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## **PART ONE**

### **PRELIMINARY**

#### **Short Title**

1. These Orders are The Standing Orders of the Parliament of Ghana and shall be so called.

#### **No implied restrictions**

2. Except otherwise provided in these Orders or in the Constitution of the Republic of Ghana, these Orders shall not restrict the mode in which Parliament exercises and upholds its powers, privileges and immunities.

#### **Suspension of Standing Orders**

3. (1) Notwithstanding anything in these Orders, any order or part of an order may be suspended without notice with the consent of Mr. Speaker and the majority of Members present.

(2) The Order or part of the order proposed to be suspended and the reason for the proposed suspension shall be distinctly stated.

#### **Amendments**

4. These Standing Orders may be amended as provided for in Order 82.

#### **Interpretation of Orders**

5. These Orders shall be interpreted by Mr. Speaker as he deems fit.

#### **Supplemental Provisions or Procedure in cases not provided for**

6. In all cases not provided for in these Orders Mr. Speaker shall make provisions as he deems fit.

#### **Interpretation**

7. In these Orders, unless the context otherwise requires—

“*Ad hoc Committee*” means a select committee appointed to enquire into and report on a particular matter referred to it and thereafter to cease to exist;

“Bill” means the draft of a statute (or Act of Parliament) and includes both a private and a public Bill;

“the Clerk” means the Clerk to Parliament or any other officer authorized by Mr. Speaker to act for the Clerk;

“Chamber” means a place officially designated by Mr. Speaker as such for a Sitting of Parliament

- “Committee” means a Committee of the whole, Committee of Selection, a Standing, Select, Special or Ad hoc Committee;
- “Committee of the whole” means a Committee composed of the whole body of Members of Parliament;
- “Constitution” means the Constitution of Ghana, 1992;
- “Council” means the Council of State;
- “enactment” means an Act of Parliament, a Decree, a Law or a constitutional instrument or a statutory instrument or any provision of an Act of Parliament, a Decree, a Law or of a constitutional or a statutory instrument;
- “Functions” include powers and duties;
- “Gazette” means the *Ghana Gazette*;
- “House” means *the Parliament of Ghana as by law established*;
- leave of Parliament or the House** or any expression of like import means permission or agreement given by the majority of the Members of the House;
- “Table” means the Table Office or the Clerk’s table.
- “Lobby” means the covered corridor immediately adjoining the Chamber and *contiguous* to it;
- “Majority Leader” means a Member of Parliament designated by the Party or Parties *and/or Members* holding majority of the seats in the House as their recognized Leader in the House;
- “Meeting” means any sitting or sittings of Parliament commencing when Parliament first meets after being summoned at any time and ending when Parliament is adjourned sine die;
- “Member” means a Member of Parliament;
- “Member in charge of a Bill” means the Member who has introduced a Bill;
- “Minister” means a Minister of State;
- “Minority Leader” means a Member of Parliament designated by the Party or Parties and/or Members forming the Minority as their recognized Leader in the House.
- “Motion” means a proposal made by a Member *or other person authorised by the Constitution* that Parliament or a Committee thereof do something, order something to be done, or express an opinion concerning some matter;
- “Orders” means these Standing Orders;
- “Officer” means the Clerk or any person acting within the precincts of Parliament under the order of Mr. Speaker, and includes any police officer on duty within

the precincts of Parliament but does not include a person suspended from duty under any enactment in force;

“Official Publication” means any publication produced by or under the authority or with the sanction of any *organ of the State*, Ministry, department, organization, agency, association, society or club;

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

“Ordered by Parliament or the House” or any expression of like import means ordered by a majority decision of the House;

“Petition” means a written prayer or plea presented to Parliament, and includes all such submissions whether relating to public or private matters, matters of general policy, or to redress local or personal grievances;

“Precincts of the House or Parliament” means and includes the Chamber, the Lobbies, the Galleries and the grounds of Parliament House and such other places as the Speaker may from time to time specify;

“Question”, except in respect of the question time or period and a question of privileges, means a proposal presented to Parliament or a Committee thereof by the Speaker or Chairman *of a Committee* for consideration and decision or disposal in some manner;

“Ranking Member” means the leader of the minority group on a Committee of Parliament

***“Resolution” unless the contrary intention appears, shall have the same meaning as a Motion;***

“Session” means a series of meetings of Parliament within a period of twelve months;

“Sitting” includes a period during which Parliament is sitting continuously without adjournment and a period during which it is in Committee;

***“Select Committee”*** means a committee of enquiry composed of a number of Members specifically named or selected which proceeds by the taking of evidence, deliberation, and the making of reports to the House on its findings;

***“Standing Committee”*** means a select committee appointed under article 103(1) of the Constitution to enquire into and report on such matters as may be referred to it from time to time or on a continuous basis for the duration of Parliament;

“Stranger” means any person other than the President, Vice-President, Mr. Speaker, Ministers and Deputy Ministers who are not Members of the House, a Member or an officer of the House;

“Substantive motion” means an independent motion of which notice is duly given but which is neither incidental nor relating to a proceeding or order of the day already before the House;

“Table” means the Table Office or the Clerk’s Table.

## **8. Order of Precedence in Parliament**

*The Speaker of Parliament shall take precedence over all other persons in Parliament; and in descending order, the order of precedence in Parliament after the Speaker shall be:*

*First Deputy Speaker*

*Second Deputy Speaker*

*Majority Leader*

*Minority Leader*

*Deputy Majority Leader*

*Deputy Minority Leader*

*Majority Chief Whip*

*Minority Chief Whip*

*Majority Whip*

*Minority Whip*

*Deputy Majority Whip*

*Deputy Minority Whip*

## **PART TWO**

### **ELECTION OF SPEAKER, DEPUTY SPEAKERS AND OATHS**

#### **Qualifications of Speaker (cf. article 95 (1) of the Constitution) and election of the Speaker at commencement of Parliament**

9. (1) There shall be a Speaker of Parliament who shall be elected by the Members of Parliament from among persons who are Members of Parliament or who are qualified to be elected as such under the Constitution.

(2) Whenever a *new Parliament meets for the first time*, it shall proceed to the election of a Speaker as soon as a quorum is present and before Members have been sworn *in*.

(3) Prior to the election, the Clerk shall act as Chairman to the House.

(4) No person shall be proposed as Speaker unless the person has given his consent to be nominated.

#### **Election of Speaker (article 104 (4) of the Constitution) and procedure**

10. (1) A Member, addressing himself to the Clerk, shall propose such person to the House as its Speaker and shall move that such person “do take the Chair of this House as Speaker,” which motion must be seconded without debate or remarks.

(2) If one person only is proposed, he shall be declared elected and conducted to the Chair without any Question being put.

(3) Where more than one person is proposed a motion shall be made and seconded in respect of each person and the House shall proceed to elect a Speaker by secret ballot in accordance with the provisions of this Order.

(4) When nominations have been received, the Clerk shall announce that the ballot will now be taken, and unless a Member rises to speak, no fresh nominations shall be taken.

(5) An Officer of Parliament shall give to each Member present a ballot paper on which the Member may record his vote by writing the name of the person for whom he wishes to vote.

(6) A Member can only vote for someone who has been duly nominated and seconded.

(7) Each ballot paper shall be folded so that the name written on it may not be seen. The ballot papers shall then be collected by an Officer of Parliament and counted at the Table by the Clerk who shall then declare the result.

(8) Where two persons are proposed and seconded for the Office of Speaker, the person who receives the greater number of votes shall be declared elected as Speaker.

(9) Where at any ballot between two candidates the votes are equal, another ballot shall be held

(10) At any ballot between more than two persons who have been proposed and seconded the candidate who receives the greatest number of votes shall be declared elected as Speaker, provided he has received a majority of the votes of Members present; but if no candidate has received such majority the name of the candidate who has received the smallest number of votes shall be withdrawn, the candidate obtaining the smallest number of votes at each ballot being excluded until one candidate obtains a majority.

(11) Where there is equality of votes between candidates who receive the smallest number of votes and one of them has to be excluded from the election under paragraph (8) of this order there shall be a ballot to determine which of them shall be excluded.

### **Oaths of Speaker**

11. (1) As soon as possible after his election the Speaker-elect shall be conducted to the House and he shall immediately take the Oath of Allegiance and the Speaker's Oath as set out in Appendix C to these Standing Orders. The Oaths shall be administered by the Chief Justice.

(2) The Speaker-elect may, instead of taking the Oath, make and subscribe a solemn affirmation as set out in Appendix C to these Standing Orders.

### **Election of new Speaker when *the Office of Mr. Speaker becomes vacant* (cf. article 95 (3) of the Constitution)**

12. (1) Whenever it is necessary to elect a new Speaker because *the office of* Mr. Speaker has *become vacant* for any reason, the Chair shall be taken by the First Deputy Speaker; and in the absence of the latter, by the Second Deputy Speaker. If both officers are absent the House may by motion elect a member to preside over the election of a new Speaker.

(2) Whenever it is necessary to proceed to elect a new Speaker because of notification by Mr. Speaker of his intention to relinquish that office, then Mr. Speaker shall continue to take the Chair until a new Speaker has been elected, whereupon he shall leave the Chair and shall cease to perform those duties and to exercise that authority and the Speaker-elect shall take the Chair accordingly.

### **Election of Deputy Speakers (cf. article 96 of the Constitution)**

13. (1) At the commencement of every Parliament, or as may be necessary, the House shall elect two Deputy Speakers who shall be known as the First and Second Deputy Speakers.

(2) The Deputy Speakers shall be elected from among the Members of Parliament and both of them shall not be members of the same political party.

(3) The rules prescribed for the election of Speaker shall be observed in respect of the election of Deputy Speakers except that Mr. Speaker shall be in the Chair.

### **Absence of Mr. Speaker**

14. (1) Either of the Deputy Speakers shall take the Chair whenever requested to do so by Mr. Speaker during a Sitting of the House without any formal communication to the House.

(2) Whenever the House is informed by the Clerk at the Table of the unavoidable absence of Mr. Speaker, the First Deputy Speaker shall perform the duties and exercise the authority of Mr. Speaker in relation to all proceedings of the house until Mr. Speaker resumes the Chair, without any further communication to the House.

(3) Whenever the House is informed by the Clerk at the Table of the unavoidable absence of both Mr. Speaker and the First Deputy Speaker, the Second Deputy Speaker shall perform the duties and exercise the authority of the Speaker in accordance with paragraph (2) of this Order.

*(4) Whenever the House is informed by the Clerk-at-the-Table of the absence of Mr. Speaker and his two Deputies, the House shall stand adjourned to the next Sitting day.*

### **Oaths by Members (cf. article 100 (1) of the Constitution)**

15. (1) Every Member shall before taking his seat formally in Parliament, take and subscribe before the Speaker, in the House and in the presence of other Members of Parliament, the Oath of Allegiance and the Oath of a Member of Parliament as set out in Appendix C (1) and (3) to these Standing Orders.

(2) A Member may instead of taking the Oath, make and subscribe to a solemn affirmation in the form presented in Appendix C (1) and (3) to these Standing Orders.

(3) A Member may, before taking the Oath referred to in paragraph (1) of this Order, take part in the election of the Speaker.

### **Leave of absence**

16. (1) Every Member shall attend the service of the House unless leave of absence has been given him by Mr. Speaker.

(2) Leave of absence may be given by Mr. Speaker to any Member who shows sufficient cause justifying his absence or who is away on official or Parliamentary duties.

### **Absence without leave (cf. article 97 (1) (c) of the Constitution)**

17. (1) A Member shall not absent himself during a meeting for more than fifteen sittings without the permission in writing of the Speaker. Any member infringing this Order shall have his conduct referred to the Privileges Committee.

(2) A Member shall be excused from service on the House or on any Committee, so long as he has leave of absence.

### **Resignation of Seat (cf. article 97 (1) (f) of the Constitution)**

18. A Member who desires to resign his seat in the House shall notify Mr. Speaker in writing under his hand of his intention to resign his seat and Mr. Speaker shall inform the House as soon as practicable.

**Declarations of vacancy in the membership of Parliament (cf. article 97 (1) (b) to (h) of the Constitution)**

19. The seat of a Member shall be declared vacant by Mr. Speaker under clause (1)(b) to (h) of article 97 of the Constitution.

**Clerk to notify Electoral Commission to fill vacancies (cf. article 112 (5) of the Constitution)**

20. In all cases as provided under orders 18 and 19 the Clerk shall immediately notify the Electoral Commission who shall take steps to fill the vacancies thus created in accordance with article 112(5) of the Constitution *as amended*.

**PART THREE**

**SUB-PART ONE**

**PRIVILEGES AND IMMUNITIES**

**Freedom of speech, debates and proceedings (cf. article 115 of the Constitution)**

21. There shall be freedom of speech, debate and proceedings in Parliament and that freedom shall not be impeached or questioned in any court or place out of Parliament.

**Immunities from proceedings for acts in Parliament (cf. article 116 (1) of the Constitution)**

22. No civil or criminal proceedings shall be instituted against a Member of Parliament in any court or place out of Parliament for any matter or thing brought by him in or before Parliament of petition, bill, and motion or otherwise.

**Immunity from service of process and arrest (cf. article 117 of the Constitution)**

23. No civil or criminal process coming from any court or place out of Parliament shall be served on, or executed in relation to, Mr. Speaker or a Member or the Clerk to Parliament while he is on his way to, attending at or returning from any proceedings of Parliament.

**Immunity from witness summons (cf. article 118 (1) and (2) of the Constitution)**

24. (1) Neither Mr. Speaker nor a member of, nor the Clerk to Parliament shall be compelled, while attending Parliament to appear as a witness in any court or place out of Parliament.

(2) The certificate of Mr. Speaker that a Member or the Clerk is attending the proceedings of Parliament, shall be conclusive evidence of attendance at Parliament.

### **Immunity from service as Juror (cf. article 119 of the Constitution)**

25. Neither Mr. Speaker or a member of, nor the Clerk to Parliament shall be required to serve on a jury in any court or place out of Parliament.

### **Immunity for publication of proceedings (cf. article 120 of the Constitution)**

26. Subject to the provisions of the Constitution no person shall be under any civil or criminal liability in respect of the publication of –

- (a) the text or summary of any report, papers, minutes, votes or proceedings of Parliament; or
- (b) a contemporaneous report of the proceedings of Parliament, unless it is shown that the publication was effected maliciously or otherwise in bad faith.

### **Privileges of witness (cf. article 121 of the Constitution)**

27. (1) A person summoned to attend to give evidence or to produce any document or record before Parliament shall be entitled, in respect of his evidence, or the production of the document, as the case may be, to the same privileges as if he were appearing before a Court.

(2) No public officer shall be required to produce before Parliament a document, the disclosure of which is certified by Mr. Speaker or the National Security Council as being either injurious to the public interest or prejudicial to the security of the state; and where there is any doubt as to the nature of such class of documents its determination shall be referred by Mr. Speaker to the Supreme Court.

(3) An answer by a person to a question put by Parliament shall not be admissible in evidence against him in any civil or criminal proceedings out of Parliament, unless they are proceedings for perjury brought under the criminal law.

## **PART THREE**

### *SUB-PART TWO*

#### CONTEMPT OF PARLIAMENT OR BREACH OF PRIVILEGE

### **General Contempt of Parliament (cf. article 122 of the Constitution)**

28. An act or omission which obstructs or impedes Parliament in the performance of its functions or which obstructs or impedes a Member or officer of Parliament in the discharge of his duties or affronts the dignity of Parliament or which tends either directly or indirectly to produce such a result shall be contempt of Parliament.

### **Acts which constitute breach of privilege or contempt of Parliament**

**29.** The following acts or conduct shall constitute a breach of privilege or contempt of Parliament:

- (a) disorderly conduct on the part of strangers such as riotous or disorderly action by strangers to hinder or promote the passing of a bill or other legislative measure or motion or any other matter pending before the House;
- (b) misbehaviour on the part of witnesses appearing before Parliament or any of its Committees;
- (c) flagrant or persistent disobedience of the general rules or orders of the House including its committees designed to prevent, delay, obstruct or interfere with the execution of the orders of the House or of its Committees;
- (d) presenting to Parliament frivolous, false, scandalous, groundless or fabricated documents or such allegations in a petition;
- (e) any act or conduct calculated or intended to deceive Parliament or any of its Committees;
- (f) deliberate misleading of Parliament or any of its Committees;
- (g) misconduct or corruption in the execution of official duties by Members or Officers of Parliament ;
- (h) publication of false, perverted, misleading, distorted, fabricated or scandalous reports, books or libels reflecting on the proceedings in Parliament;
- (i) causing or effecting the arrest of a Member or Officer of Parliament during the proceedings of Parliament or in the course of his duties;
- (j) molestation of Members or Officers in connection with the performance of their duties in or out of Parliament;
- (k) attempts by improper or corrupt means to influence Members or Officers in their Parliamentary duties;
- (l) attempted intimidation by threats of members in the conduct of their duties;
- (m) obstructing or deterring by arrest or molestation, persons summoned to attend Parliament as witnesses; or
- (n) molestation of witnesses on account of their performance in Parliament *or before any of its Committees*;
- (o) any act or omission which affronts the dignity of Parliament or which tends either directly, or indirectly to bring the name of Parliament into disrepute.

### **Complaint of Contempt of Parliament**

**30.** (1) A Member may at the time appointed for Complaints of Contempt of Parliament under the provisions of Order 53(Order of Business) bring to the notice of the House any complaint of contempt of Parliament, provided he has previously notified Mr. Speaker .

(2) In urgent circumstances such complaints may, with Mr. Speaker's prior permission, be made at a time other than that appointed for it.

### **Reference of questions and breaches of privilege or contempt to Committee of Privileges**

31. (1) In all cases of proceedings where complaints is made of a breach of privilege or contempt of Parliament, Mr. Speaker may direct that the matter be referred to the Committee of Privileges.

*(2) Notwithstanding anything contained in these Orders Mr. Speaker may refer any questions of privilege to the committee of Privileges for examination, investigation and report.*

## **PART FOUR**

### **DUTIES OF THE CLERK AND THE MARSHAL**

#### **Notice of meetings**

32. (1) Before the beginning of a new Session the Clerk shall, under the authority of Mr. Speaker, send to each Member a written notice directing attention to the Constitutional Instrument summoning Parliament.

(2) Not later than fourteen days before the commencement of a Meeting the Clerk shall give written notice of the Meeting to each Member, except when Parliament is adjourned to a specified date which is not more than fourteen days from the date of such adjournment, or in cases of emergency in which case the Clerk shall give notification by such means as the urgency of the matter requires.

#### **Agenda, Order Paper and Order Book**

33. (1) The Clerk shall send to each Member a copy of the Agenda for each Meeting, if possible, fourteen days before the Meeting, and shall, whenever the circumstances require, circulate a Supplementary Agenda.

(2) Before the commencement of each Sitting the Clerk shall send to each Member a copy of a paper to be called the "Order Paper" stating the businesses of the day, accompanied by a "Provisional Order Paper" for the next scheduled Sitting, which shall be subject to alteration.

(3) The Clerk shall keep a book called the Order Book in which he shall enter and number in succession all matters intended for discussion at each Meeting.

#### **Votes and proceedings, official report of Parliamentary Debates**

34. (1) The minutes of the proceedings of Parliament called Votes and Proceedings shall be a record of the attendance of Members at each sitting and all decisions of Parliament and shall be kept by the Clerk. The Votes and Proceedings shall be printed and shall be the Journal of the House.

(2) An Official Report, entitled “Parliamentary Debates”, containing the debates of each Sitting of the House which shall be as nearly as possible verbatim, shall be prepared under the authority of Mr. Speaker. The Report shall be published in such form as Mr. Speaker may direct, and a copy of it shall be sent to each member as soon as practicable after the conclusion of each Sitting.

### **Custody of Records**

35. The Clerk shall have custody of all records and other documents belonging or presented to Parliament, which shall be open to inspection by Members under such arrangements as may be made by Mr. Speaker.

### **The Marshal**

36. (1) There shall be an Officer of Parliament to be called the Marshal.

(2) It shall be the duty of the Marshal –

(a) to bear the Mace before Mr. Speaker when entering and leaving the House ;

(b) to attend upon Mr. Speaker in the House ;

(c) to carry out Mr. Speaker ‘s directions for maintenance of order in the House and its precincts.

(d) *to ensure the safety and security of all Members and Officers of the House and the property and precincts of Parliament*

## **PART FIVE**

### **SUMMONING AND DISSOLUTION OF PARLIAMENT**

#### **Sessions and Meetings of Parliament**

37. (1) There shall be a Session of Parliament at least once in every year; except that a period of more than twelve months shall not intervene between the last Sitting of Parliament in one Session and the first Sitting thereof in the next Session.

(2) A Session of Parliament *shall be held at such place within Ghana* and shall commence at such time as Mr. Speaker may, by constitutional instrument, appoint.

(3) During any one Session Parliament may *adjourn for such periods as may* be determined by Mr. Speaker.

#### **Meeting by Special Request**

38. (1) The Speaker shall, pursuant to clause (3) of article 112 of the Constitution, upon a request of fifteen per cent of Members of Parliament, summon a meeting of Parliament

within seven days after the receipt of the request, except that the meeting shall commence not later than seven days after the issue of the summons.

**Dissolution (cf. article 113 of the Constitution) except in exceptional circumstances of war and public emergency**

39. Parliament shall stand dissolved four years from the date of its first Sitting except as otherwise provided in clauses (3) and (4) of article 113 of the Constitution.

## ***PART SIX***

### ***SITTINGS AND ADJOURNMENTS OF THE HOUSE***

#### **Commencement and Conclusion of Sittings**

40. (1) A Sitting of the House is duly constituted when it is presided over by Mr. Speaker or any Member competent to preside over a sitting of the House under these Orders.

(2) The House shall sit on Tuesdays, Wednesdays, Thursdays and Fridays. Sittings shall, subject to the direction of Mr. Speaker, ordinarily commence at ten o'clock in the forenoon and shall ordinarily conclude at two o'clock in the afternoon.

(3) Notwithstanding paragraph (2) of this Order Mr. Speaker may, having regard to the state of business of the House, direct that Sittings be held outside the prescribed period.

#### **Interruption of business proceedings**

41. (1) At any time prior to three minutes before the stated time for concluding a Sitting a Member may –

- (a) move for the adjournment of the House; or
- (b) move for the extension of the Sitting to a definite time later than the stated time of concluding a Sitting

(2) Except as otherwise provided in these orders, Mr. Speaker may, three minutes before the stated time of concluding a Sitting or at any time thereafter, interrupt the business proceedings and adjourn the House.

(3) Where the Sitting is extended to a definite time under paragraph (1) (b) of this Order, Mr. Speaker shall, at that time, adjourn the House.

(4) Where there has not been an extension of the Sitting, a Member may at any time after the time stated for the closing move for the adjournment of the House.

#### **Suspension of Sitting and recall of House from adjournment**

42. (1) Mr. Speaker may at any time suspend a Sitting of the House.

(2) Mr. Speaker shall be responsible after consultation with the House, for fixing the time when a Sitting of the House should be adjourned sine die or to a particular day, or to an hour or part of the same day.

(3) Mr. Speaker may, if he thinks fit, call a Sitting of the House before the date or time to which it has been adjourned or at any time after the House has been adjourned sine die.

### **Public Holidays**

43. The House shall ordinarily not sit on Public Holidays.

### **Close Sitting of the House**

44. (1) Mr. Speaker may in consultation with the House and having regard to the public interest order the House to move into Close Sitting to discuss a particular subject or for the remainder of the Sitting.

(2) When the House is in Close Sitting no stranger shall be permitted to be present in the Chamber, side lobbies or galleries.

(3) Mr. Speaker may cause the proceedings and decisions of a Close Sitting to be recorded or issued in such manner as he thinks proper.

(4) No person other than a Member or a person acting under the authority of Mr. Speaker shall keep a record or note of any proceedings or decision of a Close Sitting whether in part or in full.

(5) No person other than a person acting under the authority of Mr. Speaker shall issue any report of, or purport to describe the proceedings or any decision of a Close Sitting.

### **Disclosure of proceedings or decisions of close sitting as breach of privilege of House**

45. Disclosure of proceedings or decisions of a Close Sitting by any person in any manner shall be treated as a gross breach of the privileges of the House.

### **Mace**

46. (1) During the existence of Parliament, the Mace shall be the symbol of the powers, privileges and authority of Parliament entrusted by it to Mr. Speaker.

(2) The Mace shall stand upright before the Table during all Sittings of the House except during Committees of the whole House or Consideration Stage of Bills when it shall stand tilted. The Mace shall not be removed from the Table when the Sitting of the House is suspended.

(3) When Parliament is dissolved the Mace shall be kept in the custody of the Bank of Ghana.

### **Language of proceedings**

47. The proceedings of Parliament shall ordinarily be conducted in the English Language, except that a Member may exercise the option to address the House *in any local Ghanaian language provided facilities exist in the House for its interpretation.*

### **Quorum in Parliament (cf. article 102 of the Constitution)**

48. (1) The presence of at least one-third of all the Members of Parliament besides the person presiding shall be necessary to constitute a quorum of the House.

(2) *If at any time during a Sitting of the House a Member draws attention to the fact that there are present in the House, besides the person presiding, less than one-third of the number of all the Members of Parliament, and after an interval of ten minutes a quorum is not present, the person presiding shall suspend the Sitting of the House for a period not exceeding one hour and if upon resumption there is still no quorum the House shall stand adjourned till the next Sitting day without Question put.*

### **Half-hour motion**

49. (1) On any day on which the Order paper contains the item Half –Hour Motions, Mr. Speaker shall interrupt business thirty minutes before the conclusion of business and thereupon at the conclusion of business before that time call upon the Member in whose name the item stands to move the Half-Hour Motion.

(2) No amendment to such a motion shall be permitted.

(3) The subject of the motion shall be one for which the Government is responsible, and the right to move the motion shall be determined by ballot under the direction of Mr. Speaker.

(4) The right shall not be allotted to more than one Member for each sitting and at the stated end of the Sitting or the conclusion of the debate before that time Mr. Speaker shall put the Question on the motion without allowing a division.

(5) On the interruption of business under paragraph (1) of this Order, the closure may be moved, and if it is moved or if proceedings under the pertinent Order regarding the Closure of Debate are already in progress at the time of interruption, Mr. Speaker shall not interrupt the business until the Question consequent upon the moving of the closure and any further Question relating to it has been decided.

(6) Mr. Speaker shall, as the case may require, either adjourn the House without question put or call upon the Member in whose name the Half-Hour Motion has been set down on the Order paper.

(7) Where the Member is called upon, the Sitting shall be subject to the provisions of Order 41 (Interruption of Business proceedings) and debate may proceed for not more than thirty minutes.

(8) If business is due to be interrupted for a Half-Hour Motion and at that hour a division is in progress, Mr. Speaker shall not interrupt business until he has declared the determination of the House on the division and in such case the debate under paragraph (1) of this Order may proceed for not more than thirty minutes

### **Motion on specific matters of urgent public importance**

50. (1) At the time appointed for the purpose under Order 53 (Order of Business) any Member may with the prior approval of Mr. Speaker move a motion on a specific matter of urgent public importance.

(2) A Member who desires to make such a motion shall, before the commencement of the Sitting submit to Mr. Speaker a written notification and statement of the matter to be raised.

(3) In determining whether a matter should have urgent consideration Mr. Speaker shall have regard to the extent to which it concerns the administrative responsibilities of the government or could come within the scope of ministerial action, and as to urgency, he shall also have regard to the probability of the matter being brought before the House within a reasonable time by other means.

(4) The right to move a motion under this Order is subject to the following conditions—

- (a) the matter proposed for discussion must relate to a genuine emergency, calling for immediate and urgent consideration;
- (b) not more than one such motion may be made at any one sitting ;
- (c) not more than one matter can be discussed on the same motion;
- (d) the motion must not revive debate on a matter which has already been discussed in the same Session under this Order;
- (e) the motion must not raise a question of privilege ;
- (f) the debate under the motion must not raise any question which, according to these Standing Orders, can only be debated on a distinct motion under notice.

## ***PART SEVEN***

### ***COMMUNICATIONS FROM AND TO THE HOUSE***

#### **Communications from or to the President of the Republic**

**51.** Communications from the President to the House shall be made to the Speaker by written message signed by the President, by the Vice- President or by a Minister acting by command of the President.

#### **52. Communications from the House to —**

- (a) the President;
- (b) the Chairman of the Council of State; or
- (c) the President of the National House of Chiefs

shall be in writing and signed by Mr. Speaker, or by a Deputy Speaker acting for the Speaker

## ***PART EIGHT***

### ***ORDER OF BUSINESS***

## **Order of Business**

53. (1) The business for each Sitting day, *as discussed by the Business Committee shall be* set out in the Order Paper, and shall whenever possible be transacted in the following order—

- (a) Prayers;
- (b) Oaths;
- (c) Address by the President;
- (d) Messages from the President;
- (e) Formal communications by the Speaker;
- (f) Election of a Deputy Speaker;
- (g) Ceremonial Speeches;
- (h) Correction of Votes and Proceedings and Official Reports;
- (i) Statements by Mr. Speaker and Ministers;
- (j) Questions to Ministers and other Members;
- (k) Statements;
- (l) Complaints of Contempt of Parliament;
- (m) Messages from the Council of State;
- (n) Presentation of Petitions;
- (o) Presentation of Papers;
- (p) Presentation of Public Bills;
- (q) Motions for the Introduction of Bills;
- (r) Motions on Specific Matters of Urgent Public Importance;
- (s) *Private Members'* Bills and Substantive Motions;
- (t) Half-Hour Motions.
- (u) Five-minute Statements

(2) By leave of Mr. Speaker the Order of Business set out in the Order Paper may be altered on any particular day.

### **Precedence of Business, urgent or priority motions**

54. (1) Motions, Bills and Half –Hour Motions to be moved under the pertinent Standing Orders shall be placed on the Order Paper in the order of priority determined by the Business Committee.

(2) Motions for which priority is claimed may, at Mr. Speaker 's discretion, be placed on the Order Paper for the next available Friday or Tuesday as determined by paragraph (3) of this Order.

(3) The motions shall be placed alternatively on Fridays commencing in each Session with a Friday. On Fridays such a motion shall be placed at the head of Motions and on Tuesdays it shall take precedence of any Public Business.

(4) Not more than one such motion shall be submitted for any one day, and if the debate on it is not completed on the interruption of business the motion shall be placed on the Order paper for the next Sitting day.

### **All other business**

55. Any item of business standing on the Order Paper on any particular day which has not been completed or reached on the interruption of business under the pertinent

provisions of these Standing Orders shall be placed on the Order Paper for such other Sitting day as the Business Committee may determine.

### **Business Statement by Chairman of the Business Committee**

**56.** (1) Every Friday the Chairman of the Business Committee shall make a statement in the House of the business arranged for the succeeding week, but where the first week of a Meeting commences on a day earlier than Friday, he shall make a statement of the business arranged for the remainder of the week, if possible on the day of the commencement of the Meeting.

(2) The Chairman of the Business Committee may make supplementary statements whenever the Committee so decides.

### **Prayers**

**57.** Mr. Speaker shall read prayers at every Sitting before any business is entered upon.

### **Presidential addresses and messages**

**58.** Whenever the President delivers an address to the House Mr. Speaker may convey to the President the gratitude of the House for the address.

### **Correction of Votes and Proceedings**

**59.** Complaints concerning the Votes and Proceeding or the Official Report may be raised at the time appointed under Standing Order 53-(Order of Business).

## ***PART NINE***

### **QUESTIONS TO MINISTERS AND OTHER MEMBERS**

#### **Ministers to attend the House to answer Questions**

**60.** (1) Ministers shall by order of the House be requested to attend meetings of the House to answer questions asked of them

(2) Question time to Ministers shall ordinarily not exceed one hour except that the Speaker may in exceptional cases exercise his discretion and permit questions after the expiration of the time stated and also for such questions as are described in Order 64 (Urgent Question)

(3) A Minister shall not take more than three weeks to respond to a question from the House.

### **Rota of Questions**

61. The time available for answering questions shall be allowed on different days in rotation for the answering of questions relating to such Ministry or Ministries as the Speaker may determine, and on each such day, only questions relating to the Ministry or Ministries for which time has been allotted on that day shall be placed on the list of questions for oral answer.

### **Subject-matter of Questions**

62. (1) Questions may be asked of Ministers relating to public affairs with which they are officially connected, proceedings pending in Parliament or any matter of administration for which such Ministers are responsible.

(2) Questions relating to matters which are under the control of a statutory body must be restricted to those matters for which a Minister is made responsible by law or which affect the general policy of that statutory body.

### **Questions to members**

63. Questions may also be asked of other Members relating to a bill, motion or other public matter connected with the business of the House for which such Members are responsible.

### **Notice of Urgent Questions**

64. (1) A question shall not be asked without notice unless it is of an urgent character relating either to a matter of public importance or the arrangement of business, and by prior leave of Mr. Speaker.

(2) Notice of intention to ask a question shall be given by delivery of the question in writing at the Office of the Clerk (Table Office) on a day not later than ten sitting days (exclusive of any Saturday and Sunday or public holiday) before the day on which the sitting commences at which it is proposed to ask the question.

(3) The Clerk shall ensure that the notice delivered to him under paragraph (2) of this Order is communicated to the person required to answer it not later than seven sitting days (exclusive of any Saturday and Sunday or public holiday) from the date of delivery.

(4) A member who desires an oral answer to a Question shall mark it with an asterisk. Answers to Questions not so marked shall be communicated in writing to the member asking the question and shall be printed in the Official Report.

### **Order of oral Questions to be determined by lot**

65. (1) The order in which Questions for Oral Answer shall be placed on the list of Questions shall, *as far as practicable, be determined by the order in which the Questions are received at the Table Office.*

(2) Not more than three Questions for oral answers shall be asked by a Member at any one sitting.

(3) Any *Answers to Questions* remaining on the Order Paper after the time allocated for Questions has passed shall be printed in the Official Report.

(4) No Questions other than an urgent Question provided for under paragraph (1) of Order 64 submitted less than six days before the end of a Meeting shall be admitted for oral answers. Answers to such late Questions may, however, be communicated in writing to the Member asking the Questions.

### **Admissibility of Questions**

**66.** (1) Mr. Speaker shall be the sole judge of the admissibility of a Question.

(2) When a Question is admitted by Mr. Speaker the Clerk shall at once communicate the text to the Minister or Member to whom the Question is addressed.

(3) There shall be a Question Record Book to be kept by the Clerk which shall be open to inspection by Members and which will record—

- (a) the Questions asked by Members;
- (b) the Questions admitted by Mr. Speaker and the time of their transmission to the Ministers or Members concerned;
- (c) the answers given to the Questions; and
- (d) Questions which have received no answers.

### **Conditions of admissibility of Questions**

**67.** (1) Questions must comply with the following conditions:

- (a) a Question shall not include the names of persons or statements of fact unless they are necessary to make the Question intelligible, and in the case of statements of fact, can be authenticated by the Member concerned, or contain charges which the Member asking the Question is not prepared to substantiate;
- (b) a Question shall not contain any arguments, expression of opinion, inferences, imputations, epithets or controversial, ironical or offensive expressions or hypothetical cases;
- (c) no Question shall be asked which raises an issue already decided, or which has been answered substantially, during the current Session;
- (d) a Question shall not be asked regarding proceedings in a Committee which have not been placed before the House by a report from the Committee;
- (e) a Question shall not solicit the expression of an opinion or the solution of an abstract legal case or a hypothetical proposition;
- (f) a Question shall not be asked which makes or implies a charge of a personal character or which reflects upon character or conduct except of persons in their official or public capacity;
- (g) a Question shall not refer to more than one subject and shall not be of excessive length;
- (h) a Question shall not be asked the answer to which is readily available in official publications;
- (i) a Question shall not be asked on the character or conduct of persons whose conduct may only be challenged on a substantive motion;

(j) a supplementary Question shall be subject to the same rules of Order as an original Question;

(2) If Mr. Speaker is of the opinion that any Question, of which a Member has given notice to the Clerk or which a Member has sought leave to ask without notice, infringes any of the conditions set out in this Order, he may direct that it be printed or asked with such alteration as he shall direct, or that it be returned to the member concerned as being inadmissible.

### **Manner of asking and answering Questions**

**68.** (1) When the time for asking Questions arrives Mr. Speaker shall call successively each Member in whose name a Question stands on the Order Paper.

(2) The Member called shall rise in his place and ask the Question on the Order Paper standing in his name.

(3) In the absence of the Member asking the question any Member so authorized may, with Mr. Speaker's prior permission, ask the Question on behalf of the absent Member.

(4) The answer to any such Question shall, whenever practicable, be printed and a copy thereof supplied to the Member asking it not less than fifteen minutes before the time fixed for the Sitting at which the Question is to be answered, and such answer shall be read by the Minister or Member to whom the question is addressed or by the Minister or Member acting for the Minister or Member to whom the Question is addressed.

(5) No member shall address the House upon any Question, nor in asking the Question shall any argument or opinion be offered.

(6) When any Question has been asked and answered, no debate on it shall be permitted.

### **Supplementary Questions**

**69.** As soon as a Question is answered in the House any Member beginning with the Member who asked the question may, without notice, ask a supplementary Question for the further elucidation of any matter of fact regarding which the answer has been given, but a supplementary Question must not be used to introduce matter not included in the original Question.

## ***PART TEN***

### ***STATEMENTS, CEREMONIAL SPEECHES***

#### **Statements by Mr. Speaker and Ministers**

**70.** (1) Mr. Speaker may make statements on any matter of interest to the House.

(2) A Minister of State may make an announcement or a statement of government policy. Any such announcement or statement should be limited to facts which it is deemed necessary to make known to the House and should not be designed to provoke debate at this stage. Any Member may comment briefly, subject to the same limitation.

### **Ceremonial Speeches**

71. Ceremonial speeches may be confined to commemorating special events or occasions of death of distinguished persons.

### **Statements by Members**

72. By the indulgence of the House and leave of Mr. Speaker, a Member may, at the time appointed for statements under Order 53 (Order of Business) explain a matter of a personal nature or make a statement on a matter of urgent public importance.

73. Any statement, other than a statement of a personal nature, may be commented upon by other Members for a limited duration of time not exceeding one hour. The terms of such proposed statement should first be submitted to Mr. Speaker.

### **Five Minutes Statements**

74. (1) *Subject to these Orders, a Member may make a statement lasting not more than five (5) minutes on any subject of his choice.*

(2) *Not more than six (6) Members may make such statements on any Sitting day and not more than one such statement may be made by any Member in any one Meeting of the House*

(3) *A five-minute Statement made by a Member may not be commented upon by any other Member.*

(4) *Notwithstanding paragraph (2), Mr. Speaker may allow a Member to make more than one five-minute Statements in any one Meeting*

## **PART ELEVEN**

### **ORDERS, RULES OR REGULATIONS**

#### **Orders, Rules etc. to be laid and gazetted (cf. article 11 (7) of the Constitution)**

75. Any Orders, *Rules* or Regulations made by a person or authority *under* a power conferred by the Constitution or any other law,

(a) shall be laid before Parliament;

(b) shall be published in the Gazette on the day when they are so laid before Parliament; and

- (c) shall come into force after the expiration of a period of twenty-one sitting days of being so laid unless Parliament, before the expiration of the said period of twenty-one sitting days, annuls any such Orders, Rules or Regulations by the votes of not less than two-thirds of all the Members of Parliament.

## ***PART TWELVE***

### ***MOTIONS AND AMENDMENTS***

#### **Notice of motions**

**76.** Unless any Order otherwise provides, notice shall be given of any motion which it is proposed to make, except the following-

- (a) a motion relating to contempt of Parliament;
- (b) a motion for the adjournment of the House or of a debate;
- (c) a motion that a petition be read, printed or referred to a Select (or Standing) Committee;
- (d) a motion to amend a motion of which no notice is required or which is debated twenty-four hours after notice has been given;
- (e) a motion that a Member be no longer heard;
- (f) a motion for the reference of a Bill to a Committee;
- (g) a motion for the Third Reading of a Bill;
- (h) a motion for the withdrawal of a Bill;
- (i) a motion for the withdrawal of a motion;
- (j) a motion for the election of a Member to preside in the House ;
- (k) any motion the urgency of which is admitted by Mr. Speaker.

#### **Manner of giving notice**

**77.** (1) All notices shall be given by being handed in at the Table when the House is sitting or by being transmitted to the office of the Clerk so as to be receivable within the hours prescribed for the purpose.

(2) All notices shall be signed by the Member proposing the motion or amendment.

(3) When a notice is received by the Clerk he shall record the date and hour of its receipt.

(4) Every notice shall be submitted to Mr. Speaker who shall direct that it be printed in its original terms or with such amendments as he shall direct, or that it be returned to the member submitting it as being inadmissible.

(5) All notices received by the Clerk shall be printed and circulated by him even if they are in respect of matters for which notice is not required and, in the case of amendment

to Bills, shall be arranged, so far as may be, in the order in which the amendments are to be proposed.

(6) No notice shall be given orally in the House, but a Member may orally inform the House of his intention to raise a matter on a Half-Hour motion.

### **Length of notice required**

**78.** (1) Except as provided in paragraph (2) of this Order, no motion shall be debated until at least forty-eight hours have elapsed (this period not including days on which the House does not sit) after notice as prescribed in Order 76 (Notice of Motions) has been given.

(2) A motion of which notice is required proposed by a Member or a motion to amend a motion of which notice is required or an amendment to a Bill may be debated twenty-four hours after notice has been given.

Provided that—

- (a) when a motion is debated twenty-four hours after notice has been given, amendments may be proposed to it without notice ; and
- (b) in the case of an amendment to a Bill of which notice has not been given as prescribed under this Order Mr. Speaker may, at his discretion, allow the amendment to be debated.

### **Motions to be seconded**

**79.** Unless otherwise provided in these orders, every motion, unless made at the Second Reading or Consideration Stage of a Bill, must be seconded, and if not seconded shall not be debated or entered in the Votes and Proceedings.

### **Withdrawal of motions**

**80.** A Member who has proposed a motion may withdraw it, but if the motion has been seconded he may do so only *with* leave of the House.

### **Method of proposing and putting the Question on Amendments.**

**81.** (1) Upon any amendment to delete any of the words of a motion, the question to be proposed by Mr. Speaker shall be “That the following words ... be deleted from the *motion*”.

(2) Upon any amendment to insert words in, or add words at the end of a motion, the question to be proposed by Mr. Speaker shall be “That the following words ... be there inserted (or added)”.

(3) Upon any amendment to delete words and insert or add other words instead, a question shall first be proposed “That the following words...be deleted from the *motion*”, and if the question is agreed to, the question shall then be proposed “ That the following words ... be inserted (added) ” . If the first question is negated no further amendment may be proposed to the words which were to be deleted.

(4) If an amendment is moved to an amendment upon which Mr. Speaker has proposed the question, the last mentioned amendment shall be dealt with as if it were the original motion until all amendments to it have been disposed of.

#### **Motion to amend Standing Orders.**

**82.** The notice of any motion for the amendment of any of these Orders shall be accompanied by a draft of the proposed amendment. When the motion has been proposed and seconded it shall stand referred to the Standing Orders Committee, and no further proceedings shall be taken on it until the Standing Orders Committee has reported on it.

#### **Motion with regard to settlement of Financial Matters (cf. article 108 of the Constitution)**

**83.** Parliament shall not proceed on any motion, including any amendment to a motion, that in the opinion of the person presiding makes provision for any of the purposes set out in Order 121 unless the motion is introduced by a Member or a Minister on behalf of the President.

### ***PART THIRTEEN***

#### **RULES OF DEBATE**

##### **Time and manner of speaking**

**84.** (1) A Member desiring to speak shall rise in his place, and address the Chair only after catching Mr. Speaker's eye.

(2) By the special indulgence of Mr. Speaker a Member unable conveniently to stand by reason of sickness or infirmity, may be permitted to speak sitting.

(3) Ministers shall be referred to by their Ministerial titles. The Deputy Speakers and the Deputy Ministers shall be referred to by the names of the offices held by them. All other Members shall be referred to as "Honourable" together with the name of their constituencies, that is "the Honourable Member for ....."; where an Honourable Member has already been so described in a speech he may be further referred to as "My Honourable Friend" or "The Honourable Gentleman, Lady or Member".

(4) No Member shall speak more than once to any Question except—

(a) at the Consideration Stage of a Bill; or

(b) in explanation, as prescribed in paragraph (5) of this Order; or

(c) in the case of the mover of a substantive motion wishing to reply,

except that any Member may second a motion or amendment by rising in his place and saying "Mr. Speaker, I beg to second the motion (or amendment) "without prejudice to his right to speak at a later period of debate.

(5) A member who has spoken may again be heard for the purpose of explaining some material part of his speech, which has been misunderstood, or vindicating his character or conduct if it has been impugned, but he must not introduce new matter.

(6) A mover of a motion or amendment may speak in support of it but subject to the provisions of these Orders, no further debate shall be allowed until the motion or amendment has been seconded.

### **Close of debate**

**85.** No Member may speak on any Question after the same has been put by Mr. Speaker, that is, after the voices of Ayes and Noes have been given on it.

### **Newspapers or periodicals and books not to be read in the House**

**86.** Members shall not read newspapers or periodicals and books in the Chamber of the House save where this is done for the purpose of debate.

### **Reading of Speeches by Members**

**87.** A Member shall not read his speech, but may read extracts from written or printed documents in support of his argument and may refresh his memory by reference to notes.

### **Mr. Speaker not to participate in debate**

**88.** Mr. Speaker shall not take part in any debate before the House.

### **Interruptions of debate**

**89.** Debates may be interrupted—

- (a) by a point of order being raised;
- (b) by a matter of privilege suddenly arising;
- (c) by attention being called to the absence of a quorum;
- (d) by attention being called to the presence of strangers.

### **Interruptions when Member is speaking**

**90.** (1) No Member shall interrupt any other Member except: -

- (a) by rising to a point of order, that is, where any of these Orders is alleged to have been infringed, whereupon the Member speaking shall resume his seat and the Member interrupting shall simply direct attention to the point which he desires to bring to notice and submit it to Mr. Speaker for decision ; or
- (b) to elucidate some matter raised by the Member speaking in the course of his speech, provided that the Member speaking is willing to give way and resume his seat ,and that the Member wishing to interrupt is called by Mr. Speaker.

(2) When a point of order has been stated the Member interrupting shall resume his seat and except by leave of Mr. Speaker no other Member shall rise until Mr. Speaker has decided the matter. When effect has been given to the decision, where necessary, the Member who was speaking shall be entitled to proceed with his speech unless the decision prevents him.

### **Content of speeches**

**91.** (1) Reference shall not be made to any matter on which judicial decision is pending in such a way as may, in the opinion of Mr. Speaker, prejudice the interest of parties to the action.

(2) It shall be out of order to use offensive, abusive, insulting, blasphemous or unbecoming words or to impute improper motives to any other Member or to make personal allusions.

(3) It shall be out of order to attempt to reconsider any specific Question upon which the House has come to a conclusion during the current Session, except upon a substantive motion for rescission.

(4) The speech of a Member must have reference to the subject-matter under discussion.

(5) The conduct of Mr. Speaker, Members, the Chief Justice and Judges of the Superior Court of Judicature, shall not be raised, except upon a substantive motion, and in any amendment, Question to a Member or remarks in a debate on a motion dealing with any other subject, any reference to the conduct of the persons mentioned shall be out of order.

### **Motion that a Member be no longer heard**

**92.** If a Member uses objectionable words and on being called to order fails to retract or explain the words and offer an apology to the satisfaction of Mr. Speaker, any Member may, with the consent of Mr. Speaker, move that the Member using the objectionable words be no longer heard, and the Question on that motion shall be put forthwith without amendment or debate.

### **Anticipation**

**93.** (1) It shall be out of order to anticipate a Bill by discussion of a motion dealing with the subject-matter of the Bill on a day prior to that appointed for the consideration of that Bill.

(2) It shall be out of order to anticipate a Bill or motion by discussion of an amendment to it.

(3) In determining whether a discussion is out of order on the ground of anticipation regard shall be had by Mr. Speaker to the probability of the matter in anticipation being brought before the House within a reasonable time.

### **Closure of debate**

**94.** (1) After a question has been proposed and debated, a Member may claim to move "That the Question be now put," and, unless it appears to Mr. Speaker that the motion is an abuse of the rules of the House or an infringement of the right of the minority, the Question "That the Question be now put" shall be put forthwith and decided without amendment or debate.

(2) If the question of closure is agreed to by a majority, the motion which was being discussed when the closure motion was moved shall be put forthwith without further discussion.

## ***PART FOURTEEN***

### ***ORDER IN THE HOUSE***

#### **Chair to be heard in silence**

**95.** *Whenever Mr. Speaker rises or addresses* the House any Member then standing shall immediately resume his seat, and Mr. Speaker shall be heard in silence.

#### **Ruling of the Chair not subject to appeal except by substantive motion**

**96.** Mr. Speaker shall be responsible for the observance of order in the House and of the rules of debate, and his decision upon any point of order shall not be open to appeal and shall not be reviewed by the House, except upon a substantive motion made after notice.

#### **Disorderly conduct**

**97.** (1) Any Member deviating from these Orders may be immediately called to order by Mr. Speaker or by any other Member rising to a point of order in accordance with Order No. 89(interruptions).

(2) Mr. Speaker having called the attention of the House to the conduct of a Member who persists in irrelevance or tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct the Member to discontinue his speech.

#### **Member to withdraw from the House; enforcement of Speaker's order**

**98.** (1) Mr. Speaker may order a Member whose conduct is grossly disorderly to withdraw immediately from the House during the remainder of the day's sitting, and the Marshal shall act on such order as he may receive from the Chair in pursuance of the provisions of this paragraph. But if on any occasion Mr. Speaker deems that his powers under the provisions of this paragraph are inadequate, he may name such Member or Members, in which event the same procedure shall be followed as is prescribed in Order 97, this Order and Order 99.

(2) Mr. Speaker may name any Member who disregards the authority of the Chair.

(3) Whenever a Member is named by Mr. Speaker immediately after the commission of the offence of disregarding the authority of the Chair, or of persistently and wilfully obstructing the business of the House by abusing the rules of the House or otherwise, a motion shall immediately be proposed by the Majority Leader or failing that, by a Member," that such Member is guilty of contempt of Parliament ". Mr. Speaker shall *call upon the Member to show cause why he should not be dealt with by the House for having committed contempt of Parliament and upon hearing the explanation that the Member may offer, Mr. Speaker may declare whether in his opinion the Member is guilty of contempt of the House, whereupon unless the House shall otherwise decide, the House shall proceed in accordance with Standing Order 99.*

### **Suspension of Member**

**99.** (1) Where a Member is found guilty of contempt of Parliament under paragraph (3) of Order 98 he shall be deemed to be suspended forthwith from the service of the House, and unless the House otherwise orders, his suspension shall continue on the first occasion in any Session for five sitting days, on the second occasion in any Session for ten sitting days, and on the third or subsequent occasion in any Session for fourteen sitting days:

Provided that —

- (a) in calculating the period of suspension of a Member under this paragraph the day on which he was suspended shall be included, and
- (b) unless the House otherwise orders, the period of suspension shall not extend beyond the end of the session.

(2) Where a Member who has been suspended under this Order from the service of the House refuses to obey the direction of Mr. Speaker when summoned under Mr. Speaker's orders by the Marshal to obey such direction, Mr. Speaker shall call the attention of the House to the fact that recourse to force is necessary in order to compel obedience to his direction; and the Member shall accordingly be forcibly ejected from the House.

(3) Nothing in this Order shall be deemed to prevent the House from proceeding against any Member for any of the offences specified herein in any way the House thinks fit, or from proceeding against him for any offence not specified herein.

### **Defamatory statements to be investigated by Committee of Privileges**

**100.** (1) Whenever in the opinion of the person presiding a statement made by a Member is prima facie defamatory of any person, the person presiding shall refer the matter for inquiry to the Committee of Privileges which shall report its findings to the House not later than thirty days of the matter being so referred.

(2) Where the Committee of Privileges reports to the House that the statement made by the Member is defamatory of any person, the Member who made the statement shall, within seven days after that report, render an apology at the bar of the House, the terms of which shall be approved by the Committee of Privileges and communicated to the person who has been defamed.

(3) Where a Member refuses to render an apology in accordance with the provisions of paragraph (2) of this Order, Mr. Speaker shall suspend that Member for the duration of

the Session and a Member so suspended shall lose his Parliamentary privileges, immunities and remunerations which shall be restored to him if at any time before the end of the Session he renders the apology as required under paragraph (2) of this order.

#### **Members suspended, etc. to withdraw from precincts**

**101.** A Member who is ordered to withdraw under paragraph (1) of Order 98 or who is suspended from the service of the House by virtue of paragraph (3) of Order 98 or paragraph (1) of Order 99 shall immediately withdraw *from the House*.

#### **Power of Mr. Speaker to adjourn House or suspend sitting**

**102.** In the case of grave disorder arising in the House Mr. Speaker may, if he thinks it necessary to do so, adjourn the House without Question put, or suspend the Sitting till a time to be named by him.

#### **Power to issue warrant of arrest**

**103.** (1) If a person fails to appear before the House or a Committee as ordered or when a person fails to produce a documents ordered, except in so far as the production of the document is certified by either Mr. Speaker or the National Security Council as being injurious to the public interest or prejudicial to the Security of the State, Mr. Speaker shall have power to issue a warrant to arrest the person and bring him before the House or the Committee. Such warrant shall be executed by a Police Officer.

(2) Mr. Speaker may endorse the warrant with a direction that the person to be arrested should be released after arrest if he enters into such a recognizance before a judge or Chairman of Regional Tribunal or Circuit Court Judge or District Magistrate or such Judicial Officer however designated as may be stated in the endorsement.

### ***PART FIFTEEN***

#### ***VOTES OF CENSURE AND REMOVAL FROM OFFICE***

#### **Votes Of Censure And Removal**

**104.** The House may pass a resolution to remove the President, the Vice President, Mr. Speaker or a Deputy Speaker and a vote of censure on a Minister of State. The House may consider such resolution and come to a decision or refer it to a Committee on a motion made by any Member.

### **Removal from office of President and Vice-President in accordance with article 69 of the Constitution**

**105.** A resolution to remove from office the President or the Vice-President shall, in accordance with article 69(2) of the Constitution, only be moved in the following manner:

- (a) a notice in writing signed by not less one-third of all the Members of Parliament shall be delivered to Mr. Speaker;
- (b) the notice shall be accompanied by a detailed statement of facts to prove that the conduct or the physical or mental capacity of the President or Vice-President should be investigated;
- (c) Mr. Speaker shall forward the notice to the Chief Justice who shall set up, by constitutional instrument, a tribunal or cause to be set up a medical board as the case may be, which shall inquire in camera whether there is a prima facie case for the removal of the President or the Vice-President;
- (d) if the report of the tribunal or the medical board determines that there is a prima facie case for the removal of the President or the Vice-President, Parliament shall commence proceedings within fourteen days of the submission of the report to Mr. Speaker;
- (e) the motion for the removal shall be supported, in a secret ballot, by the votes of not less than two-thirds of all the Members of Parliament after prior debate;
- (f) during prior proceedings in a Committee appointed in that behalf the President or the Vice-President shall be entitled to be heard in his defence either by himself by counsel or by an expert as the case may be;
- (g) such proceedings shall not be in camera except where the House otherwise orders in the interest of national security.

### **Removal of Mr. Speaker or Deputy Speaker (cf. article 95 (2) (d) of the Constitution)**

**106.** (1) A motion for the resolution to remove from office Mr. Speaker or a Deputy Speaker shall be moved 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 of its receipt by Mr. Speaker and shall be supported by the votes, in secret ballot, of not less than three-quarters of all the Members of Parliament;
- (c) prior proceedings shall be taken in a Committee appointed in that behalf. The Speaker or the Deputy Speaker shall be entitled to be heard in his defence either by himself or a representative.

(2) Neither Mr. Speaker nor a Deputy Speaker in respect of whom proceedings for removal have commenced shall preside over such proceedings.

### **Vote of censure on Ministers (cf. article 82 of the Constitution)**

**107.** A motion for a vote of censure on a Minister of State shall be moved in the following manner:

- (a) seven days' notice, signed by not less than one-third of all Members of Parliament, shall be given;

- (b) the motion shall be debated in Parliament within fourteen days of its receipt by Mr. Speaker and shall be supported by the votes ,in secret ballot ,of not less than two-thirds of all the members of Parliament;
- (c) during the proceedings on the motion the Minister shall be entitled to be heard in his defence.

## **PART SIXTEEN**

### ***VOTING IN THE HOUSE***

#### **Voting in Parliament (cf. article 104 of the Constitution)**

**108.** (1) No Question for decision in the House shall be proposed for determination unless there are present in the House not less than one-half of all the Members of the House, and, except otherwise provided in the Constitution, the Question proposed shall be determined by the majority of votes of the Members present and voting.

(2) Mr. Speaker shall have neither an original nor a casting vote and if upon any Question before the House the votes are equally divided the motion shall be taken to be lost.

(3) A Deputy Speaker or any other member presiding shall not retain his original vote while presiding.

#### **Secret voting**

**109.** There shall be secret voting in the House in respect of—

- (a) a Bill for an act of Parliament to amend any provision of the Constitution ; and
- (b) the election or removal of a person holding office under the Constitution or a law made under the Constitution.

#### **Declaration of personal interest in contracts (cf. article 104 (5) of the Constitution)**

**110.** A Member who is a party to, or is a partner in a firm which is a party to any contract with the Government shall, in any proceeding in Parliament relating to that contract, declare his interest or that of the firm therein and shall not vote on any Question relating to that contract.

#### **Unqualified person sitting or voting (cf. article 105 of the Constitution)**

**111.** Any person who sits or votes in the House knowing or having reasonable grounds for knowing that he is not entitled to do so commits an offence and shall be liable on conviction to such penalty as shall be prescribed by or under an Act of Parliament.

## ***DIVISION***

### **Voting by Members**

**112.** (1) When the Question has been put by Mr. Speaker at the conclusion of the debate, the votes shall be taken by voices “Aye” and “ No”, provided that Mr. Speaker may in his discretion instead of declaring the result on the voice votes call for a headcount.

(2) A Member may call for headcount or division if the opinion of Mr. Speaker on the voice vote is challenged.

(3) In the case of a headcount Mr. Speaker shall take the vote of the House by calling upon Members who support or oppose his decision successively to rise in their places.

(4) A Member may vote in a division even if he did not hear the Question put.

(5) A Member is not obliged to vote.

### **Procedure on Divisions**

**113.** (1) In the case of a division, Mr. Speaker shall direct that the lobbies be cleared, and upon such direction being given the division bells shall be rung for one minute. After a lapse of two minutes from this direction, he shall put the Question, and Mr. Speaker shall declare whether in his opinion the Ayes or Noes have it. If his opinion is again opposed he shall announce the names of two Tellers for the Ayes and two for the Noes and shall direct that a division be held.

(2) The names of Members voting in the division in the House shall be recorded by Division Clerks immediately before Members pass out from the Ayes and Noes lobbies. They shall be counted by the Tellers as they pass out of the lobby doors.

(3) The Tellers shall, at the conclusion of voting, come to the Table and give the figures to the Clerk who shall write them on the appropriate form. The Clerk shall then report these numbers to Mr. Speaker who shall announce them to the House and declare the result of the division. If the Tellers disagree the Clerk shall report the fact to Mr. Speaker who shall thereupon direct that another division be held.

(4) Members who are incapacitated by some physical infirmity from passing through the lobbies shall, upon reporting their incapacity to Mr. Speaker through the Clerk, be counted and recorded accordingly in the House.

(5) If a Member states that he voted in error or that his vote was counted wrongly, he may, immediately after the *votes have been counted and before Mr. Speaker has announced the figures, claim to have his vote correctly recorded.*

(6) If the numbers in a division are equal the motion shall be considered lost.

### **Division unnecessarily claimed**

114. Notwithstanding paragraph (1) of Order No. 113 Mr. Speaker may, after the lapse of two minutes from the claiming of a division, where in his opinion a division has been unnecessarily claimed, take the vote of the House by calling upon the Members who support or who oppose his decision successively to rise in their places. He shall thereupon either declare the determination of the House or direct that a division be held.

## ***PART SEVENTEEN***

### ***BILLS***

#### **Explanatory Memorandum on Bills**

115. Every Bill shall be accompanied by an explanatory memorandum setting out in detail the policy and principles of the Bill, the defects of the existing law, if any, the remedies proposed to deal with those defects and the necessity for its introduction. The memorandum shall be signed by a Minister or a Member introducing the Bill.

#### **Intituling of Bills and their division into clauses**

116. All Bills shall be distinguished by titles and shall be divided into successive clauses consecutively numbered, and to every clause there shall be annexed in the margin or at the top a short indication of its contents.

#### **Subject matters of Bills.**

117. (1) Matters with no proper relation to each other shall not be provided for in the same Bill.

(2) No Bill shall contain anything foreign to what its Long Title imports.

#### **Urgent Bills (cf article 106 (13) of the Constitution)**

118. Where it is determined and certified by the appropriate Committee of the House appointed in that behalf that a particular Bill is of an urgent nature, that Bill may be introduced without publication. Copies of the Bill shall be distributed to Members and may be taken through all its stages in one day.

### **Presentation of bills, *Gazette* Notice (cf. article 106(2) of the Constitution)**

119. (1) Except as provided in Orders 118 and 121 no Bill shall be introduced unless the text of the Bill, with no variations other than such as, in the opinion of the Parliamentary Draftsman, are of a trivial or drafting character, has been published in the *Gazette* fourteen days before the date of its introduction in the House.

(2) Any Minister or a Member may introduce a Bill of which he has given notice

### **Bills affecting Chieftaincy (cf. articles 106 (3) of the Constitution)**

120. No Bill affecting the institution of Chieftaincy shall be introduced in Parliament without prior reference to the National House of Chiefs.

### **Bills regarding settlement of financial matters (cf. article 108 of the Constitution)**

121. The House shall not unless the Bill is Introduced by a Minister or a Member on behalf of the President, proceed upon any Bill including any amendment to a Bill that in the opinion of the person presiding makes provision for any of the following:

- (a) the imposition of taxation or the alteration of taxation otherwise than by reduction; or
- (b) the imposition of a charge on the Consolidated Fund or other public funds of Ghana or the alteration of any such charge otherwise than by reduction; or
- (c) the payment, issue or withdrawal from the Consolidated Fund or other public funds of Ghana of any money not charged on the Consolidated Fund or any increase in the amount of that payment, issue or withdrawal; or
- (d) the composition or remission of any debt due to the Government of Ghana.

### **First reading of bills**

122. When the time for presenting Bills arrives Mr. Speaker shall call successively each Member or Minister in whose name a Bill stands on the Order Paper. The Member or Minister so called shall rise in his place and bow to the Chair, whereupon the Clerk shall read aloud the long Title of the Bill which shall then be considered as read the First Time.

### ***Gazette* Publication of Bills**

123. Where the Bill under Order 118 (Urgent Bills) or under 121 (Bills Regarding Settlement of Financial Matters), has been read the First Time without prior publication in the *Gazette* it shall be so published within twenty-four hours or as soon as practicable after that.

### **Reference of Bills to Committee (cf. article 106 (4) of the Constitution)**

124. Whenever a Bill is read the First Time in the House, it shall be referred to the appropriate Committee appointed under the provisions of article 103 of the Constitution which shall examine the Bill in detail and make all such inquiries in relation to it as the Committee considers expedient or necessary.

## **Report on Bills**

**125.** When a Bill has been deliberated upon by the appropriate Committee, that Committee shall submit a report on it to the House.

## **Second Reading of Bills**

**126.** (1) On a motion being made that a Bill be now read a Second Time, a full debate shall arise on the principle of the Bill on the basis of the explanatory memorandum and the report from the committee.

(2) If the motion is carried the Clerk shall read aloud the Long Title of the Bill, which shall then be considered as read the Second Time.

## **Winnowing Process**

**127.** *Where after a Bill has been read a second time more than Twenty (20) amendments are proposed to it, any Member proposing an amendment may appear before the Committee dealing with the subject-matter to defend his amendment(s) and the Committee shall submit a report to the House on the result of this exercise before the consideration stage of the Bill is taken.*

## **Consideration Stage of Bills**

**128.** (1) When a Bill has been read a Second Time and after a winnowing process, where necessary, it shall pass through a Consideration Stage in the House which shall not be taken until at least forty eight hours have elapsed (this period not including days on which the House does not sit).

(2) At the Consideration Stage of a Bill the House shall not discuss the principle of the Bill but only its details.

(3) At the Consideration Stage of a Bill the Mace shall stand tilted before the Table and a Member may speak more than once to any Question proposed.

(4) At the Consideration Stage of a Bill the House may make such amendments as it considers fit, provided that the amendments (including new clauses and new schedules) comply with the following conditions:

- (a) they must be relevant to the subject-matter of the clause to which they relate;
- (b) They must not be inconsistent with any clause already agreed to or any decision already come to by the House.
- (c) If they refer to, or are not intelligible without a subsequent amendment, notice of the subsequent amendment, unless Mr. Speaker permits otherwise, must be given before or when the first amendment is moved, so as to make the series of amendments intelligible;
- (d) If an amendment is not within the Long Title of the Bill, the Long Title shall be amended accordingly;
- (e) The provisions of Order 81 (Method of Putting the Question on Amendments) shall apply to the discussions of amendments to Bills, with the substitution, where appropriate, of the word "clause" for the word "question", and any

amendments proposed to an amendment shall be dealt with before a decision is taken on the original amendment.

### **Procedure at Consideration Stage of Bills**

#### **129. At the Consideration Stage of a Bill—**

- (a)* Mr. Speaker shall call the number of each clause and the Clerk shall read the marginal note opposite to each clause or notes on top of each clause, and if no amendment is offered Mr. Speaker shall, after each clause has been called, put the question “That clause..... stand part of the Bill”;
- (b)* If any Member announces, while a clause is being called, that he wishes to move an amendment to, or make some comment on the clause, Mr. Speaker shall not put the question with regard to the clause which has been called but not yet agreed to, which shall then be considered;
- (c)* where an amendment appears on the Order Paper and exceeds four lines it shall not be necessary for the Member moving it or Mr. Speaker in putting it to read out the amendment, provided that the place in the Order Paper where it appears is pointed out;
- (d)* after the clause has been so considered and after any proposed amendment to it has been agreed to or negatived, Mr. Speaker shall put the question “That clause ..... (Or clause ..... as amended) stand part of the Bill”;
- (e)* the consideration of the Schedule (or Schedules) (if any) and the Long Title shall follow the consideration of the clauses, including new clauses, and the procedure prescribed in this Order shall, with the necessary modifications, be followed;
- (f)* a clause in the Bill as printed may be postponed, unless upon an amendment to it a question has been fully put from the Chair;
- (g)* such postponed clauses shall be considered after the remaining clauses of the Bill and before any new clauses which may have been deferred for consideration have been brought up;
- (h)* new clauses may be considered at their appropriate places in the Bill, or they may be deferred for consideration until after the clauses in the Bill as printed have been disposed of;
- (i)* on the title of any new clause being read by the Clerk, the clause shall be taken to have been read the First Time. The question shall then be proposed “That the clause be read a second time,” and if it is agreed to, amendments may then be proposed to the new clause. The final question to be proposed shall be “That the clause (or the clause as amended) be added to the Bill”;
- (j)* new schedules shall be considered and treated in the same way as new clauses;
- (k)* when a new clause or schedule has been agreed to by the House or amended and agreed to, it shall not be competent for the House to resume consideration of them.

### ***Disposal of Outstanding Matters at the Appointed Hour***

***130. At the appointed hour in accordance with the allocation of Time Order for the completion of a particular stage of a Bill or business, Mr. Speaker shall forthwith put every question necessary to dispose of all the outstanding matters in connection with that stage of the bill or other business.***

### **Amendment of bills after Consideration Stage**

**131.** (1) If any Member desires to delete or amend a provision contained in a Bill which has passed through the Consideration Stage, or to introduce any new provision to it, he may, at any time before a Member rises to move the Third Reading of the Bill, move that the Bill do pass through a second Consideration Stage (either wholly or in respect only of some particular part or parts of the Bill or some proposed new clause or new schedule). No notice of such motion shall be required. If the motion is agreed to, the Bill shall immediately pass through a second Consideration Stage.

(2) When the whole of a Bill has been ordered to pass through a second Consideration Stage, the House shall go through the Bill in the manner provided in Order 129 (procedure at Consideration Stage of Bills).

(3) When a Bill has been ordered to pass through a second Consideration stage in respect only of some particular part or parts or some proposed new clause or new schedule, the House shall consider only the relevant provisions and any amendment which may be proposed to it.

### **Third reading of bills**

**132.** (1) When a Bill has passed through the Consideration Stage, the Third Reading shall not be taken until at least twenty-four hours have elapsed (this period not including days on which the House does not sit).

(2) Upon a motion "That the .... Bill be now read the Third Time," it shall be competent for any Member to move an amendment to delete the words "read the Third Time" and to insert the word "rejected," or to move a "reasoned" amendment, stating the object and motive on which the opposition to the Bill is based, but such words must be strictly relevant to the Bill and not deal with its details.

(3) If the motion for the Third Reading is agreed to, the Clerk shall read aloud the Long Title of the Bill, which shall then be taken as read the Third time and passed.

(4) A motion for the Third Reading of a Bill shall not be made on the same day as the Second Reading, except as provided in Order 118 (Urgent Bills).

### **Withdrawal of bills**

**133.** Either before the commencement of public business or at the commencement of any stage of a Bill, the Member in charge of the Bill may make a motion without notice for its withdrawal.

### **Passing of bills**

134. No Bill shall be deemed to have been passed by the House unless it has been read three times and has passed through the Consideration State.

### **Presidential assent (cf. article 106 (7) to (10) of the Constitution) and Consideration by the Council of State.**

135. (1) Every Bill passed by Parliament shall be presented to the President for assent. The President shall signify within seven days to Mr. Speaker whether he assents to the Bill or refuses to give assent unless the Council of State indicates that it is considering the Bill.

(2) Where the President refuses to assent to a Bill he shall, within fourteen days of the refusal,

(a) state in a memorandum to the Speaker any specific provisions of the Bill which in his opinion should be reconsidered by Parliament including his recommendations for amendments; or

(b) inform Mr. Speaker that he has referred the Bill to the Council of State for consideration and comments or that the Council is considering the Bill.

(3) Parliament shall reconsider such a Bill taking into account the comments made by the President or the Council, as the case may be, under paragraph (2) of this Order.

(4) Where a Bill reconsidered under the preceding paragraph is passed by Parliament by a resolution in that behalf supported by the votes of not less than two-thirds of all the Members of Parliament, the President shall assent to the Bill within thirty days of the passing of the resolution.

(5) Without prejudice to the power of Parliament to postpone the operation of a law, a Bill shall not become law until it has been duly passed and assented to in accordance with the provisions of the Constitution and shall not come into force unless it has been published in the *Gazette*.

### **Bills on financial settlements (cf article 106 (12) of the Constitution)**

136. All Bills on financial matters and certified as such by Mr. Speaker shall accordingly be assented to by the President when presented for assent.

### **Time-limit for delay of bills in committee (cf article 106 (14) of the Constitution)**

137. No Bill introduced into Parliament by or on behalf of the President shall be delayed for more than three months in any Committee of the House.

### **Retroactive legislation (cf article 107 of the Constitution)**

138. Parliament shall have no power to enact a law

(a) to alter the decision or judgment of any court as between the parties subject to the decision or judgment; or

(b) which operates retrospectively to impose any limitations on, or to adversely affect the personal rights and liberties of any person or to impose a burden,

obligation or liability on any person except in the case of a Law enacted under Articles 178 to 182 of the Constitution.

## PART EIGHTEEN

### FINANCIAL PROCEDURE

#### **President to submit annual budget statement**

**139.** The President shall cause to be prepared and laid before Parliament at least one month before the end of the financial year, Estimates of the Revenues and Expenditures of the Government of Ghana for the next following financial year.

#### **President may submit estimates for periods of over one year (cf. article 179 (10) of the Constitution)**

**140.** Notwithstanding Order 139 the President may cause to be prepared and laid before Parliament Estimates of revenue and expenditure of Ghana for periods of over one year.

#### **Presentation of annual budget statement**

**141.** (1) The Statement of the estimated revenue and expenditures of the Government in respect of each financial year (in these Orders referred to as the “Budget”) shall be presented to the House on such day as the Business Committee may direct.

(2) The Budget shall be presented to the House by the Minister responsible for Finance on behalf or on the authority of the President and in such form as the House may determine.

(3) Whenever a motion “That this House approves the financial policy of the Government for the year ending.....20...” is moved by the Minister responsible for Finance, the debate on it shall stand adjourned for not less than three days.

(4) That part of the Budget relating to the Ministries for which they have responsibility shall stand committed respectively to the Committees responsible for the subject matter to which the heads of Estimates relate as referred to in Order 152 (2) and 153 and each such Committee shall consider the relevant Heads of Estimates committed to it and report on it to the House within such time as the Business Committee may determine.

(5) Any part of the Budget relating to revenue and expenditure shall stand committed to the Finance Committee which shall consider it and report to the House on it within such time as the Business Committee may determine.

### **Annual estimates**

**142.** The Statement of Estimated Revenue and Expenditure shall contain the details of the estimated financial requirements for expenditure (other than expenditure charged by law on a public fund or on the general revenues and assets) on all services of Government for the succeeding financial year.

Provided that whenever the Minister responsible for Finance considers that the presentation and circulation of certain financial requirements at the time prescribed therefor will be prejudicial to the public interest, the presentation and circulation of such details may, with the permission of Mr. Speaker given in writing, be delayed until the Minister responsible for Finance has moved the motion referred to in paragraph (3) of Order 141.

### **Authorization of expenditure (cf. article 179 (2) of the Constitution)**

**143.** The Estimates of the Expenditure of all public offices and public corporations, other than those set up as commercial ventures,

- (a) shall be classified under programmes or activities which shall be included in a Bill to be known as an Appropriation Bill and which shall be introduced into Parliament to provide for the issue from the Consolidated Fund or such other appropriate fund of the sums of money necessary to meet that expenditure and the appropriation of those sums for the purposes specified in it; and
- (b) shall, in respect of *payments charged on the* Consolidated Fund, be laid before Parliament only for the information of Members of Parliament.

### **Supplementary estimates (cf article 179 (8) of the Constitution)**

**144.** Where, in respect of a financial year, it is found that the amount of moneys appropriated by the Appropriation Act for any purpose is insufficient or that a need has arisen for expenditure for a purpose for which no amount of moneys has been appropriated by that Act, a supplementary estimate showing the sum of money required shall be laid before Parliament.

### **Supplementary appropriation bills (cf article 179 (9) of the Constitution)**

**145.** Where, in respect of a financial year, a supplementary estimate has been approved by Parliament in accordance with the provisions of Order 144 of these Orders, a supplementary Appropriation Bill shall be introduced into Parliament in the next financial year following the financial year to which the estimate relates, providing for the appropriation of the sums so approved for the purposes specified in that Estimate.

### **Expenditure in advance of appropriation (cf article 180 of the Constitution)**

**146.** Where it appears to the President that the Appropriation Act in respect of any financial year will not come into operation by the beginning of that financial year, he may, with the prior approval of Parliament signified by a resolution, authorise the withdrawal of moneys from the Consolidated Fund for the purpose of meeting expenditure necessary to carry on the services of the Government in respect of the period expiring three months from the beginning of the financial year or on the coming into operation of the Act whichever is earlier.

### **General discussion of the budget**

147. (1) On a day to be appointed by the Business Committee subsequent to the day on which the Budget is presented and for such time as the Business Committee may allot for this purpose the House shall debate the Budget.

(2) Upon the resumption of the debate on the Budget the House shall consider the reports submitted by the various Committees referred to in paragraphs (4) and (5) of Order 141.

(3) The Business Committee shall allot as many days as may be necessary for the consideration of the Budget.

### **Time limit for consideration of heads of estimates**

148. The Business Committee shall determine the time limit for consideration of any Head of Estimates.

### **Speaker to put all questions on outstanding matters on last day of debate**

149. On the last of the days allotted for debating the Budget Mr. Speaker shall, fifteen minutes before the adjournment of the sitting, put every question necessary for disposing of all the outstanding matters on the Budget.

### **Procedure for supplementary estimates**

150. Supplementary Estimates shall be regulated by the same procedure as is provided for in these Orders for the Budget.

### **Appropriation bill procedure**

151. (1) Subject to the provisions of the Constitution the procedure in regard to an Appropriation Bill shall be the same as for Bills generally.

(2) At any time after the introduction in the House of an Appropriation Bill, the Business Committee may allot a number of days for the completion of any of the stages involved in the passage of the Bill in the House.

## ***PART NINETEEN***

### ***PARLIAMENTARY COMMITTEES***

#### **ESTABLISHMENT OF STANDING AND SELECT COMMITTEES**

### **Committee of selection and other Standing Committees**

**152.** (1) At the first meeting of every session of Parliament there shall be appointed a Committee of Selection comprising Mr. Speaker as Chairman and not more than nineteen other Members.

(2) Unless it is otherwise expressly provided it shall be the duty of the Committee of Selection to prepare and report within the first ten sitting days after its appointment lists of Chairmen, Vice-Chairmen, *Ranking Members, and Deputy Ranking Members where appropriate and Members to compose the following Select Committees of the House which shall be Standing Committees as defined in these Rules:*

- (a) the Standing Orders Committee;
- (b) the Business Committee;
- (c) the Committee of Privileges;
- (d) the Public Accounts Committee;
- (e) the Subsidiary legislation Committee;
- (f) the House Committee;**
- (g) the Finance Committee;
- (h) the Appointments Committee;
- (i) the Committee on Members Holding Offices of Profit;
- (j) the Committee on Government Assurance;
- (k) the Judiciary Committee;
- (l) the Special Budget Committee;
- (m) the Petitions Committee; and
- (n) Poverty Reduction Committee**

### **SELECT COMMITTEES**

**153.** *In addition to the Select Committees referred to as Standing Committees in Order 152 (2), the Committee of Selection shall also prepare and report lists of Chairmen, Vice-Chairmen, Ranking Members, and Deputy Ranking Members and Members to compose the following Nineteen other Select Committees:-*

- (a) the Committee on Food, Agriculture and Cocoa Affairs
- (b) the Committee on Lands and Forestry
- (c) the Committee on Health;
- (d) the Committee on Constitutional, Legal and Parliamentary Affairs;
- (e) the Committee on Works and Housing;
- (f) the Committee on Local Government and Rural Development;
- (g) the Committee on Communications;
- (h) the Committee on Foreign Affairs;
- (i) the Committee on Employment, Social Welfare and State Enterprises;**
- (j) the Committee on Defence and Interior;
- (k) the Committee on Trade, Industry and Private Sector Development;**
- (l) the Committee on Environment, Science and Technology;
- (m) the Committee on Education;
- (n) the Committee on Youth and Sports;
- (o) the Committee on Mines and Energy;

- (p) the Committee on Roads and Transport
- (q) *the Committee on Gender and Children*
- (r) the Committee on Tourism and Culture and;
- (s) *the Committee on Regional Integration and NEPAD*

#### **Compulsory membership of standing committees by members**

**154.** (1) Every Member shall be appointed to at least one of the Select-Committees described as Standing Committees established under Order 152 (2).

(2) Except for the Deputy Speakers and the Leaders of the Parliamentary Parties no Member may be appointed to more than three such Standing Committees.

#### **Composition of committees to reflect different shades of opinion (cf. article 103 (5) of the Constitution)**

**155.** The composition of all Committees shall as much as possible reflect the different shades of opinion in Parliament.

#### **General Powers of Committees (cf. article 103 (6) of the Constitution)**

**156.** For the purpose of effectively performing its functions each Committee shall have all such powers, rights and privileges as are vested in the High Court of Justice or a Justice of the High Court at a trial in respect of—

- (a) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
- (b) compelling production of documents; and
- (c) the issue of a commission or request to examine witnesses abroad.

### **FUNCTIONS OF COMMITTEES**

#### **Committees generally**

**157.** (1) The Standing and other Select Committees of the House shall be assigned such functions as are specified in these Orders.

(2) All Bills, resolutions and other matters relating to the subjects within their jurisdiction shall, unless as otherwise specified, be referred to them as provided for in these Orders.

#### **Report of Committee**

**158.** (1) The recommendations of a Committee shall be presented to the House in the form of a report.

### **Motion Moved In House On Report**

*Subject to the provisions of this Order*, at any time after the report has been presented to the House a motion may be moved by the Chairman of the Committee for the acceptance of the Report.

### **Standing Orders Committee**

**159.** (1) The Standing Orders Committee shall be under the Chairmanship of Mr. Speaker. It shall consist of the two Deputy Speakers and not more than twenty other Members appointed by the Committee of Selection.

(2) It shall be the duty of the Committee to draft and codify the rules relating to the procedure of the House and the general conduct of business which shall be observed in the House and in all its Committees. It shall also consider from time to time and report to the House any proposals for amendment that may be referred to it.

### **Business Committee**

**160.** (1) The Business Committee shall consist of twenty-one Members, and composed of the Majority Leader as Chairman, the Chief Whips of the parliamentary parties and other Members.

(2) It shall be the function of the Committee subject to Order 53 (Order of Business) to determine the business of each Sitting and the order in which it shall be taken; Provided that the powers of the Committee shall be without prejudice to the power of Mr. Speaker to determine which matters may properly be introduced into the House at any time.

(3) The Committee may recommend the time allotted for debate on the stages of Bills and other business as Mr. Speaker may direct.

(4) The Committee shall indicate in the proposed time table the different hours at which the various stages of a Bill or other business shall be completed.

(5) The Committee shall prepare a rota of Ministers to appear before the House to answer questions. The Clerk shall be responsible for arranging questions admitted by Mr. Speaker to fit into the rota and for informing the Ministers accordingly.

### **Privileges Committee**

**161.** (1) The Committee of Privileges shall consist of the First Deputy Speaker as Chairman and not more than thirty (30) other members.

(2) It shall be the duty of the Committee by Order of the House to enquire into any complaints of contempt of Parliament.

(3) A Member of the Committee is ineligible to participate, as a Member of the Committee, in any Committee proceedings relating to his official conduct except in so far as it is in his defence. In any case in which a Member of the Committee is ineligible to act as a Member of the Committee, Mr. Speaker shall request the Leader of the same political party as the ineligible Member to designate a Member of the House from his party to act as a Member of the Committee in any proceedings relating to the official conduct of the ineligible Member.

(4) A Member of the Committee may disqualify himself from participating in any investigation of the conduct of a Member, Officer or employee of the House upon a

declaration in writing that he cannot render an impartial and unbiased decision in the case in which he seeks to disqualify himself. If the Committee approves and accepts such disqualification, the Chairman shall notify the Speaker who shall request the Leader of the same political party as the disqualifying Member to designate a Member from his party to act as a Member of the Committee in any proceedings relating to such investigation.

### **Public Accounts Committee**

**162.** (1) The Public Accounts Committee shall consist of not more than twenty five Members under the Chairmanship of a Member who does not belong to the party which controls the Executive branch of Government.

(2) The Public Accounts Committee shall be assigned the examination of the audited accounts of the Republic of Ghana showing the appropriation of the sums granted by Parliament to meet the public expenditure of the Government and of such other accounts laid before Parliament.

(3) The Committee shall report to the House at least twice in a year.

### **Committee on Subsidiary Legislation**

**163.**(1) The Committee on Subsidiary Legislation shall consist of not more than twenty-five Members.

(2) Any Orders, Rules or Regulations made in pursuance of the provisions of the Constitution or the legislative functions delegated by Parliament to a subordinate authority shall be laid before Parliament as provided under Order 75 (Orders, Rules or Regulations), and thereupon referred to the Committee by Mr. Speaker.

(3) After each Order, Rule or Regulation is referred to the Committee, it shall, in particular, consider—

- (a) whether it is in accordance with the provisions of the Constitution or that Act pursuant to which it is made;
- (b) whether it contains any matter which in the opinion of the Committee should more properly be dealt with in an Act of Parliament;
- (c) whether it contains imposition of any tax;
- (d) whether it directly or indirectly bars the jurisdiction of the courts;
- (e) whether it gives retrospective effect to any of the provisions in respect of which the Constitution or the Act does not expressly give any such power;
- (f) whether it involves expenditure from the Consolidated Fund or public revenues;
- (g) whether it appears to make some unusual or unexpected use of the powers conferred by the Constitution or that Act pursuant to which it is made;
- (h) whether there appears to have been unjustifiable delay in its publication or in laying it before Parliament;
- (i) whether for any reason its form or purport calls for any elucidation.

### **Report of Committee**

**164.** (1) If the Committee is of the opinion that any such Order should be annulled, it shall report that opinion and the grounds thereof to the House.

(2) If the Committee is of the opinion that any other matter relating to any Orders should be brought to the notice of the House, it may report that opinion and matter to the House.

(3) The Committee shall cause to be kept a Record of all Rules, Orders or Regulations laid before the House indicating the dates they were laid, and action taken on them by the Committee. The Record shall be open for the inspection of Members.

### **House Committee**

**165.**(1) The House Committee shall be composed of the *Deputy* Majority Leader as Chairman, and not more than twenty-five other Members.

(2) The functions of the Committee shall be advisory.

(3) It shall be the duty of the Committee to consider all matters connected with the provision of services to Members of Parliament and staff including accommodation, catering, medical care, library, research, working and other facilities and make recommendations to Mr. Speaker for approval and implementation.

### **Finance Committee**

**166.** The Committee on Finance shall be composed of twenty-five Members, to which shall be referred Bills, inquiries and other matters relating to finance and the economy of Ghana generally.

#### **Withdrawal From The Contingency Fund**

**167.** (1) Whenever the Committee on Finance is satisfied that there has arisen an urgent or unforeseen need for expenditure for which no other provision exists it shall authorise advances from the Contingency Fund to meet the need and report to Parliament.

(2) When an advance is made from the Contingency Fund it is the duty of the Committee to cause to be prepared and laid before Parliament, Supplementary Estimates for replacement of the advance.

#### **Examination Of Loan And Other Agreements And Monitoring Of Foreign Exchange ((c.f.) Articles 181 and 184 (1) of the Constitution)**

**168.** (1) When a Loan Agreement or an international business or economic transaction that requires the authorisation of Parliament through a resolution is laid before Parliament it shall be the duty of the Committee on Finance to examine the Agreement or transaction and make recommendations to the House.

### **Foreign Exchange Dealings**

(2) The Committee on Finance shall monitor the foreign exchange receipts ;and payments or transfers of the Bank of Ghana in and outside Ghana and report to Parliament every six months.

### **The Appointments Committee, Its Procedure And Report**

**169.** (1) The Appointments Committee shall be composed of the first Deputy Speaker as Chairman and not more than twenty-six other Members.

(2) (a) It shall be the duty of the Committee to recommend to Parliament for approval or otherwise persons nominated by the President for appointment as Ministers of State, Deputy Ministers, and such other persons as are specified under the Constitution or under any other enactment.

*(b) It shall be the duty of the Committee, jointly with the Judiciary Committee, to recommend to Parliament for approval or otherwise, persons nominated by the President for appointment as Chief Justice or other Justices of the Supreme Court.*

(3) The names of persons nominated for appointment *by the President* shall be published and the proceedings of the Committee shall be held in Public.

(4) The Committee shall report to Parliament within three days after it has concluded its proceedings when Parliament is sitting. Parliamentary approval of persons recommended for appointment shall be by secret ballot or by consensus.

(5) Where the procedure for secret ballot is resorted to each Member shall be provided with a sheet of paper on which appear the names of all candidates for approval or rejection. Against the name of each candidate shall be two columns, one for AYES indicating approval and the other for NOES indicating rejection.

(6) A cross against one name in the AYES column and another cross against the same name in the NOES column shall render the vote null and void.

(7) Every ballot paper shall bear the stamp and the initials of the Speaker.

(8) A candidate who fails to secure fifty per cent of the votes cast is rejected.

### **Committee On Members Holding Offices Of Profit (cf article 98 (2) Of The Constitution)**

**170.** (1) The Committee on Members Holding Offices of Profit shall consist of the Second Deputy Speaker as chairman, and not more than twenty-six other Members.

(2) It shall be the duty of the Committee to advise the Speaker on Members who wish to be permitted to hold offices of profit or emolument, whether private or public and either directly or indirectly on the ground:

(a) that holding any such office will not be to the prejudice of the work of a Member of Parliament;

(b) that no conflict of interest arises as a result of the Member holding such office.

### **The Committee On Government Assurances**

**171.** (1) **The Committee on Government Assurances shall consist of not more than twenty-five Members.**

*(2) It shall be the duty of the Committee to pursue all assurances, promises, and undertakings given by Ministers from time to time. It shall also be the function of the Committee to report to the House on the extent to which such assurances have or have not been fulfilled.*

*(3) If in any report the Committee makes a finding that any Minister has failed to fulfil any assurances, promises or undertakings given by him to the House, the Committee shall upon the completion of such report send a copy to the Minister concerned with a request that he should respond to the findings of the Committee within such time as the Committee may specify.*

*(4) Any response or comments made by a Minister to a report submitted to him under paragraph (3) hereof, shall be considered by the Committee who shall forward their report together with the Minister's comments or reaction and any further comments by the Committee to the House for consideration.*

### **Judiciary Committee**

172. (1) The Judiciary Committee shall consist of a Chairman and twenty other members.

(2) It shall be the duty of the Committee to:

- (a) consider and submit a report thereon to Parliament, the estimates of the judiciary laid before Parliament by the President pursuant to clauses (3), (5) and (6) of article 179 of the Constitution;*
- (b) consider all other matters relating to the Judiciary that come before Parliament including, in conjunction with the Appointments Committee, nominations by the President for judicial appointment.*

### **Special Budget Committee**

173. (1) The Special Budget Committee shall consist of the Majority Leader as Chairman, and the Minority Leader as the Vice-Chairman and nineteen other Members, a majority of whom shall be backbenchers.

(2) It shall be the duty of the Committee to:

- (a) prepare, examine and consider the budget of Parliament*
- (b) examine and consider, save and except the budget of the judiciary, the budget of all other constitutionally independent bodies, namely, the Commission on Human Rights and Administrative Justices (CHRAJ), the Electoral Commission, the National Media Commission and the National Commission for Civic Education.*
- (c) To consider all other matters related to the above-mentioned institutions*

### **Poverty Reduction Committee**

174. (1) *The Poverty Reduction Committee shall consist of not more than twenty-one (21) Members.*

*(2) It shall be the duty of the Committee to examine all matters relating to and directed at the reduction of the levels of Poverty in Ghanaian society.*

### **Committee On Food, Agriculture And Cocoa Affairs**

175. The Committee on Food, Agriculture and Cocoa Affairs, composed of twenty-one Members, shall have referred to it all questions relating to food, agriculture and cocoa affairs generally.

### **Committee On Lands And Forestry**

176. The Committee on Lands and Forestry composed of nineteen members shall examine all matters relating to lands and forestry generally in Ghana.

### **Committee On Health**

177. The Committee on Health, composed of twenty-one Members, shall have referred to it all matters relating to health generally.

### **Committee On Constitutional, Legal And Parliamentary Affairs**

178. The Committee on Constitutional, Legal and Parliamentary Affairs, composed of nineteen Members, shall examine all questions relating to Constitutional, Legal and Parliamentary issues generally.

### **Committee On Works And Housing**

179. The Committee on Works and Housing shall be composed of nineteen Members, to which shall be referred matters relating to public works and housing generally.

### **Committee On Local Government And Rural Development**

180. The Committee on Local Government and Rural Development composed of twenty-one Members shall examine matters relating to Local Government and Rural Development issues generally.

### **Committee On Communications**

181. The Committee on Communications shall consist of nineteen Members, to which shall be referred matters relating to communications generally.

### **Committee On Foreign Affairs**

182. The Committee on Foreign Affairs shall consist of twenty-one Members, to which shall be referred Bills, inquiries and other matters relation to foreign relations **generally except as otherwise provided in these Orders.**

### **Committee On Employment, Social Welfare And State Enterprises**

183. (1) The Committee on Employment, Social Welfare and State Enterprises, composed of twenty-one Members, shall review and study on a continuing basis the operation of State Enterprises with a view to determining their economy and efficiency and also deal with matters relating to Employment and Social Welfare generally.

(2) It shall also be the duty of the Committee:

- (a) to examine the reports and accounts of public enterprises and in the context of their autonomy and efficiency whether their operations are being managed in accordance with sound business principles and prudent commercial practices;
- (b) to examine the income and expenditure of any public corporation and state enterprises, or other body or organisation established by an Act of Parliament together with the Balance Sheets and Statements of Profit and Loss Account which the Auditor-General may have or been requested to prepare under the Constitution or under the provisions of the statutory rules regulating the financing of the particular corporation, enterprise or body and the report of the Auditor-General thereon;
- (c) to examine the Statement of Accounts showing the income and expenditure of autonomous and semi-autonomous bodies, the audit of which may be conducted by the Auditor General either under the direction of the President in accordance with the Constitution or by an Act of Parliament.

#### **Committee On Defence And Interior**

184. The Committee on Defence and Interior consisting of nineteen Members shall examine all questions relating to defence and internal affairs.

#### **Committee on Trade, Industry and *Private Sector Development***

185. The Committee on Trade, Industry and *Private Sector Development* composed of twenty-one Members shall have referred to it matters relating to trade, tourism and industry generally.

#### **Committee On Environment, Science And Technology**

186. The Committee on Environment, Science and Technology composed of nineteen Members shall have referred to it all questions relating to environment, science and technology, research and development.

#### **Committee On Education**

187. Committee on Education composed of twenty-one Members shall have referred to it all questions relating to education generally.

#### **Committee On Youth and Sports**

188. The Committee on Youth and Sports shall consist of nineteen Members to which shall be referred matters relating to Youth and Sports generally.

#### **Committee On Mines And Energy**

189. The Committee on Mines and Energy composed of *not more than Twenty-five (25)* Members shall examine all matters relating to mines and energy generally.

### **Committee On Roads And Transport**

190. The Committee on Roads and Transport shall be composed of nineteen Members, and shall have referred to it all matters relating to roads and transport generally.

### **Committee On Gender And Children**

191. (1) The Committee on Gender and Children, shall consist of not more than twenty-five members.

(2) It shall be the duty of the Committee to examine all matters relating to gender and children, to ensure that concerns of women and children are included in all appropriate legislation and also to consider from time to time and to report to the House on any proposals to enhance the pursuit of affirmative action.

### **Committee On Tourism and Culture**

192. The committee on Tourism and Culture shall consist of nineteen members to which shall be referred matters relating to Tourism and Culture generally.

### **Committee On NEPAD And Regional Integration**

193. (1) The Committee on NEPAD and Regional Integration shall comprise nineteen Members

(2) It shall be the duty of the Committee to examine all matters relating to NEPAD and Regional Integration generally.

### **General Functions Of Standing And Select Committees, (cf article 103 (3) of The Constitution)**

194. All the Committees referred to under Orders 155 and 156 shall investigate and enquire into the activities and administration of such Ministries, Departments, Public Organisations and Corporations as may be referred to them by the Speaker and such investigation and enquiry may extend to proposals for legislation.

### **Special Or Ad Hoc Committees**

195. The House may at any time by motion appoint Special or Ad Hoc Committee to investigate any matter of public importance; to consider any Bill that does not come under the jurisdiction of any of the Standing or other Select Committees.

### **Committee Of The Whole**

196. There shall be a Committee of the Whole body of the House which shall be called the Committee of the Whole: such a Committee may be presided over by the Speaker or one of his Deputy Speakers.

## PART TWENTY

### PETITIONS

#### Composition of Petitions Committee

197. (1) *The Petitions Committee (hereinafter referred to as “the Committee”) shall consist of not more than twenty-five (25) Members.*

#### Duties of Committee

198. *It shall be the duty of the Committee to investigate petitions referred to it by the Speaker from members of the public who may be aggrieved by any mistakes, acts of negligence or other shortcomings committed by any public officer in the performance of his duties or any action taken by, or on behalf of:*

- (a) any Ministry, Department or Agency of State;*
- (b) any member of the Armed Forces or other Security Services*
- (c) any statutory corporation set up entirely or partly out of public funds or funds provided by Parliament, including institutions of higher education, or*
- (d) any member of the Public Services;*  
*being an act taken in the exercise of the administrative functions of that Ministry, Department or Agency of State, Corporation, Authority or Person.*

#### Consideration before referrals

199. In referring the matter to the Committee, Mr. Speaker may be guided by whether the matter:

- (a) is sub judice or before a court or judicial, quasi-judicial or other tribunal; or*
- (b) involves the relations or dealings between the Government of Ghana and any other Government or an international organization; or*
- (c) relates to the exercise of the prerogative of mercy; or*
- (d) relates to the grant of honours or awards within the gift of the Government; or*
- (e) relates to the action taken by or with the authority of the Government for the purposes of investigating crime or protecting the security of the state; or*
- (f) relates to action taken by the Government under the Extradition Act, 1960 (Act 22); or*
- (g) relates to the conduct of civil or criminal proceedings before a court of law, or of proceedings before any other judicial tribunal, or of proceedings before any international court or tribunal; or*

- (h) relates to any decision, recommendation, act or omission in respect of which there is under any Act of Parliament a right of appeal or objection or a right to apply for a review on the merits of the case to any court or to any tribunal constituted by or under any Act of Parliament, until after that right of appeal or objection or application has been exercised in the particular case or until after the time prescribed for the exercise of that right has expired, or*
- (i) relates to any decision, recommendation, act or omission of any person, acting as solicitor or counsel for the Government in relation to any proceedings.*

#### **Procedure for Making Petitions**

**200.** *(1) Every Petition to the House shall be made in writing and duly signed or authenticated by thumb-printing;*

*(2) A petition under these Orders may be made by any individual, or any body of persons whether incorporated or not, not being—*

- (a) a local authority or other authority or body constituted for purposes of the public services or of local government or for the purposes of carrying on under national ownership any industry or undertaking;*
- (b) any other authority or body whose members are appointed by the Government, or any Minister of the Government, or Government department, or whose revenue consists wholly or mainly of moneys provided by Parliament.*

#### **Circumstances in which Committee may stop investigations**

**201.** *If in the course of the investigation of any petition it appears to the Committee—*

- (a) that under the law or existing administrative practice there is an adequate remedy for the petition, whether or not the petitioner has availed himself of it, or*
- (b) that having regard to all the circumstances of the case, any further investigation is unnecessary, the Committee shall report such finding to the House for further directions.*

**202.** *The Committee may also, in its discretion, cease to investigate any complaint—*

- (a) if it relates to any decision, recommendation, act or omission of which the petitioner has had knowledge for more than 12 months before the petition is received by the House, or*
- (b) if in its opinion*
  - (i) the subject-matter of the petition is trivial, or*
  - (ii) the petition is frivolous or vexatious or is not made in good faith, or*
  - (iii) the petitioner has not a sufficient personal interest in the subject-matter of the petition*

*(2) Where the Committee decides to cease investigating a petition, it shall report this decision to the House which may give further directions on the matter.*

#### **Procedure for the Conduct of Investigations**

**203.** *(1) Where the Committee commences an investigation pursuant to a referral under these Orders, it shall afford to the principal officer of the department or authority concerned and to any*

***other person who is alleged in the petition to have taken or authorized the act or omission petitioned against, an opportunity to comment on any allegations contained in the petition.***

***(2) Subject to the provisions of these Orders the procedure for conducting an investigation shall be such as the Committee considers appropriate in the circumstances of the case***

***(3) Without prejudice to the generality of this Order, the Committee may obtain information from such persons and in such manner, and make such inquiries as it thinks fit.***

***(4) The Committee, in the discharge of its functions, shall have regard to the necessity to substantial justice and shall not be bogged down by technicalities.***

***204. Where, after making an investigation, the Committee is of opinion that the decision, recommendation, act or omission that was the subject-matter of the investigation:***

***(a) appears to have been contrary to law, or***

***(b) is unreasonable, unjust, oppressive, improperly discriminatory or is in accordance with a rule of law or a provision of any Act or a practice that is or may be unreasonable, unjust, oppressive or improperly discriminatory, or***

***(c) is based wholly or partly on a mistake of law or fact, or***

***(d) is wrong, or***

***(e) that in the making of the decision or recommendation, or in the doing or omission of the act, a discretionary power has been exercised :***

***(i) for an improper purpose, or***

***(ii) on irrelevant grounds, or***

***(f) in the case of a decision made in the exercise of a discretionary power, reasons should have been given for the decision but have not been given,***

***the Committee shall uphold the Petition and submit a report thereon to the House for its consideration***

#### **Action by Committee on Completion of Investigation**

***205. The House shall inform the petitioner, in such manner as it thinks proper, the result of the investigation.***

***206. The provisions of these Orders shall be in addition to the provisions of any other Act or any rule of law under which:***

***(a) any remedy or right of appeal or objection is provided for any person, or***

***(b) any procedure is provided for the inquiry into or investigation of any matter,***

***and nothing in these Orders shall be deemed to limit or affect any such remedy or right of appeal or objection or procedure.***

## **PART TWENTY-ONE**

### **OPERATION OF COMMITTEES**

### **Change Of Membership**

**207.** Changes in the Membership of any Committee may be effected by the Committee of Selection at the beginning of every Session in the following manner:-

- (a) during the Session of Parliament by the Committee of Selection with the consent of the Member concerned; or failing that, at the request of two-thirds of all the Members of the Parliamentary Party to which the Member belongs or in the case of an independent Member by a simple majority of Members of the House;
- (b) the Leader of the party affected by the change shall notify the Chairman of the Committee stating the reasons for the change and the name of the nominee to replace the outgoing Member; and
- (c) the Chairman shall notify the House of the change.

### **Sub-Committees**

**208.** Any Committee may, if it deems fit, appoint a Sub-Committee and assign to it such of its functions as the Committee considers fit.

### **Quorum**

**209.** (1) Unless the House otherwise directs or these Orders provide one-third of the Membership shall be the quorum of every Committee.

(2) The number of Members required to form the quorum of every Committee shall be in addition to the Chairman or other Member presiding.

(3) If at any time during the sitting of a Committee there is no quorum a Member may bring this fact to the notice of the Chairman, who shall thereupon suspend the proceedings of the Committee to a future day.

### **Meetings Of Committees**

**210.** A Committee to which a Bill or other business has been referred shall meet to consider such business on the day and the hour named by the Chairman of the committee in respect of that business. If the consideration of the business is not completed at that sitting the committee shall meet further to consider the business on such days of the week as may be appointed by the Committee.

### **Scope Of Deliberation**

**211.** (1) The deliberations of a Committee shall be confined to the matter referred to it by the House and any extension or limitation to it made by the House and, in the case of a Committee on a Bill, to the Bill referred to it and relevant amendments. Only Members may vote or move motions at sittings of a Committee.

(2) Any Member of the House who is not a Member of a Committee may, unless the House or the Committee concerned otherwise orders, take part in the public proceedings of the committee, but he may not vote or move any motion, nor shall he be part of any quorum. Such a Member may attend private sittings subject to the approval of the Committee.

### **Clerks to Committees**

**212.** (1) The Clerk shall appoint an officer from his office to be Clerk to every Committee.

(2) The Clerk to a Committee shall transmit a written notice of each meeting addressed to each Member, together with a copy of the agenda.

(3) The Clerk to a Committee shall record the minutes of proceedings and all proceedings upon consideration of any report or Bill in the Committee and upon every amendment proposed to such report or Bill, together with a note of any decision taken by the Committee and the names of all Members voting therein.

### **Admission Of Strangers**

**213.** No stranger shall be admitted to any meeting of a Committee without the consent of the Chairman, unless the Committee decides that such meeting shall be held in public: Provided that the Chairman of a Committee may, whenever he thinks fit, order the withdrawal of strangers from any meeting which is being held in public.

### **Standing Orders Apply Generally**

**214.** (1) In Committee the Standing Orders of the House shall be observed so far as may be applicable.

(2) The Chairman of a Committee shall maintain order in the Committee, deciding all questions of order, but disorder in a Committee can only be censured by the House on receiving a report of it.

### **Counsel**

**215.** (1) A Committee shall have power to *appoint Counsel* to attend upon it to give such assistance in the examination of witnesses as the Chairman may direct.

(2) A person alleged to be in contempt of Parliament may be represented by counsel in proceedings in the Committee of Privileges.

(3) A witness before any other Committee may also be represented by counsel.

### **Evidence Of Witnesses**

**216.** (1) The evidence of every witness shall be taken down and a copy of it sent to him. The witness may within seven days from the date of receipt of the copy suggest corrections due to inaccurate reporting and the evidence shall be printed with such corrections as may be approved by the Chairman.

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

### **Examination On Oath (cf Appendix D To These Orders)**

**217.** A Committee shall have power to cause a witness to be examined on oath, which the Clerk of the committee shall have authority to administer. A witness may, instead of taking the oath make a solemn affirmation. The oath or affirmation shall be as contained in Appendix D to these Orders.

### **Expenses of Witnesses Before Committees**

**218.** The rate of allowance to be paid for the expenses of any person appearing as a witness before a committee shall be the same as would be payable to such person if he were a witness attending the High Court.

### **Issue And Service Of Summons**

**219.** (1) Any order to attend or to produce documents before a Committee shall be notified by summons signed by the Clerk of the House or of a Committee and issued by the direction of Mr. Speaker or the Chairman of the Committee, as the case may be.

(2) The summons shall state the time when and the place where the person summoned is required to attend and the particular documents which he is required to produce.

(3) The summons shall be served on the person mentioned therein by delivering to him a copy thereof or by leaving it at his usual place of abode with some adult person; or, where this is not known, by publishing it *in the media*.

(4) A summons under this Order may be served by an officer of the House or a police officer.

### **Withdrawal Of Documents Before Committees**

**220.** (1) No document received by the Clerk of a Committee shall be withdrawn or altered without the knowledge and approval of the Committee.

(2) A document may be released to a witness by the Chairman or Clerk to a Committee after the deliberations of a Committee.

### **Publication Of Evidence Before Reports Of Committees**

**221.** All Committees shall have power to authorise the Clerk of the House to supply copies of their reports to officers of government departments, to such witnesses who have given evidence, to Committees or to their sub-committees as those Committees consider appropriate, to lobby journalists, and to such other representatives as the Committee thinks fit, after those reports have been laid upon the Table, and before then no Member or any other person shall publish such evidence or report.

### **Evidence Regarding Parliamentary Proceedings**

**222.** No Member or officer and no person employed to take minutes of evidence before a committee shall give evidence elsewhere in respect of the contents of such evidence or of any manuscript or documents presented to Parliament or a Committee, or in respect of proceedings at the bar of the House or before a committee, without prior leave of the Committee of Privileges.

### **Admission Of Certain Papers In Evidence In Committee**

**223.** Where an enquiry affects the privileges, immunities and powers of the House or Members, a copy of the minutes of the House or a report from a Committee shall be admitted as prima facie evidence.

### **Report from Committees other than sessional**

**224.** (1) Any Member of a Committee may bring up a report for its consideration and all such reports shall be fully entered in the minutes of proceedings of the Committee. When all the reports have been brought up, the Chairman shall propose the reports in order until one is accepted as a basis for discussion, beginning with his own report and proceeding with the remainder in the order in which they were brought up. The question to be proposed by the Chairman on any report shall be "That the report brought up by ..... be read a Second Time, paragraph by paragraph." When this question has been agreed to, it shall not be proposed on any further reports but any portions thereof may be offered as amendments to the report under consideration if they are relevant to it.

(2) Upon the conclusion of the consideration of the report the Chairman shall put the question "That this report be the report from the Committee to the House."

### **Division In Committees**

**225.** (1) Every division in a Committee shall be taken by the Clerk of 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 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 AYES or NOES. The Clerk of the Committee shall enter in the minutes of proceedings a record of each Member's vote. A Member must vote according to his voice.

(4) As soon as the Clerk has collected the votes, the Chairman shall state the number of Members voting for the AYES or NOES respectively and shall then declare the result of the division.

(5) The Chairman shall not have an original vote, but in the event of an equality of votes he shall give a casting vote.

(6) The provision of Order 113 (Procedure on Divisions) shall apply to divisions in a Committee.

### **Minutes Of Proceedings To Be Brought Up With Report Of Committees**

**226.** (1) Every Committee to which a matter is referred shall report to the House before the end of each Session of Parliament. If a Committee finds itself unable to complete any investigations, enquiry or other matter referred to it before the end of the Session it shall so report to the House.

(2) The Minutes of the proceedings of a Committee shall whenever possible be brought up and laid on the Table of the House with the report of the Committee by the

Chairman or Vice-Chairman or any Member of the Committee nominated by the Committee.

(3) The Chairman or Member of the Committee may, after notice, move in the House that the report from the Committee be adopted.

### **Employment Of Members In Professional Capacity**

**227.** No Member shall appear before the House or any Committee as counsel for any party or in any capacity for which he is to receive a fee or reward in any matter to be deliberated upon by the House or a Committee.

### **Admission of Strangers into the House**

**228.** (1) No stranger shall be admitted into the House without authority of Mr. Speaker which may be exercised through the Clerk.

(2) No Member shall bring any stranger into any part of the House reserved for Members while Parliament is sitting.

(3) No stranger may carry into the galleries, a briefcase, a camera, a tape recorder, a transistor radio or mobile telephone or any other electronic device.

(4) No stranger shall smoke or read a book or newspaper, draw, write or stand in the galleries.

### **Revocation**

**229.** (1) The Standing Orders of Parliament which were revised and came into force on 1<sup>st</sup> November, 2000, are hereby revoked.

(2) Notwithstanding the revocation of the Standing Orders as aforesaid, all actions, acts or things done or commenced thereunder shall continue until completed as if undertaken under these Standing Orders.

### **Commencement**

**230.** These Standing Orders shall commence and come into force on the first day of November, 2004.

## **APPENDIX B**

### **OPENING PRAYERS**

**ALMIGHTY GOD**, we humbly beseech Thee to look with favour upon this Parliament of the Republic of Ghana. Grant that it may perform its high duty as in Thy sight. Give Divine guidance to the President of the Republic; endow Members of Parliament and Ministers of State with discernment and vision, integrity and courage that through the labours of government this land and people may be well and truly served, and Thy good purposes for the common human life be realised in our midst.

AMEN.

**O GOD**, grant us a vision of our country, fair as it might be, a country of righteousness, where none shall wrong his neighbour; a country of plenty, where evil and poverty shall be done away with; a country of brotherhood, where all success shall be founded on service, and honour shall be given to the deserving; a country of peace, where government shall rest on the will of the people and the love for the common good. Bless the efforts of those who struggle to make this vision a living reality. Inspire and strengthen our people that they may give time, thought and sacrifice to speed the day of the coming beauty of Ghana and Africa.

AMEN.

**APPENDIX C**

**FORMS OF OATHS  
THE OATH OF ALLEGIANCE**

Standing Order 11

I.....do (in the name of the Almighty God swear) (solemnly affirm) that I will bear true faith and allegiance to the Republic of Ghana as by law established; that I will uphold the sovereignty and integrity of Ghana; and that I will preserve, protect and defend the Constitution of the Republic of Ghana. (So help me God).

(To be sworn before the President, the Chief Justice or such other person as the President may designate)

**(2) THE SPEAKER'S OATH**

I..... do (in the name of the Almighty God swear) (solemnly affirm) that I will bear true faith and allegiance to the Republic of Ghana as by law established; that I will uphold the integrity of the Republic of Ghana; that I will faithfully and conscientiously discharge my duties as Speaker of Parliament; and that I will uphold, preserve, protect and defend the Constitution of the Republic of Ghana; and that I will do right to all manner of people in accordance with the Constitution of Ghana and the laws and conventions of Parliament without fear or favour, affection or illwill. (So help me God).

(To be sworn before the Chief Justice)

(Standing Order 11).

**(3) THE OATH OF A MEMBER OF  
PARLIAMENT**

I.....having been elected a Member of Parliament do (in the name of the Almighty God swear) (solemnly affirm) that I will bear true faith and allegiance to the Republic of Ghana as by law established; that I will uphold, preserve, protect and defend the Constitution of the Republic of Ghana and that I will faithfully and conscientiously discharge the duties of a Member of Parliament. (So help me God).

(To be sworn before Mr. Speaker)

(Standing Order No. 15).

**APPENDIX D**

**OATH OF A WITNESS BEFORE A COMMITTEE**

I.....(swear by Almighty God) (solemnly affirm) that the evidence I shall give before this Committee touching the matter in issue shall be the truth, the whole truth and nothing but the truth. (So help me God).

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