerk, within twenty four hours, who shall bring the correction to the attention of the Speaker and, in the case of a dispute as to the nature of the correction, the decision of the Speaker shall be final.

- (5) The Official Report shall be published in such form as the Speaker may direct and every Member shall be entitled to receive three copies thereof without charge and to any another person at a charge to be fixed by the Clerk.

PART VI

Sessions of the National Assembly

15. (1) Subject to section 67 (2) of the Constitution, the Assembly shall hold its sessions at such places, and they shall begin at such times, as the Speaker, in consultation with the President, may appoint.

(2) On the appointment of a place and time by the Speaker as aforesaid, it shall be the duty of the Speaker to summon each Member to attend the new Session of the Assembly at the time appointed. The Speaker's summons shall be in writing and it shall be dispatched as soon as possible and, when practicable, not less than 21 days prior to the date of the commencement of the session unless directed by a certificate of the President to the effect that it is urgent and in the public interest that the session commences sooner.

- (3) A session of the Assembly shall be held to extend from the date of the first meeting until Parliament is prorogued by the President or is dissolved without having been prorogued.

(4) Unless the Speaker or the majority of members decide, otherwise, in any particular case, at the dissolution or prorogation of Parliament all proceedings then pending shall terminate and lapse.

PART VII

Meetings of the National Assembly

16. (1) Subject to the provisions of these Standing Orders, every meeting of the Assembly shall commence on such date as the Assembly may from time-to-time order, or, in the event of the Assembly having been adjourned *sine die*, on such day as the Speaker may appoint.

- (2) Notwithstanding the preceding provisions of this Standing Order, the Speaker may, if he is satisfied that the public interest requires that the Assembly should meet at an earlier date than that on which it is next to meet, summon the Assembly to attend on such earlier date as he may appoint, and, in selecting such date, he shall have regard to the desirability of giving a period of notice, which, having regard to all the circumstances, is reasonable

Provided that the Speaker may not exercise the discretion conferred by this paragraph unless he has received a certificate under the hand of the President to the effect that it is in the public interest that he should so do.

17. A meeting shall continue until a motion to terminate the meeting is carried.

PART VIII
Sittings of the National Assembly

18. (1) The Assembly shall sit on the following days and times-
- (a) Monday from 2:00 p.m. to 5:00 p.m.;
 - (b) Tuesday from 9.30 a.m. to 12.30 p.m. and 2:00 p.m. to 5:00 p.m.;
 - (c) Wednesday from 2:00 p.m. to 5.00 p.m.;
 - (d) Thursday from 9.30 a.m. to 12:30 p.m.; and 2:00 p.m. to 5:00 p.m.; and
 - (e) Friday from 9:30 a.m. to 12.30 p.m.

(2) At the adjournment time on any sitting day referred to in paragraph 1 the Speaker shall interrupt the business then under consideration, and if the Assembly be in Committee the Chairperson shall leave the Chair and report progress and ask leave to sit again.

(3) When it is provided in any Standing Order or by the resolution of the House of the Assembly that any business specified by such Order shall be continued, forthwith disposed of, or concluded in any sitting the Assembly shall not be adjourned before such proceedings have been completed, except pursuant to a motion to adjourn proposed by a Minister of the Government.

(4) Except during Private Members' Business, when the Speaker is in the Chair, a Member may propose a motion, without notice, to continue a sitting beyond the ordinary hour of daily adjournment for the purpose of considering a specified item of business or a stage or stages thereof subject to the following conditions -

(a) the motion must relate to the business then being considered provided that the proceedings in any Committee of the Whole House may be temporarily interrupted for the purpose of proposing a motion under the provisions of this Standing Order;

(b) the motion must be proposed in the hour preceding the time at which the business under consideration should be interrupted by the ordinary hour of daily adjournment; and

(c) the motion shall not be subject to debate or amendment.

(5) In putting the question on such motion, the Speaker shall ask those Members who object to rise in their places. If ten or more Members then rise, the motion shall be deemed to have been withdrawn; otherwise, the motion shall have been adopted.

(6) If at the time appointed for the interruption of business, any division is in progress or a question is being put from the Chair and a division results immediately thereon, such interruption shall be deferred until after the declaration of the result of such division.

(7) Upon the conclusion of all proceedings under paragraph (2) or paragraph (6), or upon the earlier completion or deferment of all business standing upon the Order Paper, The Speaker shall either adjourn the Assembly without question put or, if notice has been given of a matter to be raised upon a motion for the adjournment of the Assembly under the provisions of Standing Order 19, shall call upon a Minister to move "That the House do now adjourn."

(8) Upon the conclusion of any debate arising under the provisions of the last preceding paragraph of this Standing Order, the Speaker shall put the question "That the House do now adjourn."

Provided that, if that question has not been put at the expiration of half an hour after the motion has been moved, the Speaker shall adjourn the Assembly without question put.

19. Upon the motion "That the House do now adjourn," moved under the provisions of paragraph (7) of Standing Order 18, any Member, who has given notice in writing and obtained the leave of the Speaker, may raise any matter of administration for which the Government is responsible, but no division shall take place on such a matter.

20. Any debate interrupted by the adjournment of the Assembly under the provisions of Standing Order 18 shall, on coming again before the Assembly or the Committee, be resumed at the point where it was interrupted as if it were a continuous debate.

Urgent Public Importance

21. (1) Any member may after Question time rise in his place and seek leave to move the adjournment of the House for the purpose of discussing a definite matter of urgent public importance.

(2) A member who wishes to seek leave to move the adjournment of the House shall at least two hours before the adjournment of the sitting, hand the Speaker a written notification of the matter he/she wishes to discuss.

- (3) The Speaker may allow any claim if he/she is satisfied that the matter is definite, urgent and of national importance concerning the administrative responsibility of government.
- (4) If the Speaker is so satisfied he shall inform the House of the matter and if not less than three other members rise in the place in support, the Speaker shall nominate a time on the same day at which such motion may be moved.
- (5) The moving of a motion under the provisions of this Standing Order shall not prejudice the moving of a motion under the provisions of Standing Order 19 at the same sitting.
- (6) The motion shall not be votable.

Adjourned debate

22. (1) A Member who wishes to postpone to some future occasion the further discussion of a question which has been proposed from the Chair may claim to move "That the debate be not adjourned," or, in Committee of the whole House, "That the Chairperson do report progress and ask leave to sit again," such motion being termed a dilatory motion.

(2) The debate on any such motion shall be confined to the matter of the motion.

(3) If the Speaker or the Chairperson shall be of the opinion that any such dilatory motion is an abuse of the proceedings of the Assembly or Committee, as the case may be, he may decline to propose it.

(4) A dilatory motion which has been negative may not subsequently be moved during the same debate, whether in the Assembly or in Committee of the whole House, except at the conclusion of debate.

Variation of Sitting times

23. A Minister may at any time move a motion proposing to vary the time for the commencement or termination of any sitting.

24. Except in case expressly provided for by these Standing Orders, the adjournment of the Assembly may be moved only by a Minister.

25. (1) The question on any motion referred to in Standing Orders 23 and 24 shall be put forthwith, without debate or amendment.

(2) When putting the question on any such motion, the Speaker shall ask those Members who object to rise. If ten or more Members then rise, the motion shall be deemed withdrawn; otherwise the motion shall have been adopted

PART IX Quorum of the Assembly

26. A quorum of the Assembly or of a Committee of the whole House shall consist of half plus one of all the Members of the Assembly except the person presiding.

27. (1) If at any time after the business of the Assembly has commenced, or when the Assembly is in Committee and a vote is required to be taken, the attention of the Speaker or the Chairperson is called to the absence of a quorum, the Speaker or the Chairperson shall count the Assembly or the Committee, as the case may be. If on the first count a quorum does not appear to be present, the Speaker or the Chairperson shall cause the division bell to be rung as for a division, and if no quorum be present after the lapse of three minutes he shall announce to the Assembly that there is not a quorum present and shall proceed as follows -

- (a) if the Speaker be in the Chair, he shall adjourn the Assembly without question put until the next sitting day;
- (b) if the Assembly be in Committee, the Chairperson shall leave the Chair and report the fact to the Speaker, who shall adjourn the Assembly without question put until the next sitting day:

Provided that if attention is drawn to the absence of a quorum before the commencement of business, the Speaker or the Chairperson, as the case may be, shall, before taking the action described in paragraphs (a) and (b), suspend the sitting for half an hour.

(2) If, from the number of Members taking part in a division it appears that a quorum is not present, the division shall be invalid. The business then under consideration shall stand over until the next sitting and the Speaker shall proceed as if his attention has been drawn to the absence of a quorum. If a quorum is then present, the next business shall be entered upon.

(3) Whenever the Speaker or the Chairperson is engaged in counting the Assembly or the Committee, the Bar of the Assembly shall remain open.

PART X Order of Business

Order Paper

28. (i) An Order Paper shall be prepared by the Clerk for each sitting day showing the business to be placed before the Assembly and the order in which it is to be taken.

Business in a new Session

29. At the first sitting of the Assembly in new session the Clerk shall read-
- (a) Prayers and cause the oaths of allegiance or affirmations and oaths of office before the Chief Justice to be made and subscribed by all members who have not already made them following a general or by-election; and
 - (b) the Notice of Proclamation by the President appointing the time and place for the commencement of the first meeting of the Assembly before the President delivers an address to the House.

Routine Business

30. (1) Routine Business items shall be disposed of in the order in which they stand upon the Order Paper, or in such other order as the Assembly may decide on a motion which may be moved without notice on the recommendation of the Business Committee.
- (2) Routine items of business for the House are:
- (i) *General:* Election of Speaker, Administration of Oath, Communication from the Chair, Obituaries, Delegation reports, Committee Reports, Questions to Ministers for Oral Replies, Personal Explanations, decisions by Mr. Speaker under Section 65 of the Constitution, end of tenure remarks.
 - (ii) *Government:* Bills, Motions, Statements, Presentation of Statutory Reports, Communication from Head of State.
 - (iii) *Private Members:* Motions, Bills, Petitions, Papers, Personal Explanations, Petitions for removal of Judges to be taken on Thursdays.
- (3) The Government shall have the right to have Government business placed upon the Order Paper in such order, as it shall determine.
- (4) The Leader of the House shall announce to the House before adjournment of the House, Government Business for the coming week.

PART XI
Prayers

31. Prayers, in a form approved by the Speaker, shall be read by the Speaker or by the Clerk as the Speaker may direct.

PART XII
Oath or Affirmation of Allegiance

32. (1) When a Member first attends to take his seat, otherwise than at the first sitting of a new Assembly, he shall, on the first day of the Sitting or as soon thereafter as possible, be brought to the Table by two Members and presented by them to the Chief Justice, who shall then cause the oaths or affirmations of allegiance and office to be made and subscribed by the Member.

(2) The oath or affirmation shall be administered by the Chief Justice before the Assembly.

PART XIII
Election of the Speaker

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

(2) Subject to paragraph (3), any Member, having first ascertained that the person to be proposed is willing to serve if elected, may, addressing himself to the Clerk, propose that any person who is qualified under section 53 of the Constitution shall be Speaker. Such a proposal shall be seconded and supported by at least ten Members, but no debate shall be allowed.

(3) The number of proposals pursuant to paragraph (2) shall not exceed four.

(4) If only one person is so proposed, he shall be declared by the Clerk to have been elected and the person elected shall be taken out of his place by his proposer and seconder and conducted to the Chair.

(5) If more than one person is so proposed, the Assembly shall proceed to elect a Speaker by secret ballot in the manner hereinafter provided.

(6) Every Member present shall, if he so desires write upon a ballot paper to be supplied to him by the Clerk the name of the proposed person whom he desires to be Speaker; nothing else shall be written upon the ballot paper.

(7) The Member shall then place his /her ballot paper in the ballot box placed at the Clerk's Table in such manner as not to disclose for whom he /she is voting.

(8) When all the ballot papers of Members desiring to vote have been placed in the ballot box, the Clerk shall examine them and shall forthwith announce to the Assembly the name of the person receiving the greatest number of votes, and shall declare that person to have been elected Speaker, and the person elected shall be taken out of his place by his proposer and seconder and conducted to the Chair.

(9) (a) Where more than two candidates have been proposed, and, at the first ballot, no candidate obtains more than the aggregate votes obtained by the other candidates, the ballot shall be repeated, the candidate obtaining the smallest number of votes at each ballot being excluded until one candidate obtains more votes than the remaining candidate, or the aggregate votes of the remaining candidates, as the case may be.

(b) Where at any ballot among two or more candidates, two or more obtain an equal number of votes, another ballot shall be held.

PART XIV

Election of Deputy Speakers/Deputy Speaker

34 The procedure for the election of a Deputy Speaker shall be the same as that prescribed by Standing Order 33, except that the Speaker shall conduct the election.

PART XV

Removal of the Speaker/Deputy Speaker

35 (1) A House may pass a resolution to remove Speaker or Deputy Speakers in the following manner:

- a) seven days' notice, signed by one-third of all Members of Parliament, shall be given ;

- b) the motion shall be debated in Parliament within fourteen days after its receipt by the Speaker and the Speaker or Deputy Speaker shall only be removed if the decision on the motion is supported by the votes, in a secret ballot, of not less than two-thirds of all the Members of Parliament;
 - c) The Speaker or the Deputy Speaker shall be entitled to be heard in his or her defence either by himself or herself or by a representative.
- (2) The Clerk shall, as soon as possible upon receiving a notice under paragraph (a) of subrule (1) of this rule, put the matter on the Order Paper.
 - (3) Neither the Speaker nor the Deputy Speaker in respect of whom proceedings for removal have commenced, shall preside over the proceedings.

PART XVI
Communications from the Head of State

36. Whenever possible, communications from the President shall be read to the Assembly by the Speaker but the Speaker may interrupt the proceedings of the Assembly at any time to deliver such communications, which may be considered forthwith or may be ordered to be considered at such time as the Assembly determine.

PART XVII
Communications from the Chair

37. The Speaker shall whenever necessary make any statement as may be necessary for the information of Members.

PART XVIII
Public Petitions

38. A petition substantially in the form prescribed by Appendix A may be presented by a member for the redress of an alleged public grievance.

39. A petition shall be in the English language or accompanied by a translation in the English language certified as correct to the best of his knowledge and belief by the Member presenting it. The petition must contain a clear, concise, accurate and temperate statement of the facts for which the intervention of the House is requested and the signature of all the petitioners.

40. No letters, affidavits or other document, other than any translation required by Standing Order 39, shall be attached to any petition.

41. No reference shall be made in a petition to any debate in the Assembly.

42. (1) Every petition shall be signed at the beginning thereof by the Member in charge of it and deposited for at least one clear day with the Clerk, who, after examining it, shall submit it for the Speaker's approval. No petition shall be presented until such approval has been signified thereon in writing.

(2) If a petition requires the recommendation of the President, such recommendation shall be in writing and shall be deposited with the Clerk at the same time as the petition.

43. Petitions shall be presented only by a Member. It shall not be competent for a Member to present a petition from himself, but such petition may be presented by some other Member.

44. Every Member, before presenting a petition, shall ascertain and write at the head of the petition the number of signatures to it and shall satisfy himself that it does not contain language disrespectful to the Assembly.

45. (1) In presenting a public petition the Member presenting it shall, at the appropriate stage in the Order of Business, proceed to the Table and hand the petition to the Clerk, who shall note its presentation in the Votes and Proceedings.

(2) The Member presenting the petition may state concisely the purpose of the petition and may move that it be read or that it be ordered to lie on the Table or that it be referred to a Select Committee or that it be printed but no debate shall be permitted on such motion. If no such motion is moved, the petition shall be ordered to lie on the Table.

PART XIX

Crossing the Floor

46 (1) The Speaker in exercise of powers given to him/her under section 65 of the Constitution shall cause to be given to the member alleged to have crossed the floor a copy of the petition. On receipt of such a copy, a member shall respond within 7 days to the Speaker on the allegations. After expiration of the 7 days, the Speaker shall give a ruling on an appointed date, known to the member or party and the petitioner, on the petition in the Chamber.

(2) The House shall appoint an ad-hoc committee to draw up rules of procedure for removing officers required to be so removed by Parliament under the Constitution.

PART XX Presentation of Papers

47. (1) Papers may be presented to the Assembly –

(a) during sittings of the Assembly by a Member or Minister laying them on the Table;

(b) when the Assembly is not sitting by delivery to the Clerk.

(2) When presenting a paper under paragraph (1), the Member concerned shall make a brief explanatory statement on the paper.

(3) Record of all papers presented to the Assembly shall be entered in the first possible issue of the Votes and Proceedings.

(4) All papers shall lie on the Table without question put.

(5) All papers tabled in the House, including all Committee Reports, shall be serially numbered in each session by the Clerk who shall cause the same to be deposited with the Parliament Librarian.

48. All persons shall be entitled at all convenient times, on application to the Clerk, to read and, if they so desire, to take extracts from or copies of all papers laid upon the Table.

PART XXI Questions

49. Questions may be put to Ministers or Deputy Ministers relating to public affairs for which they are responsible, and questions may also be put to any other Member on matters connected with the business of the Assembly for which such Member is responsible.

50. (1) Notice of a question shall be given in writing by a Member to the Clerk, and shall be received by the Clerk not less than six clear days before the day (which shall be specified in the notice) on which the answer is required.

(2) The Clerk shall place notices of questions on the Order Paper in the order in which they were received by him.

(3) Questions shall be taken on Tuesdays, Thursdays and Fridays, and in the case of questions addressed to the President, on Wednesdays, after Prayers and the disposal of routine proceedings:

Provided that –

(a) no question shall be asked after the lapse of one hour and fifteen minutes from the time when questions for oral answers are called by the Speaker; and

(b) in the case of questions addressed to the President, the Assembly may, by resolution vary the question time.

51. (1) A Member who desires an oral answer to his question shall mark it with an asterisk but no Minister shall have more than one such question at a time on the Order Paper.

(2) If a member does not desire an oral answer to his question, he shall not mark it with an asterisk and, in that case, the Minister to whom the question is addressed shall, within twenty-one days, cause a written answer to be supplied to the Clerk who shall cause the question to be incorporated to the Official Report.

52. A question may be withdrawn by the Member asking it at any time before an answer is given, either by notice in writing to the Clerk, or (in the case of a question in respect of which an oral answer is requested), by the Member rising in his seat at question time when his name is called and withdrawing it orally.

53. Questions of which notice has not been given in accordance with Standing Order 49, but which, in the opinion of the Speaker, are of an urgent character, and relate either to matters of public importance or to the arrangement of the business of the Assembly may, if the Speaker is satisfied that adequate private notice has been given to the Minister, Deputy Minister or Member concerned, be asked at the conclusion of question time.

54. All questions shall be numbered serially in each session and the number allotted to each question shall be entered in the Order Paper.

55. (1) In the case of questions to which an oral answer has been requested, the Speaker, when the question is reached on the Order Paper, shall call the number of the question in the name of the Member. The Speaker shall then call the responsible Minister to answer the question.

(2) Where a question has been asked in accordance with paragraph (1) but the Minister, Deputy Minister or other Member asked is unable to give a reply, then

(a) until the question is answered; or

(b) unless the question is withdrawn under Standing Order 51,

the Clerk shall include it on the Order Paper of each succeeding sitting day and the question shall take precedence over all fresh questions for that day.

(3) Questions addressed to a Minister may be answered by another Minister or Deputy Minister.

56. (1) A supplementary question may be asked by any Member for the purpose of elucidating any matters of fact regarding which an answer has been given.

(2) The Speaker shall disallow any supplementary question which introduces matters not arising from the original question.

57. The right to ask a question shall be subject to the following rules –

(a) the proper object of a question is to obtain information on a matter of fact within the official responsibility of the Minister, Deputy Minister or Member questioned, or to press for official action;

(b) a question shall not contain imputations or offensive expressions, be hypothetical or seek a legal opinion;

(c) a question shall not include the names of persons, or any statements of fact, unless they be strictly necessary to render the question intelligible. If a question contains a statement the Member asking it is responsible for the accuracy of the statement;

(d) a question shall not be made the pretext for a debate, and a Member shall not address the Assembly upon the subject of his question;

- (e) not more than one Government department shall be referred to in a question and a question shall not be of excessive length;
- (f) a question shall not be asked -
 - (i) regarding proceedings in a Committee of the Assembly which have not been presented to the Parliament by a report from the Committee;
 - (ii) as to the character or conduct of any person, except in his official or public capacity;
 - (iii) reflecting on the character or conduct of any person whose conduct can only be challenged on a substantive motion under Standing Order 84;
 - (iv) as to the accuracy of any unofficial statement appearing in the press or any statement made by private individuals or by unofficial bodies.

PART XXII

Statements by Ministers

58. A Minister, after notice to the Speaker, may make a statement to the Assembly on behalf of the Government regarding any matter for which the Government is responsible. Such statements may not be debated, but questions or supplementary questions may be asked by Members for the purpose of elucidating any matter of fact with which the statement deals.

PART XXIII

Personal Explanations by Members

59. With the prior leave of the Speaker, any Member may make a personal explanation although there be no question before the Assembly. Such explanation may not be debated and no controversial matter may be included in any explanation.

PART XXIV

Process of Debate

Notice of Motion

60. (1) Every Member in giving notice of a motion shall do so by handing a copy of such motion fairly written and signed by himself to the Clerk during a sitting of the Assembly or, when the Assembly is not sitting, during office hours, or shall forward the same to the Clerk by registered post.

Contents of notice

- (2) A notice of motion shall be expressed in a form and with content appropriate for a resolution of the House and shall clearly indicate the issue to be raised for debate and include such material as may be necessary to identify the facts or matter to which the motion relates.
- (3) A notice of motion shall not contain expressions or words which would not be permitted in debate or statement of facts or names of persons unless they are strictly necessary to render the notice intelligible and can be authenticated.

Member may speak again

- (4) A member who has spoken to a question may speak again to explain some material part of the member's speech which has been misquoted, misunderstood or misrepresented in the same debate but a member may not introduce any new matter or interrupt any member to explain a misquotation, misunderstanding or misrepresentation.
- (5) All debate shall be relevant to the question before the House.
- (6) After having called the attention of the House to the conduct of a member who persists in irrelevance or tedious repetition either of the member's own arguments or of the arguments used by other members in debate, the Speaker may terminate that member's speech.

Reply

- (7) A reply may be exercised by the mover of a motion and the reply shall be confined to matters raised during the debate. In all cases, the reply of the mover of the original motion shall close the debate.

Notices before Committee

- (8) The Clerk shall submit notices of motion to the Business Committee for consideration before placing them on the Order Paper.

61. Unless otherwise provided by these Standing Orders, no motion shall be moved on the day on which notice thereof is given except by leave of the Assembly.

62. A Member may amend a notice of motion standing in his name if such amendment does not, in the opinion of the Speaker, materially alter any principle embodied in the motion, and any such amendment shall be deemed to have been made at the time the original notice of motion was given.

Anticipation

63. (1) It shall be out of order to anticipate the discussion of a Bill, which has been published in the *Gazette* by discussion upon a substantive motion or an amendment thereto, or by raising the subject matter of the Bill upon a motion for the adjournment of the Assembly.

(2) It shall be out of order during debate upon any other motion, including a motion for the adjournment of the Assembly, or upon an amendment thereto, to anticipate the discussion of a motion of which notice has been given.

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

Motion to be moved

65. When a motion appears on the Order Paper, it shall be moved at the proper time, or at such other time as the Speaker may permit, and if any motion shall not be so moved, it shall be deemed to have been withdrawn.

Proposing a question

66. (1) When a motion has been moved, the Speaker shall propose the question thereon, in the same terms as the motion, and debate may then take place upon the question. At the end of debate, the Speaker shall putting a question, no person shall walk out of or cross the Assembly or make any noise or disturbance while the question is being put.

(2) After the question has been proposed from the Chair, the motion shall be deemed to have been put in the possession of the Assembly and may not be withdrawn without the leave of the Assembly.

Withdrawal of motion

67. A Member who has made a motion or moved an amendment may withdraw it with the assent of the majority of Members present. Such motion may, however, again be made on notice given. A motion or amendment to which an amendment has been moved may not be withdrawn until the amendment thereto has been disposed of.

Motions without notice

68. The following motions may be moved without notice -

- (a) with the Speaker's permission, a motion for the amendment of a motion;
- (b) a motion moved by a Minister for the adjournment of the Assembly;
- (c) a dilatory motion under Standing Order 22;
- (d) a motion for the suspension of Standing Orders moved with permission of the Speaker;
- (e) subject to the provisions of the Standing Orders governing financial procedure and the procedure on Bills, a motion moved when the Assembly is in Committee;
- (f) a motion which, in the opinion of the Speaker, is a question of privilege and which is made at the earliest possible opportunity; and
- (g) motions made in accordance with Standing Orders 23 and 113.

Improper motion

69. A notice of motion, which, in the opinion of the Speaker, amounts to an attempt to consider a specific question upon which the Assembly has decided during the current Session, shall be disallowed by the Speaker unless it be a notice of a substantive motion to rescind the previous decision of the Assembly.

Amendments

70. (1) Unless notice has already been given, the proposer of an amendment shall, before moving it, hand the notice of amendment in writing, signed by himself, to the Clerk:

Provided that the Speaker may relax this provision in case of simple amendments.

- (2) Any amendment to the motion which a Member wishes to propose in accordance with the provisions of these Standing Orders may be moved at any time after the question upon the motion has been proposed and before it has been put. When every such amendment has been disposed of, the Speaker shall either propose the question upon the motion, or upon the motion as amended, as the case may require, and, after any further debate which may arise thereon, shall put the question.
- (3) An amendment shall not require seconding.
- (4) Every amendment shall be relevant to the motion, which it seeks to amend.
- (5) An amendment shall not raise any questions which, in the opinion of the Speaker, should be raised by a substantive motion after notice given.
- (6) No amendment shall be permitted if, in the opinion of the Speaker, it represents a direct negative of the questions proposed.
- (7) An amendment to a motion or bill shall take one of the following forms-
 - (a) to leave out one or more of the words;

- (b) to insert one or more words;
 - (c) to add one or more words at the end;
 - (d) to leave out one or more words and insert one or more words instead;
 - (e) to leave out one or more words at the end and to add one or more words instead.
- (8) (a) On an amendment, the question to be proposed shall be "That the amendment be agreed to;"
- (b) when two or more amendments are proposed to be moved to the same motion, the Speaker or the Chairperson shall call on the movers in the order in which their amendments relate to the text of the motion or, in cases of doubt, in the order decided by the Speaker or the Chairperson.
- (c) An amendment to an amendment which a Member wishes to propose may be moved at any time after the question on the original amendment has been proposed and before it has been put at the conclusion of the debate on the original amendment;
- (d) an amendment to an amendment shall be disposed of in the same way as an amendment to a motion;
- (e) when every amendment to an amendment has been disposed of, the Speaker or the Chairperson shall again propose the question on the original amendment, or propose the question on the original amendment as amended, as the case may require.

Closure Motion

71. (1) After a question has been proposed, any Member may at any time, whether or not any other Member is speaking or that Member himself has previously spoken, rise in his place and claim to move "That the question be now put, and, unless it shall appear to the Speaker that such a motion is an abuse of the rules of the Assembly, or an infringement of the rights of a minority, the question "That the question be now put" shall be put forthwith and decided without amendment or debate.

- (2) When a motion "That the question be now put" has been carried, and the question consequent thereon has been decided, a Member may claim that such other questions be put as may be requisite to bring to a decision any question already proposed and, provided that the assent of the Speaker is not withheld, such question shall be put forthwith and decided without amendment or debate.

Ministers to respond

72. Ministers shall timely respond to private members' motions passed by the House in respect of their Ministries, Departments, statutory corporations and other public institutions funded by the Treasury under their responsibility, and in any event, shall respond within ninety days or at the next meeting of Parliament which ever is earlier.

Spokesperson be heard uninterrupted

73. A Spokesperson of a party in Parliament responding to a State Address or Budget Statement shall be heard uninterrupted.

PART XXV Rules of Debate

74. All proceedings of the Assembly shall be in the English language.

75. Every Member desiring to speak shall rise in his place and address himself to the Speaker.

76. If more than one Member rise at the same time, the Speaker shall call upon the member who rose first in his place to speak.

77. A Member may speak only to the question before the Assembly, or to a question or amendment to be proposed by himself, or to a question of order.

Member speaking not to be interrupted

78. (1) No Member shall interrupt another Member who is speaking unless –

- (a) to call attention to a point of order suddenly arising;
- (b) to call attention to the absence of a quorum;
- (c) to move the closure; and
- (d) To call attention to the presence of strangers.

(2) A maiden speech shall not be interrupted except by the Speaker, in circumstances which, in the opinion of the Speaker, warrant such interruptions:

Provided that the Member speaking may, at his discretion, give way to another Member who wishes to interrupt in order to correct a misapprehension or elicit an explanation.

- (3) A member who is addressing the House shall take his seat when
 - i. called to order by Mr. Speaker, or
 - ii. a point of order is raised by another member, or
 - iii. Mr. Speaker rises.

79. If any motion is made concerning the conduct of any member, or his right to hold his seat that member may make a statement, remain in the House during the debate and participate in any resulting vote.

80. No Member shall speak to any question after it has been put by the Speaker.

Member to speak again

81. No Member who has spoken to a question may speak again to the same question except in Committee.

Provided that -

- (a) a reply shall be allowed to a Member who has moved an Order of the Day, but not to a Member who has moved an amendment or an adjournment during a debate; and
- (b) a Minister may, with the assent of the majority of Members present, speak a second time.

Point of Order

82. (1) A Member may rise at any time to a point of order, stating that he does so. Any Member who is then speaking shall thereupon resume his seat and the Member rising to the point of order shall do likewise when he has concluded his submission. No other Member may, except by leave of the Speaker, speak to the point of order.

(2) The Speaker shall either give his decision on the point of order forthwith or announce that he defers his decision for consideration, after which the Member who was speaking at the time the point of order was raised shall be entitled to continue his speech, giving effect to the Speaker's ruling.

Improper reflections

83. No Member shall refer in the House to any proceedings related to a Committee Report until such Report has been tabled in the Assembly.

84. The conduct of the President or the Vice-President shall not be called into question in the course of debate other than by way of the procedure for impeachment.

85. (1) The conduct of the Speaker, of Judges of Superior Courts, Resident Magistrates, Members and Ministers who are not Members shall not be called into question in the course of debate, except by way of a substantive motion containing a specific charge.

Matter already decided

(2) It shall be out of order to introduce arguments on any question upon which the Assembly has taken a decision during the current Session except upon a motion to rescind that decision made with the permission of the Speaker.

Unparliamentary language

- (3) No Member shall -
- (a) use offensive expressions; or
 - (b) indulge in personalities; or
 - (c) use his right of speech for the purpose of obstructing the business of the Assembly; or
 - (d) impute improper motives to or make a personal charge against any Member except when a substantive motion calling in question the conduct of that member; or
 - (e) use words against the National Assembly or its Committees which undermine the dignity and integrity of National Assembly or its Committees.

86. A Member is responsible for the accuracy of any facts which he alleges to be true.

Member may speak again

87. When an amendment has been moved, any Member who has already spoken to the main question may speak to the amendment and any Member who has not spoken to the main question but speaks to the amendment does not thereby forfeit his right to speak to the main question.

PART XXVI Voting

88. No Member may vote on any matter in which he has a direct or indirect material interest without disclosing the nature of that interest and leave of the House obtained.

89. All questions proposed for decision in the Assembly shall be determined by a majority of the members present and voting.

90. (1) At the conclusion of a debate the question, either in its original or in its amended form, as the case requires, shall be put by the Speaker for the decision of the Assembly, save as provided in paragraph (4) of this Standing Order. The Speaker shall then say 'As many as are of that opinion say 'Aye' as many as are of the contrary opinion say 'No''. The result shall be declared by the Speaker, who shall say 'I think the 'Ayes' have it' or 'I think the 'Noes' have it,' as the case may be.

Roll Call (Division)

(2) Any Member may forthwith challenge the opinion of the Speaker and claim a division by rising in his place and calling 'Division'.

(3) If any member claims a division, the Speaker shall direct a division to be taken if either -

- (a) he considers that there is a reasonable doubt as to the outcome of the vote in question; or
- (b) three or more Members rise in their places to support the Member claiming the division.

(4) In every instance where the Constitution or an Act of Parliament stipulates that a decision of the Assembly be made by a fixed majority, that is, by a majority other than simply the majority of the votes of the members present and voting -

- (a) the House shall not proceed to a division on that question unless and until a number of Members equivalent to such fixed majority is present at the time the division is directed; and
- (b) if the division on that question results in a majority of 'Aye s," but less than such fixed majority of all the Members of the House or more, the Speaker shall declare that the Motion had been rejected.

91. (1) When the Speaker directs a division to be taken, the Clerk shall thereupon ring the division bells for five minutes.

- (2) After a lapse of a further five minutes, the Speaker shall direct that the Bar of the Assembly to be closed and thereafter no Member may enter or leave the Chamber until the division has been taken and the Speaker has declared the result of the Assembly.

92. When a vote is taken on a division, the Clerk shall call out the name of each Member in alphabetical order and shall record how each Member has voted, whether Aye or No. He shall then report to the Speaker the number of Ayes and the number of Noes and the Speaker shall declare the result.

93. A Member may vote in a division although he did not hear the question put but no Member shall be obliged to vote.

Member to vote in division

94. (1) Every Member other than the Speaker shall be entitled to vote in a division even though he is in the Chair.

(2) Whenever there is an equality of votes on any question, the Speaker including any Member who is in the Chair shall have a casting vote.

Division held twice

95. (1) In case of confusion or error occurring in the course of a division concerning the number of names recorded, which cannot otherwise be corrected, the Speaker shall direct the Assembly to proceed to another division.

Speaker does not vote

96. (1) The Speaker shall not have a deliberative vote and if the votes of the National Assembly are equally divided upon any question, he/she shall exercise a casting vote.

(2) A Deputy Speaker shall have a deliberative vote but if the votes of the National Assembly are equally divided upon any question he/she shall exercise a casting vote.

(3) Any member of the National Assembly when presiding in the Assembly shall retain his or her original deliberative vote as a member and shall also have a casting vote if the votes are equally divided.

PART XXVII Order in Assembly

97. Whenever the Speaker rises during a debate any Member then speaking or offering to speak, shall sit down and the Assembly shall be silent so that the Speaker may be heard without interruption.

98. Whenever the House is sitting, every Member shall bow or curtsy to the Chair in passing to and from his or her seat or across the floor of the Parliament Chamber.

99. No Member shall pass between the Chair and any Member who is speaking, or between the Chair and the Table.

100. Except when passing to and from his seat or speaking every Member in the Parliament Chamber shall be seated.

101. When the Assembly adjourns or the sitting is suspended, Members shall stand in their places until the Speaker has left the Parliament Chamber.

102. The Speaker, after having called the attention of the Assembly to the conduct of a Member who persists in irrelevance or tedious repetitions, either of his own arguments or of those used by other Members in debate, may direct him to discontinue his speech.

Suspension of Member

103. (1) A member's conduct shall be declared disorderly by the Speaker, if a member –

- (a) persistently and willfully obstructs the business of the Assembly; or
- (b) uses unparliamentary language which he has refused to withdraw; or
- (c) persistently and willfully refuses to conform to any Standing Order; or
- (d) persistently and willfully disregards the authority of the Chair or Order of the Chair.

(2) The Speaker shall suspend a member whose conduct is disorderly from the Assembly for the remainder of that day's sitting or part thereof, and the Sergeant-at-Arms shall act on such orders as he or she may receive from the Chair in pursuant of this Standing Order.

(3) The House by resolution may suspend from the House a member for conduct which grossly undermines the dignity and integrity of the House for a period of not exceeding 30 sitting days.

(4) On receiving from a Member so suspended a written expression of regret, the Speaker shall lay it before the Assembly and it shall be entered in the Votes and Proceedings. On a motion being made for the discharge of the order of suspension, the question thereon shall be decided without amendment or debate. If the question is agreed to, the order shall be discharged and the Member shall be readmitted.

(5) Where several Members present have jointly disregarded the authority of the Chair, the Speaker may suspend them jointly.

(6) Nothing in this Standing Order shall deprive the Assembly of the power of proceeding against any member in accordance with the provisions of the National Assembly (Powers and Privileges) Act.

104. If any Member, or Members acting jointly, who have been suspended under Standing Order 103 shall refuse to obey the directions of the Speaker when ordered so to do, the Speaker shall call the attention of the Members to the fact that recourse to force is necessary in order to compel obedience to his directions and the Member or Members named by him as having refused his directions shall thereupon, and without further question put, be suspended from the service of the Assembly during the remainder of the Session.

Suspended Member

105. A Member who is suspended from the Assembly under Standing Order 103, shall forthwith withdraw from the precincts of the Assembly and shall not enter those precincts during the period of his suspension.

106. A Member who is suspended under Standing Order 103 shall during the period of such suspension, forfeit his right of access to the Parliament Chamber, and to any room in which the Assembly or Committee of the Assembly is sitting; voting or serving on a Committee, or lodging questions or notice of motions.

Grave Disorder

107. In the case of grave disorder arising, the Speaker, may adjourn the Assembly without question put or suspend any sitting for a period to be named by him.

PART XXVIII Public Bills

108. A Public Bill is any Bill, which is not a Private Bill.

Government Bill

109. A Government Bill is a Public Bill, promulgated by the Government and is introduced in the Assembly by or on behalf of Government.

Private Members' Bill

110. A Private Member's Bill is a Public Bill, promulgated by a Member and introduced by that Member in the Chamber.

111. (1) Every Member has a right to move a private members' Bill after a motion to do so has been moved and carried.
- (2) The Member moving the private members' Bill shall be afforded reasonable assistance by Government including professional assistance in the drafting of the Bill
- (3) If the motion is carried, the printing and publication of the Bill in the Gazette shall be the responsibility of the Parliament.
- (4) Following the publication of the Bill in the Gazette, the progress of the Bill in the House shall be the same as that followed in respect of a Government Bill.

112. A Private Members' Bill shall be introduced first by a way of a motion to which shall be attached the proposed draft of the Bill.

Private Bill

113. A Private Bill is a Bill promulgated by an agency that is not part of the Government and introduced in Parliament on behalf of that agency where that agency is mandated by an Act of Parliament to do so.

Public Bills

114. The procedure set out in this Part shall apply to all Public Bills.

115. Every Public Bill shall be accompanied by a Memorandum containing the objects and reasons of the Bill, which,

- (a) in the case of a Government Bill, shall be signed by, or on behalf of the Attorney General, and, on the face of the Memorandum, shall state the originating Ministry and individuals and organizations consulted by Government in the preparation of the Bill, and
- (b) in the case of a Private Member's Bill, shall be signed by the Member In Charge of the Bill.

116. (1) The Member or Minister In Charge of a Bill shall publish the Bill in the *Gazette* and deliver to the Clerk enough copies for all Members at least twenty eight days before the Bill is First Read in the House.

(2) Upon receipt of the Bill, the Clerk shall forthwith dispatch the Bill to all Members by pre-paid post.

(3) Upon receipt of the Bill, the Clerk, shall refer the Bill to the relevant Standing Committee for consideration before the Bill is First Read.

Waiver of Notice Provisions

117. (1) At any time before a Government Bill is First Read, the Minister in Charge may move without notice that the number of days required by Standing Order 116 be waived on the grounds of urgency, provided that, the mover of such a motion shall, with particularity, inform the House of the reason for the urgency and the consequences to the nation of not passing the motion, and including the time when the bill should be tabled.

First Reading

118. (1) A Bill shall be "read" by reading aloud the short title only.

(2) After the provisions of Standing Orders 115 and 116 have been complied with, a Bill may be read a first time on such day as the Member or Minister in Charge may notify the Clerk.

(3) When the First Reading of Bills is reached in the Order of Business for that day, the Speaker shall call upon the Member or Minister in Charge to present the Bill, and in the case of Money Bills, to signify the Minister's recommendations; the Speaker may put a question that the bill be read a first time and if the motion is carried, the bill shall thereupon be deemed to have been read a first time.

Second Reading

119. (1) At the conclusion of the First Reading, the Member or Minister In Charge may either name a future day to be appointed for the next stage of the Bill or move that the next stage be taken forthwith.

(2) When a Bill has been read a first time, the next stage shall be Second Reading on a motion "That the Bill be now read a second time."

(3) Amendments may be moved to the question by leaving out "now" and, at the end of the question, adding "this day 3 months," "this day 6 months," or any other specified time, but no other amendment may be moved to such question.

(4) When the Second Reading of Bills is reached in the Order of Business for that day, the Speaker shall call upon the Member or Minister in Charge to speak to the motion that the bill be read a second time.

(5) Thereafter, if a Standing Committee has submitted a Report on the Bill, the Speaker shall call upon the Member in Charge of the Committee Report to present the Report and the House shall debate the report on the bill at this stage.

(6) The Committee Report may include findings on the general merits and principles of the Bill, as well as findings and recommendations on its details, and may recommend such amendments as are relevant to the subject matter of the Bill; if any such amendments are not within the title of the Bill, the Committee shall recommend that the title be amended accordingly.

(7) Thereafter, the Bill may be debated, and notice of amendments may be given, but amendments shall be debated when the Bill is considered by a Committee of the Whole House. Recommendation of amendments in a Committee Report shall constitute notice of proposed amendments.

(8) At the conclusion of the debate, the Speaker shall put the question "That the Bill now be read a second time, and upon such motion being made and carried, the Bill shall thereupon be deemed to have been read a second time."

Committee Stage of the Bill

120. (1) At the conclusion of the second reading, the Member or Minister In Charge may either name a future day to be appointed for the next stage of the Bill or move that the next stage be taken forthwith.

(2) When a Bill has been read a second time, the next stage shall be the Committee stage, i.e., consideration of the Bill by a Committee of the Whole House, Clause by Clause or groups of Clauses on a motion that clauses or groups of clauses stand part of the bill.

(3) 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 way as a new clause.

(4) When every clause and schedule, and proposed new clause or schedule, has been dealt with, the preamble, if there is one, shall be considered and the question put "That the preamble stand part of the Bill."

121. (1) Any proposed amendment of which notice has been given, shall be handed to the Chairperson of the Committee of the Whole House in writing, provided that the Chairperson may relax this provision in the case of simple amendments, and amendments shall be considered when the relevant clause is considered by the Committee of the Whole House.

(2) If a Committee Report recommends no amendments to the bill, and if no other amendments have been proposed during consideration of the report, the next stage of the Bill shall be the Third Reading.

(3) Consideration of a clause may be postponed, and postponed clauses shall be considered after remaining clauses of the Bill have been considered.

(4) Any proposed new clause may be considered either after the clauses of the Bill have been disposed of and before any consideration of any schedule to the Bill, or at the appropriate place in the Bill as the Chairperson may determine.

(5) On the marginal note of any new clause being read by the Clerk, the clause shall be deemed to have been read a first and second time. Amendments may then be proposed to the new clause, and when they have been disposed of, the question shall be proposed "That the clause (or the clause as amended) be added to the Bill," provided that, if notice is given of an amendment to a new clause, the Member bringing up such amendment may explain it, and the proposed amendment shall be disposed of before the clause is moved.

(6) If any 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 in Standing Orders 116 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.

(7) At any time during consideration of a Bill in the Committee of the Whole House, a motion may be made to commit, or re-commit, the Bill to a Standing Committee, and if such a motion is carried, proceedings on the Bill in the Committee of the Whole House shall be suspended until the Standing Committee presents its Report.

(8) At any time during consideration of a Bill in the Committee of the Whole House, the Member or Minister In Charge may, subject to the discretion of the Chairperson, move a motion "That the Committee of the Whole House do not proceed further with the Bill." If the motion is carried, the Committee of the Whole House shall proceed to the next stage of the bill called Report Stage of the bill.

Report Stage

122. At Report Stage, the member or minister in charge shall move: "***That the bill entitled... passed through Committee Stage with or without amendments and third reading be taken today or at a future time.***" The Speaker shall put a question "That the bill has passed through Committee Stage with or without amendment and shall now proceed to Third Reading." If the motion is carried, the bill proceeds to Third Reading.

Third Reading

123. (1) After the Committee of the Whole House has reported a Bill to the Assembly, the Member or Minister in Charge of the Bill may either name a future day to be appointed for the next stage of the Bill or move that the next stage be taken forthwith.

(2) When the Committee of the Whole House has reported a Bill to the Assembly, the next stage shall be Third Reading, on a motion that the Bill be now read for a third time and passed”

(3) No amendments affecting the substance of the bill to this motion may be moved, except that, with the permission of the Speaker amendments for correction of errors or oversights may be moved, and the debate on the motion shall be confined to the contents of the Bill as reported to the Assembly by the Committee of the Whole House.

124. At third reading, the Speaker shall put the Question: ‘That the bill be now read a third time and passed’.

125. Where the Constitution or an Act of Parliament stipulates that a decision of the Assembly on a bill or motion be made by a fixed majority, that is, by a majority other than simple majority of the votes of the members present and voting, the motion that the Bill be now read a third time and passed” shall be decided by roll call.

126. When a Bill has been read a third time, it shall be deemed to have been passed and three clean printed copies thereof, certified correct by the Clerk shall as soon as possible be submitted to the President.

Cancellation of bill

127. (1) The Member or Minister In Charge of a Bill may, at any time after its publication but before its presentation to the House cancel such Bill by causing notice of its cancellation to be published in the *Gazette*. Such cancellation shall be effective as of the dated of publication of such Notice of Cancellation.

Withdrawal of bill

- (2) After a Bill has been presented, at any stage, before it is passed, the Member or Minister In Charge thereof may move, without notice, a motion for its withdrawal.

Re-introduction of rejected bill

- (3) A Bill which has been rejected at any stage shall not again be introduced in the same Session.

PART XXIX Private Bills

128. Private Bills shall be subject to the same proceedings as those appointed for Public Bills; and the procedure upon such Bills shall be subject to such further requirements as may from time to time be ordered by the Assembly.

PART XXX Committee of the Whole House

129. On the order of the day being reached and read for going into committee of the Whole House, for any matter standing committed to the Committee of the Whole House-

- (a) the Speaker shall declare that the House is now in Committee of the whole House and shall leave the Speaker's Chair, and
- (b) a Deputy Speaker or a member of the Chairperson's Panel shall take the Chair as Chairperson of the Committee of the Whole House.

130. When the Speaker has left the Chair, the Mace shall be placed under the Table.

131. The Committee shall not consider any matter other than a matter which has been referred to it or which it is required by these Standing Orders to consider.

132. In the Committee meeting a Member may speak more than once to the same question.

133. The Committee may not adjourn its own sitting or the consideration of any matter to a further sitting, but the member in charge of the business under consideration may by motion be directed, notwithstanding that all matters referred to the Committee have not yet been considered, to report progress to the Assembly and ask leave to sit again.

134. Save as otherwise provided by these Standing Orders, every report to the House shall be made without question put, and may, by motion, be agreed to or disagreed to by the House or recommitted to the House, or postponed for further consideration.

135. When a motion is made in the Committee to report progress and ask leave to sit again, the question shall be put forthwith and decided without amendment or debate.

136. If disorder shall occur in the Committee of the Whole House, the Chairperson may report the matter to the Speaker, who shall resume the Chair without question put.

137. The proceedings of the Committee of the Whole House shall be recorded in the Votes and Proceedings of the Assembly.

138. Save as otherwise provided by these Standing Orders, the same provisions for order in the Parliament Chamber, on amendments, divisions, debate and the general conduct of business shall be observed as in the Assembly.

PART XXXI

House Committees

Establishment of Committees

139. The Constitution has established the following Committees:

- (a) Budget and Finance Committee;
- (b) Defence and Security Committee;
- (c) Legal Affairs Committee;
- (d) Public Appointments Committee;

140. (1) Committees shall be established by the House.

(2) The House may establish and appoint Standing Committees, including but not limited to Departmentally Related Committees, and ad hoc Committees.

(3) The Business Committee may recommend the establishment of Standing and Ad hoc Committees and shall recommend the members to be appointed by the House to serve on all Standing and ad hoc Committees.

(4) Committees shall report to the House from time to time, and as required by the House.

(6) If the Committee decides to present a Report on a bill, the Report shall be distributed to the House before the First Reading.

Life of a Committee

141. A Standing Committee shall be established for the duration of a Parliament unless the House provides otherwise, or, in the case of an Ad hoc Committee, until the Committee makes its final report.

Membership of Committees

142. (1) Parties represented in the National Assembly shall designate, through the Whips, to the Business Committee members of their parties for membership to Committees.

(2) The Business Committee shall designate and recommend independent members to Committees on the same conditions as members belonging to parties.

(3) A Member shall serve on Committee for the duration of Parliament unless he/she resigns or is removed by the House for good cause.

(4) Unless otherwise provided in these Standing Orders and so far as reasonably practicable, the overall membership of Committees shall be proportional to party membership in the National Assembly.

143. Unless otherwise provided in these Standing Orders or by resolution of the House, each Committee shall consist of not less than thirteen members.

Quorum

144. (1) The quorum of each Committee shall be the majority of its members.

(2) A Committee may proceed with business irrespective of the number of members present but may decide a question only if a quorum is present.

145. A question shall be decided by a committee if there is agreement among the majority of its members.

146. In the event of an equality of votes, the chairperson shall exercise a casting vote in an addition to the chairperson's vote as a member.

147. If a quorum is not present within 30 minutes of appointed hour of meeting and a question has to be decided before further proceedings are taken, the chairperson shall either suspend the business or adjourn the meeting.

148. An entry shall be made in the proceedings of every Committee of the names of the Members attending each meeting and of every motion or amendment proposed in the Committee, together with the names of the movers thereof. If any division takes place, the Clerk attending such Committee shall record the names of the Members voting. All such entries shall be reported to the Assembly when the report of the Committee is brought up.

No person other than Members of the Assembly shall, except by leave of the Committee, be present during any of the proceedings of a Committee.

Division in Committee

149. (1) Every division in a Committee shall be taken by the Clerk to the Committee asking each Member of the Committee separately how he desires to vote and recording the votes accordingly.

- (2) In taking the division, the names of all Members of the Committee present shall be called in alphabetical order.
- (3) When a division is claimed in a Committee, every member of the Committee present shall, unless he expressly states that he declines to vote, record his vote either 'Aye ' or 'N o'. The Clerk to the Committee shall enter in the minutes of the proceedings the record of each Member's vote, and where the total number of Members voting is less than the prescribed quorum, shall add a statement showing the number of Members who were present but did not vote.
- (4) As soon as the Clerk has collected the votes he shall state the number of Members voting 'Aye ' or 'N O' respectively and the Chairperson shall then declare the result of the division.
- (5) If a Member of the Committee states that he voted in error or that his vote have been wrongly counted, he may claim to have his vote altered, provided that such request is made as soon as the Clerk has announced the number and before the Chairperson had declared the result of the division.

150. The proceedings of, or evidence taken by, or the report of, any Committee, or a summary of such proceedings, evidence or report, shall not be published by any Member of the Committee, or by any other person, until the report of that Committee has been tabled in the House.

Change of membership

151. (1) A change may be made by the House in the membership of a Committee upon the recommendation of the Business Committee :

Provided that, if a Member whose appointment is to be changed belongs to a party represented in the National Assembly, the party through the Whip shall designate the change to the Business Committee.

(2) Without limiting the rights of parties under Standing Order 142 and paragraph (1) of this Standing Order, when designating members to Committees, parties shall consider members' interests and expertise and the benefits to the National Assembly of reasonable continuity in Committee membership.

152. (1) A member shall not be replaced on a Committee during any period in which the member is suspended from the service of the House **under Standing Order 103** unless the House so decides.

(2) A member shall lose his membership of a Committee if he fails to attend three consecutive meetings of the Committee without acceptable reasons submitted in writing to the Chairperson **and discussed in the Committee**.

Chairperson of Committees

153. (1) At its first meeting, or at its first meeting after a vacancy occurs in the office, a Committee shall elect a Chairperson and a Vice Chairperson. A first meeting of the Committee after a general election shall be convened by the Clerk.

(2) The duties of the Chairperson shall be-

- (a) to preside at meetings of the Committee;
- (b) to provide leadership to the Committee
- (c) to convene meetings of a Committee;
- (d) to sign all requests or summons to any person to attend and give evidence before a Committee or to produce papers and records in that person's possession or custody relevant to the proceedings;
- (e) to act in any matter on behalf of and in the best interest of the Committee when it is not practical to convene a meeting to discuss the matter if the matter concerns-
 - (i) a request by a person to give evidence or make oral representations to the Committee;
 - (ii) any other request to the Committee; and
 - (iii) the initiation of any steps or decisions necessary for the Committee to perform its functions or exercise its powers;

(3) In the absence of the Chairperson, the Vice Chairperson shall exercise all the powers of the Chairperson and in the absence of both the Chairperson and the Vice Chairperson, the members of the Committee present at the meeting and forming a quorum shall elect one of their number to act as Chairperson at that meeting. The elected person shall exercise all the powers of the Chairperson.

Powers of Committees

154. The powers of every House Committee shall include.

- (a) summoning or subpoenaing any person to attend and give evidence before a Committee at a stated time and place;
 - (c) requiring any person to disclose and produce to the Committee any papers and records in that person's control, possession and custody relevant to the Committee's proceedings;
 - (d) creating subcommittees of its members for specific tasks;
 - (e) delegating to its subcommittees all its powers except the power to report to the National Assembly;
- (2) If any person summoned to attend before a Committee or to produce papers and records does not comply with the summons, the Committee may report this fact to the House.

Standing Committees

155. (1) There shall be in the House the following Standing Committees, each of which shall have the jurisdiction and related functions assigned to it by these Standing Orders-

- (a) Public Accounts Committee
- (b) Business Committee;
- (c) Parliamentary Development and Coordination Committee; and
- (d) Departmentally Related Committees.

(2) At the first meeting of the House following a General Election, the Business Committee shall prepare and report with all convenient speed a recommended list of members to compose the Standing Committees.

Business Committee

156. (1) The Business Committee shall consist of the Speaker as Chairperson, Party Whips and their Deputies and the Leader of the House, the Leader of the Opposition, and the Leader of the Third largest party as ex officio.

- (2) The functions of the Business Committee shall include -
- (a) to examine business items received from members before they are placed on the Order Paper by the Clerk;
 - (b) to determine -
 - (i) the order of business to be transacted in the House;
 - (ii) the time to be spent on an item of business;
 - (iii) how time on an item of business is to be allocated among the parties represented in the House;
 - (iv) time for debating Committee and Statutory Reports and Ministerial Statements;
 - (c) to recommend to the House a programme of Plenary and Committee meetings for the session;
 - (d) to provide a list of Bills and other Government business to be considered during the meeting, and to publish the same;
 - (e) other functions as prescribed elsewhere in these Standing Orders.

(3) A determination of the Business Committee shall take effect by its publication and circulation to all Members and shall be published and circulated on the Order Paper during any sitting of the House at which it is to apply.

(4) A determination of the Business Committee shall apply notwithstanding any other Standing Order to the contrary.

(5) On being adopted by the House, the Parliamentary Calendar shall operate subject to any decision by the House to the contrary.

Parliamentary Development and Coordination Committee

157. The Parliament Development and Coordination Committee shall consist of all Committee Chairpersons and will be Chaired by the Speaker.

158. The functions of the Parliament Development and Coordination Committee shall include regarding Standing and Departmental Related Committees, except the Business Committee to make recommendations on;

- (a) the total budget for Committees and equitable allocation among Committees;
- (b) design professional development priorities, and equitable allocation of opportunities among Committees
- (c) coordinate activities and facilitate implementation of Committee work plans;
- (d) review work plans, proposed budgets, and priorities for Committee work in the House.

Budget and Finance Committee

159. The functions of the Budget and Finance Committee shall include

- (a) studying the Government budget and reports on economic issues, statistical information, international financial agreements, financial reports, and reports on economic and policy statements.
- (b) sharpening public awareness of the Government budget, financial and economic policies.

- (c) examining Government's domestic and international borrowing policies;
- (d) examining Government taxation policies;
- (e) reviewing Bills with financial and budgetary implications;
- (f) being a constructive party to the Minister responsible for finance, in the process of formulating the budget and monitoring the budget throughout its cycle;
- (g) examining the Estimates of Receipts and Expenditures presented to the House by the Minister responsible for finance and to report to the House on the Estimates.

Defence and Security Committee

160. The functions of the Defence and Security Committee shall include -

- (a) investigating and making recommendations on such matters of a defence or security nature as the Assembly may refer to the Committee; and
- (b) considering any matter relevant to its jurisdiction, or which the House may refer to the Committee

Legal Affairs Committee

161. The functions of the Legal Affairs Committee shall include -

- (a) investigating and making recommendations on such matters concerning the administration of the law as the Assembly may refer to the Committee;

- (b) scrutinising, reviewing and reporting on all subsidiary legislation and statutory instruments promulgated under an Act of Parliament, and all matters relating thereto shall be severally deemed permanently referred to the Committee, and the Minister in charge of such shall promptly provide copies to the Committee as soon as such documents are published in the *Gazette*.;
- (c) considering and reporting on any matter referred to it by the House relating to or concerning breach of parliamentary privilege;
- (d) considering reports submitted to the House by the Anti – Corruption Bureau, the Ombudsman, the Law Commission, the Human Rights Commission, the Inspectorate of Prisons, the Electoral Commission, and the Judiciary, and report its findings to the House;
- (e) exercising oversight over the office of the Director of Public Prosecutions;
- (f) reviewing the Standing Orders, procedure and practice in the Assembly and its committees on an ongoing basis and recommend such amendments, modifications or improvements as the Committee sees fit.
- (g) considering any matter relevant to its jurisdiction, or which the House may refer to the Committee

Public Appointments Committee

162. The functions of the Public Appointments Committee shall include -

- (a) reviewing such public appointments as shall be referred to the Committee by the Assembly;
- (b) enquiring into the competence of public appointees under the Constitution;
- (c) confirming the nominations by the President of certain public appointees under the Constitution or any other written law;
- (d) determining and recommending to the House the Conditions of Service of the members of the Electoral Commission;

- (e) enquiring into the management and administration of the National Assembly Library;
- (f) enquiring into the provision of services and facilities to Members, and all matters related thereto;
- (g) determining and recommending to the House the Conditions of Service for judicial officers;
- (h) determining the appropriate procedure for declaring assets by those in political and public offices and recommend actions to be taken by the Assembly to ensure ethical conduct by public officers;
- (i) determining and recommending to the House the conditions of service for members of the Assembly.

Public Accounts Committee

163. The functions of the Public Accounts Committee shall include -

- (a) examining the audited public accounts showing the appropriation of the sums granted by the Assembly to meet the public expenditure;
- (b) examining such other public accounts laid before Parliament as may be referred to it by the Assembly.

In discharging its functions under this Standing Order, the Committee has to satisfy itself that:

- (a) the expenditure was confined to the authority which governed it;
- (b) the monies shown in the accounts as having been disbursed were legally available for and applicable to, the services or purpose to which they have been applied or charged;

- (c) every re-appropriation has been made in accordance with the provisions made in this behalf under appropriate rules; and
- (d) cases involving negative expenditure and financial irregularities wherever they have occurred in the financial year under study, having regard to the Auditor General's report and the estimates as approved by the House are subject to scrutiny.

Departmentally Related Committees

164. (1) There shall be in the House the following Departmentally Related Committees-

- (a) Commerce, Industry and Tourism;
- (b) Health and Population;
- (c) International Relations;
- (d) Media and Communications;
- (e) Agriculture and Natural Resources;
- (f) Education, Science and Human Resources;
- (g) Social and Community Affairs; and

- (h) Transport and Public Works.
- (2) The functions of each Departmentally Related Committee shall include -
- (a) investigating, enquiring into, and reporting on all matters relating to the mandate, administration, and estimates of their respective assigned Ministries, statutory corporations and public bodies funded by the Treasury;
 - (b) study the programme and policy objectives of their respective assigned Ministries, statutory corporations and public bodies funded by the Treasury and the effectiveness for their implementation;
 - (c) studying and reviewing all relevant legislation and report to the House;
 - (d) examining the estimates of expenditure of their respective assigned Government ministries, statutory corporations and other public bodies funded by the Treasury and to report to the House on the estimates;
 - (e) considering the policy objectives and programmes of their respective assigned Government ministries, statutory corporations and other bodies funded by the Treasury, and assess the effectiveness of the implementation of these policies;
 - (f) summoning relevant responsible Ministers and Government officials and other public officials and officers of statutory corporations;
 - (g) studying, assessing and analysing the relative success of their respective assigned Ministries, statutory corporations and other public bodies funded by the Treasury as measured by the results obtained as compared with stated objectives;
 - (h) investigating and inquiring into all matters relating to their respective assigned Ministries, statutory corporations and other public bodies funded by the Treasury as, the Committee may deem necessary or as may be referred to the Committee by the House from time to time;
 - (i) making timely reports of findings and recommendations to the House including but not limited to findings and recommendations on relevant proposed legislation; and
 - (j) performing such functions as are conferred on them by the Constitution or by an Act of Parliament or by the Standing Orders of Parliament.

Procedure in Committees

165. The procedure in a committee shall be as nearly as possible the same as that in the Committee of the Whole House.

166. The minutes of a committee meeting shall be kept in the same form as the Votes and Proceedings of the Committee of the Whole House:

Provided that where a vote on a question is not unanimous the names of the Members voting for and against the question or declining to vote respectively shall be recorded in the minutes.

167. A committee may continue its deliberations although the House is adjourned or Parliament is prorogued.

168. The deliberations of a committee shall be confined to its jurisdiction, any matter referred to it by the House within its jurisdiction and any extension or limitation thereof directed by the House.

169. (1) A committee may meet during meetings of the House and between meetings of the House unless otherwise directed by the Business Committee.

(2) The Clerk shall ensure that, except in extraordinary circumstances of an urgent nature, all Committee members receive notice of dates and places of meetings at least two weeks before the meetings.

170. (i) Every division in a Standing Committee or ad-hoc Committee shall be taken by the Clerk to the Committee asking each Member of the Committee separately how he desires to vote and recording the votes accordingly.

(2) In taking the division, the names of all Members of the Committee present shall be called in alphabetical order.

(3) When a division is claimed in a Committee, every Member of the Committee present shall, unless he expressly states that he declines to vote, record his vote either 'Aye' or 'No'. The Clerk to the Committee shall enter in the minutes of the proceedings the record of each Member's vote, and where the total number of Members voting is less than the prescribed quorum, shall add a statement showing the number of Members who were present but did not vote.

(4) As soon as the Clerk has collected the votes he shall state the number of Members voting 'Aye' or 'No' respectively and the Chairperson shall then declare the result of the division.

- (5) If a Member of the Committee states that he voted in error or that his vote has been wrongly counted, he may claim to have his vote altered, provided that such request is made as soon as the Clerk has announced the number and before the Chairperson has declared the result of the division.

171. Committee proceedings shall be open to the public unless a committee decides otherwise in which case the reason for meeting in private shall be publicly stated and noted in Committee minutes.

172. A committee may order any person to take an oath or make an affirmation before giving evidence to it.

173. When a person gives evidence on oath or affirmation, the oath or affirmation shall be administered by the Clerk of the committee.

174. (i) All persons appearing before a Committee shall observe such directions and conform to such rules as the Chairperson shall require

(ii) In addition to reasonable expenses for transport actually incurred, witnesses summoned to give evidence before a Committee shall be paid expenses on such conditions and at such rates as Mr. Speaker may determine.

(iii) The examination of witnesses shall be conducted in such a manner as the Chairperson, with the approval of the committee, directs.

175. The Chairperson, and every member through the Chairperson, may put questions to a witness.

176. A witness may be accompanied by a legal practitioner of the witness's choice and may consult a legal practitioner in the course of a meeting at which the witness appears.

Staff of Committees

177. Each committee shall have committee staff including a parliamentary researcher and a committee clerk and may engage the services of technical consultants.

178. The Clerk shall allocate a researcher and a clerk to each committee on a reasonably permanent basis.

179. The committee staff shall liaise with the Chairperson on the programming of committee meetings, agendas, and budgets for each committee, and shall be responsible to the Chairperson, through the Clerk, for the effective functioning of the committee.

Reports and Records of Committees

180. (1) When a Committee has completed consideration of the matters referred to it, the Chairperson shall prepare and bring up a report for the consideration of the Committee.

(2) The Committee shall then go through the report paragraph by paragraph and the provisions of Standing Order 120 shall apply as if the report were a Bill and the paragraphs thereof and schedules, if any, thereto were the paragraphs and schedules of a Bill.

(3) Upon conclusion of the consideration of the report the Chairperson shall put the question, "That this Report be the Report of the Committee to the Assembly." All reports of committees shall be serially numbered in each session by the Clerks and deposited with the Parliament Librarian. A final report or special report shall contain the minutes of the proceedings and any evidence taken before that Committee. The Report of Committee shall be presented to the House by the Chairperson or other Member deputed by the Committee and shall be ordered to lie on the Table without question put.

(4) Committee reports whether adopted or rejected or noted by the House shall be deposited with the Parliament Librarian, along with minutes and evidence related to the reports.

(5) A committee may from time to time make an interim report informing the House of some of its findings and recommendations on a Bill or other matter before it or on the progress of its investigation into a Bill or other matter.

(6) A committee may from time to time make a special report to the House seeking authority from the House to do something, or seeking guidance from the House on some procedural question, which has occurred in the committee, or informing the House of some other matter connected with its proceedings which it considers should be reported to the House.

Findings

181. As soon as practicable after a committee has determined any findings to be included in a report to the House, and prior to the presentation of the report, any person named in the report whose reputation may in the opinion of the Chairperson be seriously damaged by those findings shall be acquainted with any such findings and afforded a reasonable opportunity to make submissions to the committee on them. The committee shall take such submissions into account before making its report to the House.

Reports to be signed

182. A report of a committee as agreed to by the committee shall be signed by the Chairperson, on behalf of the committee, or by some other member authorized to do so by the committee.

Presentation and Consideration of Reports

183. (1) When a day is fixed by the Business Committee for the presentation of a committee's report, the final report shall be presented on that day, unless the House grants further time.

(2) After presentation the report of a Committee may be taken into consideration on a motion by the Chairperson "That the Report of the Committee be agreed to" after one day's notice.

(3) After consideration of the Report the House may agree or disagree or decline to agree or disagree with the recommendations in the report in whole or in part, provided that amendments to Bills recommended by the Committee shall also be considered in accordance with Standing Order 121.

Government Responses to Committee Reports

184. When a Committee Report has been adopted by the House, the Clerk shall transmit the decision of the House to the appropriate Government or other public official, and the official shall, as soon as reasonably practicable, but in any case, in not more than 90 days, deliver a written response to the House, or if the House is not sitting to the Clerk.

Ministers in Committees

185. No Minister or Deputy Minister shall be a member of any committee of the House except the Business Committee.

Witnesses' expenses

186. Legitimate expenses of witnesses incurred to testify to a committee may be paid, and the Clerk shall be responsible for ensuring that legitimate expenses are paid.

Relevance of questions

187. The Chairperson shall take care to ensure that all questions put to a witness are relevant to the committee's proceedings and that the information sought by those questions is necessary for the purpose of those proceedings.

188. A witness may object to a question on the ground that it is not relevant. The Chairperson will then determine whether it is relevant to the committee's proceedings.

Objections to Answer

189. Where a witness objects on any ground to answer a relevant question put to the witness, he or she shall be invited to state the ground upon which objection to answering the question is taken.

Committee Consideration of Objections

190. Where a witness objects to answering a question on any ground, the committee, unless it decides immediately that the question should not be pressed, shall then consider in private whether it shall insist upon an answer to the question, having regard to the importance to the proceedings of the information sought by the question.

191. If the committee decides that it requires an answer to the question, the witness shall be informed of that decision, and shall be required to answer the question.

192. The committee may decide that the public interest would best be served by hearing the answer in private.

193. Where a witness declines to answer a question to which the committee requires an answer, the committee may report this fact to the House, and may seek the remedies available to the Committee and the House pursuant to applicable laws.

Transcripts of Evidence

194. A committee may resolve that evidence given to it be recorded and transcribed.

195. A reasonable opportunity shall be afforded to witnesses to make corrections of errors of transcription in any transcript of their evidence.

196. Any such transcripts shall be reported to the House along with the committee's report.

Return of Evidence

197. A committee may return, or expunge from any transcript of proceedings, any evidence or statement that it considers to be irrelevant to its proceedings, offensive or possibly defamatory.

Irrelevant or Unjustified Allegations

198. Where a witness gives evidence that contains allegations against, or that may seriously damage, the reputation of a person and the committee is not satisfied that that evidence is relevant to its proceedings or is satisfied that the evidence creates a risk of harm to that person, which risk exceeds the benefit of the evidence, the committee shall give consideration –

- (a) to returning any written evidence and requesting that it be resubmitted without the offending material;
- (b) to expunging that evidence from any transcript of evidence; and
- (c) to seeking an order of the House preventing the disclosure of that evidence.

Opportunity to Reply to Allegations

199. Where evidence is given or a statement is made during the proceedings of a committee that contains allegations against or that may seriously damage the reputation of a person, the committee shall take steps to have that person informed of that evidence or statement and to have a reasonable opportunity to respond to that evidence or statement within a reasonable time by written submission or appearance before the committee.

Access to Information

200. A committee shall give a witness reasonable access to any material or other information that the witness has produced to the committee.

Private Evidence

201. A committee may, by leave, order all strangers or any stranger to withdraw from its meeting if it considers that it is desirable that some or all of the evidence to be given should be heard in private.

202. Evidence heard in private shall be confidential to the committee until it reports to the House.

Witness May Make Written Submission

203. A witness shall be given the opportunity to make a submission in writing before appearing to give oral evidence.

Charges against Members

204. A committee may not enquire into, or make findings in respect of, the private conduct of any member of the House, unless it is specially directed by the House to do so.

205. If any information comes before a committee or any allegation is made to a committee charging any member with reprehensible conduct, the committee shall inform the member concerned of the details of the charge and give the member a reasonable opportunity to make any statement to it bearing on the matter. Otherwise the committee may not proceed further on that information or allegation without being specially directed by the House to do so.

PART XXXII

Financial Procedure

206. (1) Except upon the recommendation of the Minister responsible for Finance in writing the Assembly shall not -

- (a) proceed upon any Bill (including any amendment to a Bill) which, in the opinion of the Speaker, makes provision for any of the following purposes -
 - (i) the imposition of taxation or the alteration of taxation;
 - (ii) for the imposition of any charge upon the public revenues or public funds of Malawi or the alteration of any charge;
 - (iii) for the payment, issue or withdrawal from the public revenues or public funds of Malawi of any moneys not charged thereon or any increase in the amount of such payment, issue or withdrawal; or
 - (iv) for the composition or remission of any debt due to the Government of Malawi;
- (b) proceed upon any motion (including any amendment to a motion) the effect of which, in the opinion of the Speaker, would be to make provision for any of those purposes; or
- (c) receive any petition that, in the opinion of The Speaker, requests that provision be made for any of these purposes.

- (3) Every such recommendation by the Minister responsible for finance shall be addressed to the Speaker, and the recommendation shall be entered in the Votes and Proceedings.

207. (1) When the Assembly meets for the purpose of considering the Estimates of Revenue and Expenditure for the forthcoming financial year, the Minister responsible for Finance shall lay before the Assembly a copy of the Estimates of Expenditure on Revenue and Development Accounts.

(2) The Minister shall then move that the Estimates of Expenditure on Revenue and Development Accounts be committed to a Committee of the Whole House to consider them by Vote and by Head. The Minister in so moving shall explain the financial and economic policy of the Government. After the motion has been moved, the debate thereon shall be adjourned until the next sitting day.

208. (1) On the motion of the Minister responsible for Finance that the Estimates be referred to a Committee of the Whole House, and on resumption of debate the Speaker shall give the first call to the opposition spokespersons on finance to respond to the motion and the second call to the Budget and Finance Committee before recognizing the rest of the Members in debate.

(2) The budget debate shall be confined to the financial and economic state of Malawi and the general principles of Government policy and administration as indicated by the Estimates.

(3) The budget debate shall last for a period not less than 21 calendar days and the Speaker shall preside over it.

209. (1) The Deputy Speaker shall preside as Chairperson of Committee of Supply.

(2) The Chairperson shall call each Vote in turn and give the first call to a Minister where appropriate or at the request of Minister responsible for each Vote for the purpose of initiating debate on the policy under the vote for what he is responsible. The Minister shall reply to matters raised in debate before question is put on the vote.

(3) The Minister shall initiate debate on the Vote by moving that: "That the sum of K... on Vote... stand part of estimates." and unless an amendment is proposed, a debate may take place upon that question.

(4) The Business Committee shall determine before each sitting day the Vote(s) to be considered and the time for considering such Votes.

210. - (1) One day's notice shall be given for any amendment to be moved in Committee under this Standing Order.

(2) An amendment to any Vote of expenditure to increase the sum allotted thereto whether in respect of any item or sub-head or of the Vote itself may be moved only by a Minister. Every such amendment shall take the form of a motion "That Vote ... be increased by K... in respect of sub-head ... item..."

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

(4) An amendment to any Vote to reduce the sum allotted thereto in respect of item thereon may be moved by any Member, and shall take the form of a motion "That Vote... be reduced by K1.00 in respect of (or by leaving out) sub-head... item ..."

(5) An amendment to reduce a Vote in respect of any sub-head or by leaving out a sub-head shall only be in order if the sub-head is not divided into items.

(6) An amendment to reduce a Vote without reference to a sub-head therein shall only be in order if the Vote is not divided into sub-heads.

(7) An amendment to leave out a Vote shall not be permitted.

(8) In the case of each Vote, amendments in respect of items in sub-heads in that Vote shall be placed upon the Order Paper and considered in the order in which the items or sub-heads to which they refer stand in the Vote in the Estimates.

(9) When notice has been given of two or more amendments to reduce the same item, sub-head or Vote, they shall be placed upon the Order 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.

211. Debate on every amendment shall be confined to the item, sub-head or Vote 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 Vote shall be permitted.

212. When all amendments in respect of any particular Vote of Expenditure have been disposed of, the Chairperson shall again propose the question "That the sum of K ... for Vote... stand part of the Estimates," or shall propose the amended question "That the (increased) (reduced) sum of K... for Vote ... stand part of the Estimates," as the case may require. The debate on any such question shall be subject to the provision of Standing Orders 208 and 209.

213. When the Estimates, with or without amendment, are agreed to by the Committee, the Minister responsible for finance shall report to the Assembly and shall forthwith move that the Estimates as agreed to by the Committee be adopted, such question being decided without amendment or debate.

Appropriation bills

214. The Appropriation Bills relating to the Annual Estimates as adopted by the Assembly shall then be presented. Standing Orders 115 and 116 shall not apply. These Bills shall not be subject to a Committee Stage, and the questions on the Second and Third Readings thereof shall be decided without amendment or debate.

215. (1) The Minister responsible for finance shall lay before the Assembly Supplementary Recurrent Estimates showing the sums required or spent together with relevant Votes, sub-heads and items of expenditure in respect of any Financial Year if it is found -

(a) that the amount appropriated by an Appropriation Act for any purpose is insufficient or that a need had arisen for expenditure for a purpose for which no amount has been appropriated by any Appropriation Act; or

(b) that any moneys have been expended for any purpose in excess of the amount appropriated for that purpose by any Appropriation Act.

Appropriation (Development) Bills

(2) If at any time it is found that the amount appropriated by an Appropriation (Development Fund) Act, in respect of any period of any stated development requirement, as the case may be, is insufficient for the development requirements of such period, or for such stated development requirement, or that moneys or liabilities, as the case may be, in excess of the amount so appropriated have been necessarily expended or incurred during such period for such development requirements, as the case may be, the Minister responsible for finance, shall lay before the Assembly further Development Estimates for such period or in respect of such stated development requirement, showing such further sums required or spent in respect of such development requirements or stated development requirement.

216. (1) The Minister responsible for Finance shall then move that the Supplementary Recurrent Estimates or further Development Estimates be referred to a Committee of the Whole House to consider them by Vote and by Head.

(2) Upon the motion of the Minister responsible for finance being carried the Supplementary Recurrent Estimates or further Development Estimates shall be considered by a Committee of the Whole House, reported to the Assembly, and their adoption moved by the Minister responsible for finance, in accordance with the procedure set out in Standing Order ... to ... inclusive.

217. Except as otherwise provided in these Standing Orders, the procedures for consideration of Supplementary Recurrent Estimates and further Development Estimates shall be the same as for Estimates of Expenditure on Revenue and Development Accounts for a forthcoming financial year.

Supplementary Appropriation Bills

218. Appropriation Bills relating to the Supplementary Recurrent Estimates or further Development Estimates as adopted by the Assembly shall be presented Standing Orders 115 and 116 will not apply. These Bills shall not be subject to a Committee Stage, and the questions on the Second and Third Readings thereof shall be decided without amendment or debate.

PART XXXIII Strangers

219. The Speaker shall control the admission of strangers to the precincts of the Assembly.

220. Strangers may be present in the Chamber in the places set apart for them, but shall withdraw when called upon to do so by The Speaker or the Chairperson.

221. If at any sitting of the House or in a Committee of the whole House any Member shall move that strangers be ordered to withdraw, the Speaker or the Chairperson shall forthwith put the question, no amendment, adjournment or debate being allowed and upon such question being resolved in the affirmative all strangers shall be ordered to withdraw from the Chamber.

222. Any Officer of the Assembly may remove, or cause to be removed, any stranger from any part of the Chamber appropriated to the Members only, and also any stranger who, having been admitted into any other part of the Chamber while the Assembly or any Committee of the whole House is sitting, misconducts himself or does not withdraw when directed.

223. Any newspaper whose representatives infringe these Standing Orders or any rules made by the Speaker for the regulation of the admission of strangers may be excluded from representation in the Press Gallery for such term as the Assembly may direct.

PART XXXIV Sub judice Rule

224. (1) Subject always to the right of the House to legislate on any matter, matters awaiting or under adjudication in any court of record shall not be referred to in any motion, debate or question including a supplementary from the time the case has been set down for trial or otherwise before the court, if there is a real danger of prejudice to the trial of the case.

(2) This Standing Order shall cease to have effect in any case when the verdict and sentence have been announced or judgment given or in any case where notice of appeal is given and the appeal has been decided.

PART XXXV Time Limits for Debates and Speeches

225. (1) The maximum period for which a Member may speak on any subject indicated in this Standing Order, and the maximum period for any debate, shall not, unless otherwise ordered, exceed the periods specified as follows –

(a) President's Speech

- (i) Leaders of Opposition parties (*1 hour*)
- (ii) Members making maiden speeches (*15 minute per member*)
- (iii) Mover of the Motion on President's speech (*20 minutes*)
- (iv) Seconder (*10 minutes*)
- (v) Other Members (*10 minutes per member*)

(b) Ministerial Statement (*20 minutes*)

- (i) Members' questions (*5 minutes per member*)
- (ii) Minister in reply (*5 minutes*)

(c) Bills

- (i) Second Reading Speech (*15 minutes*)
- (ii) Standing Committee Report (*10 minutes*)
- (iii) Other Members (*5 minutes per member*)
- (iv) Minister in reply (*5 minutes*)
- (vi) Speech to amendment (*5 minutes per speech*)

(d) Budget

- (i) Minister delivering Statement (*unlimited*)

- (ii) Leaders of the Opposition parties (*1 hour*)
 - (iii) Budget and Finance Committee Report (*30 minutes*)
 - (iv) Other Members (*10 minutes per member*)
 - (v) Minister in reply (*unlimited*)
- (e) Personal Explanation (*5 minutes*)
 - (f) Point of Order (*1 minute*)
 - (g) Supplementary Question (*1 minute*)
 - (h) Private Members Business
 - (i) Mover (*30 minutes*)
 - (ii) Seconder (*10 minutes*)
 - (iii) In reply (*10 minutes*)
 - (iv) Other Members (*10 minutes per member*)
 - (i) Matter of Urgent Public Importance (Mover: 10 minutes – any other Member 5 minutes)

(2) Notwithstanding the provisions of time limits, the House may, on a motion made by any member in accordance with the provisions of this Standing Order, impose a limit in respect of debate on any particular motion by allotting a limited period of time for such debate or by limiting the time during which members may speak in such debate or by imposing both such limitations:

Provided that such motion shall not be made in the course of the debate to which it refers unless it is moved after an adjournment of such debate and before the debate is resumed.

PART XXXVI
Privilege

226. - (1) A breach of the rights of the Assembly or of the parliamentary rights of any member constitutes a question of privilege.

(2) A member wishing to raise a question of privilege shall give written notice containing a brief statement of the question to the Speaker and, if practicable, to any person whose conduct may be called into question, at least two hours before the opening of the sitting and, before the Orders of the Day are called shall call attention to the alleged breach of privilege and give a brief statement of the nature of the matter addressed in the complaint.

(3) If the Speaker is of the opinion that the matter may not be fairly dealt with at that time, he may defer debate on the matter until such time as he determines it may be fairly dealt with.

(4) If the member whose conduct is called into question is not present, the matter shall be deferred to the next day that the member is present unless the Speaker rules that, in the circumstances, the matter may be dealt with in the member's absence.

(5) A member may always raise a question of privilege in the Assembly immediately after the words are uttered or the events occur that give rise to the question, in which case the written notice required under paragraph (2) shall not be required.

(6) The Speaker may allow such debate as he thinks appropriate in order to determine whether a prima facie case of breach of privilege has taken place and whether the matter is being raised at the earliest opportunity, and if the Speaker so rules, any member may give notice not later than at the conclusion of the next sitting day of a motion to deal with the matter further.

(7) If the Speaker rules that there is no prima facie case of privilege or that the matter has not been raised at the earliest opportunity, there shall be no further proceedings on the matter.

(8) Unless otherwise directed by the Assembly, it is not a breach of privilege for a member of a committee to discuss with other members of the Assembly, in confidence, matters that are under consideration by the committee.

PART XXXVII
Attendance and Leave of Absence

227. (1) Members shall attend each sitting of the House unless they are granted leave of absence.

(2) Leave of absence may be granted by the Speaker or by any member authorized by the Speaker to do so.

(3) The Speaker may attach conditions to an authority to grant leave of absence and may withdraw that authority at any time.

(4) Leave of absence may be granted on the following grounds only-

- (a) for illness or other family cause of a personal nature; or
- (b) to enable the member attend to public business, whether in Malawi or abroad.

- (5) (i) Whips will ensure that the Speaker:
is informed of any absence before start of sitting; and
- (ii) Speaker's list on any bill/motion is lodged with the Speaker a day before a sitting day.

PART XXXVIII **Duties of Sergeant-at-Arms**

228. - The Sergeant-at-Arms shall-

(1) announce the arrival of the Speaker in the chamber each sitting day by beating a drum;

(2) attend the Speaker, with the Mace, on entering the Assembly at the commencement of a sitting day and on leaving the Assembly at the conclusion of a sitting day;

- (3) preserve order in and ensure the security of the galleries and lobbies of the Assembly;
- (4) serve or cause to be served orders of the Assembly and warrants of the Speaker;
- (5) restrain and confine all persons ordered by the Assembly to be taken into custody;
- (6) be responsible for the safekeeping of the Mace and of the furniture and fittings of the Assembly;
- (7) manage the booking service for visitors to Parliament in particular school children, other groups and individuals;
- (8) manage the attendance registers; and
- (9) prepare Committee rooms for Committee meetings.
- (10) general cleanliness and Security of the precincts of the Parliament.

PART XXXIX
Suspension of Standing Orders

229. (1) Unless otherwise provided in these Standing Orders, any Standing order may, with the leave of the House, be suspended, wholly or in part, for a specified purpose without notice. Standing Orders which stem from any provision of the Constitution shall not be suspended.

(2) The terms of a motion for the suspension of a Standing Order shall include a statement of the purpose of the proposed suspension and no amendment shall be moved to such a motion.

(3) The suspension of any Standing Order shall be limited in its operation to the particular purpose for which such suspension was sought.

PART XXXX **Amendment of Standing Orders**

230. (i) A Member may move that any of these Standing Orders be amended by giving not less than five days notice.

(ii) The notice of any motion for the amendment of any of these Orders shall be accompanied by a draft of the proposed amendment.

(iii) When the motion has been proposed and seconded, it shall stand referred to the Committee on Legal Affairs, and no further proceedings shall be taken on it until the Committee has reported on it.

PART XXXXI **Members**

231. (1) For the purposes of section 63 (1) (f) of the Constitution of Malawi, a Member shall vacate his seat in the National Assembly if he is absent without the written permission of the Speaker from three successive Meetings of the Assembly.

(2) A member shall be removed from membership of the National Assembly for good and sufficient cause in the opinion of the Assembly under Section 63 (1)(f) of the Constitution provided that removal is in accord with the principles of natural justice.

PART XXXXII

Repeal

232. The Standing Orders heretofore in force are hereby repealed.

APPENDIX A (UNDER STANDING ORDER 38)

FORM OF PETITION

To : The Honourable Members of Parliament in Parliament assembled:

The petition of the undersigned, of the ...

State that: (here state the object of the petition, briefly setting forth the reason therefore)

Your petitioners respectfully request that the Honourable House (take such action as may be deemed appropriate)

Dated... day of ... 20...

Signatures:

...

...

...

APPENDIX B (UNDER STANDING ORDER 31)

PRAYER

ALMIGHTY GOD, who in Thy wisdom and goodness hast appointed the office of the Rulers and Parliaments for the welfare of society and the just government of men, we beseech Thee to behold with Thy abundant favour us Thy servants, whom Thou hast been pleased to call to the performance of important trusts in this land.

Let Thy blessings descend upon us here assembled, and grant that we may treat and consider all matters that shall come under our deliberation, in so just and faithful a manner as to promote thy Honour and Glory, and to advance the peace, prosperity and welfare of this Country and of those whose interests Thou has committed to our charge. Amen.

APPENDIX C (UNDER STANDING ORDER 29(a))

OATH OF ALLEGIANCE

I, d. _____ do swear that I will preserve, protect and defend the Constitution of Malawi as by law established. So help me God.

Signed by

Sworn at this day of before me.

APPENDIX D(UNDER STANDING ORDER 29(a))

OATH OF OFFICE

I, ... Swear that I will well and truly serve the
Republic of Malawi in the office of ,.. and will do right
and justice to all manner of people in accordance with the laws and usages of
Malawi, without fear, favour, affection or ill-will. So help me God.

Signed... this day of 200..

Before me

CHIEF JUSTICE.

APPENDIX E (UNDER STANDING ORDER 16(2))

PRESIDENT'S CERTIFICATE

I, ... , President of the Republic of Malawi, do hereby certify that the public interest requires that the National Assembly should not meet on the date on which it is next to meet, namely but that the said Assembly should meet on ... at Parliament Buildings, Lilongwe from

Given under my hand and the public seal this ... day of ... 2003.

PRESIDENT