

1709205C JOINT RULES.



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA

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Proposed amendments to Chapters 1 to 2A of Joint Rules

The following rule amendments and additions to the Joint Rules are proposed to Chapters 1 to 2A of the Joint Rules of Parliament.

CHAPTER 1

[INTERPRETATION AND APPLICATION] SOURCES OF AUTHORITY AND THEIR APPLICATION

Part 1: Definitions

1. [Interpretation] Definitions

(1) In the Joint Rules, unless the context indicates otherwise -

["Act" means the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004;]

"Assembly" means the National Assembly;

"ATC" means the document entitled "Announcements, Tablings and Committee Reports";

"Chamber" means the Chamber in which the proceedings of a Joint Sitting are conducted;

"classification" with reference to a Bill, means the classification of a Bill in terms of joint rule 160(6) or the reclassification of a Bill in terms of joint rule 163, and "classify" and "classified" have a corresponding meaning;

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"constitution amendment Bill" means a Bill to which section 74 of the Constitution applies;

"Council" means the National Council of Provinces;

“document” means any written instrument, and includes any electronic or other device in or on which information, including visual material, is recorded, stored or kept;

“Gazette” means the national Government Gazette;

“Houses” means the National Assembly and the National Council of Provinces unless otherwise specified;

“JTM” means the Joint Tagging Mechanism established by joint rule 151;

“member” with reference to —

- (a) the Assembly, means a member of the Assembly; and
- (b) the Council, means a permanent or special delegate to the Council, and “permanent member” and “special member” have a corresponding meaning;

“misconduct” means a breach of the standing rules of Parliament by a member, except a breach of the code of conduct contained in the schedule to the Joint Rules or conduct amounting to contempt of Parliament as defined in the Powers and Privileges Act;

“mixed section 75/76 Bill” means a Bill that contains provisions to which section 75 of the Constitution applies and provisions to which section 76 applies;

“money Bill” means a Bill that appropriates money or imposes taxes, levies or duties and to which section 77 of the Constitution applies;

“Parliamentary Protection Services” means any employee authorised by Parliament to perform security and protection services within the precincts of Parliament, and includes all parliamentary staff members employed, appointed, assigned, delegated or contracted by Parliament to perform security and protection functions within the precincts of Parliament;

“person in charge” with reference to a Bill, means the person in charge of the Bill in terms of the Assembly or Council rules, as the case may be;

“point of order” means a matter related to the procedure or practice of the joint business of the Houses, or a complaint of unparliamentary conduct or behaviour on the part of

another member, which a member is entitled to raise during the Joint Sitting of the Houses when seeking guidance and a ruling on the matter from the presiding officer;

“Powers and Privileges Act” means the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act, 2004;

“prescinets of Parliament” means the prescinets referred to in Section 2 of the Powers and Privileges Act;

“question of privilege” means any report of an act which may constitute a breach of privilege or contempt of Parliament in terms of the Powers and Privileges Act;

“recess” with reference to -

- (a) a House, means a period determined as a recess by the Programme Committee of the House, or by resolution of the House, during which the business of the House is interrupted and no business of the House is conducted; or
- (b) both Houses, means a period determined as a recess by the Joint Programme Committee, or by resolutions adopted in the Houses, during which the business of both Houses is interrupted and no business is conducted by both Houses;

“remitted Bill” means a Bill which the President, on account of reservations about its constitutionality, has in terms of section 79 of the Constitution referred back to the Assembly for reconsideration;

“Secretary” means the Secretary to Parliament;

“section 75 Bill” means a Bill to which the procedure prescribed in section 75 of the Constitution applies, and includes a money Bill;

“section 76 Bill” means a Bill to which the procedure prescribed in section 76 of the Constitution applies;

“section 76(1) Bill” means a section 76 Bill introduced in the Assembly;

“section 76(2) Bill” means a section 76 Bill introduced in the Council;

“tabling”, in relation to any document or paper, means the official presentation of the document or paper in the Joint Sitting, or, if not presented in the Joint Sitting, the publication in the ATC of the document or paper after it has been officially submitted to the Speaker or the Chairperson of the Council;

“Usher” means the Usher of the Black Rod;

“working day” means any day of the week except —

- (a) Saturday and Sunday; [and]
- (b) a public holiday in terms of the Public Holidays Act, 1994 (Act 36 of 1994)[,]; and[,]
- (c) on Monday following any of these [if such a] public holidays ~~that~~ fall[s] on a Sunday[, also the Monday].

Part 2: Sources of authority of Parliament

1A. Introduction

The sources of authority of the joint business of the Houses are —

- (a) the Constitution;
- (b) the Powers and Privileges Act;
- (c) the Joint Rules of Parliament;
- (d) the Rules of the National Assembly, if and where applicable;
- (e) the Rules of the National Council of Provinces, if and where applicable;
- (f) directives and guidelines of the Joint Rules Committee;
- (g) rulings by the presiding officers;
- (h) any conventions or practices that have been established in the joint business of the Assembly and Council by agreement and usage over a period of time.

1B Joint Rules of Parliament

- (1) The Joint Rules of Parliament are adopted by resolution of the Assembly and the Council concurrently, in accordance with Section 57 and 71 of the Constitution, respectively.
- (2) The Joint Rules remain in force until amended or repealed.
- (3) The Joint Rules must be strictly adhered to by members.

2. Unforeseen [matters] eventualities

- (1) The Speaker and the Chairperson of the Council, acting jointly, may give a ruling or [make] frame a rule in respect of any [matter] eventuality of which the Joint Rules do not provide, having due regard to the procedures, precedents, practices and conventions developed in the proceedings of the joint business of the Houses and on the basis of constitutional values and principles underpinning an open, accountable and democratic society.
- (2) A rule [made] framed by the Speaker and the Chairperson of the Council, acting jointly, remains in force until [a meeting] the Assembly and the Council, based on a recommendation of the Joint Rules Committee, has decided [on it] thereon.

2A. Directives and guidelines of Joint Rules Committee

- (1) The Joint Rules Committee may, in terms of Joint Rule 56, issue directives and lay down guidelines to assist with the implementation of these joint rules.
- (2) Members must comply with any such directives and guidelines.

2B. Rulings

- (1) The Speaker and the Chairperson of the Council must perform the functions as provided for in these joint rules and may make rulings in applying and interpreting these joint rules and directives and guidelines approved by the Joint Rules Committee.
- (2) The Speaker, the Chairperson of the Council and other presiding officers may make rulings in accordance with Subrule (1) in respect of procedural matters that arise when they are presiding at a joint sitting.
- (3) Members must comply with rulings made by presiding officers.
- (4) (a) A member may request that a ruling be referred to the Joint Rules Committee for consideration and report.

(b) In considering the ruling referred to it in terms of Subrule (4)(a), the Joint Rules Committee must confine itself to the principle underlying, or subject of, the ruling in question.

2C. Conventions and practices

- (1) Conventions and practices relating to the joint business of the Houses and joint committees are established by agreement amongst political parties and parliamentary office-bearers, and may be varied by agreement amongst them and reviewed from time to time as decided by the Joint Rules Committee.
- (2) Conventions and practices must be consistent with the provisions of the Constitution, these joint rules, rulings, and directives and guidelines of the Joint Rules Committees.
- (3) Presiding officers may request members' compliance with established conventions and practices.

2D. Contempt

A member who wilfully fails or refuses to obey any joint rule or order or resolution regarding the joint business of the Houses may be found guilty of contempt of Parliament in terms of the Powers and Privileges Act.

3. Suspension

- (1) The Assembly and the Council, by resolution in each House, may dispose with or suspend a provision of the Joint Rules for a specific period or purpose.
- (2) The suspension of any provision is limited in its operation to the particular purpose for which the suspension has been approved.

4. Non-diminution or non-limitation of Rules

No convention or [rule of] practice may limit[s] or inhibit[s] any provision of these Joint Rules.

5. Application of Joint Rules to non-members

(1) When a Cabinet member, a Deputy Minister or a local government representative or an official in the national or a provincial executive referred to in section 66 and 67 of the Constitution, who is not a member of the Assembly or the Council, participates in the proceedings of the joint business of the Houses, the Joint Rules, unless clearly inappropriate, apply to that Cabinet member, Deputy Minister or person as they apply to a member of the Assembly or the Council.

(2) A reference in these Joint Rules to a member or Minister must, where applicable, be construed as a reference also to the President of the Republic, and to a Minister or Deputy Minister or a local government representative or an official in the national or a provincial executive referred to in section 66 and 67 of the Constitution, who is not a member of the Assembly or the Council.

6. Public participation

(1) Members of the public may participate in the joint business of the Houses by -

- (a) attending joint sittings of the Houses or meetings of joint committees;
- (b) responding to public or specific invitations —
 - (i) to comment in writing on Bills or other matters before a joint committee; or
 - (ii) to give evidence or to make representations or recommendations before joint committees on such Bills or other matters, either in person or through a representative.

(2) Public participation in terms of subrule (1) is subject to, and must be exercised in accordance with, the applicable provisions of the Joint Rules.

CHAPTER 2 JOINT SITTINGS OF THE HOUSES

7. Calling of joint sittings

(1) The President may call a joint sitting of the Houses when it is necessary for —

- (a) the President to deliver the annual or a special address to Parliament; or
- (b) a purpose mentioned in section 42(5) or 203 of the Constitution.

(2) The Speaker and the Chairperson of the Council, acting jointly, may call a joint sitting of the Houses when necessary.

(3) No other business may be considered during a joint sitting other than the specified business for which that joint sitting is called.

7A. Opening of a Parliament

(1) At the commencement of the first session of a Parliament after its election, the President must deliver an Opening Address at a date and time to be announced by the Speaker and the Chairperson of the Council in accordance with Joint Rule 9.

(2) The Speaker and the Chairperson of the Council must thereafter publish the Opening Address in the Minutes of Proceedings and place it on the Order Paper for discussion.

(3) No member may interrupt the President whilst delivering his or her Opening Address, except to call attention to a point of order in terms of Joint Rule 14S, or a question of privilege in terms of Joint Rule 14SA.

7B. President's State of the Nation Address

(1) The Speaker and the Chairperson of the Council must inform the members of the Assembly and the Council of the date and time for the President's annual State of the Nation Address in accordance with Joint Rule 9.

(2) The Speaker and the Chairperson of the Council must publish the President's State of the Nation Address in the Minutes of Proceedings and place it on the Order Paper for discussion.

(3) No member may interrupt the President whilst delivering his or her State of the Nation Address, except to call attention to a point of order in terms of Joint Rule 14S, or a question of privilege in terms of Joint Rule 14SA.

8. Venue

Joint sittings are held in the Chamber of the Assembly.

9. Day and time

The date and time of a joint sitting must be made known to the members of the Assembly and the Council -

- (a) by placing it on the Order Papers of the Houses;
- (b) by way of an announcement by the officer presiding at a sitting of a House; or
- (c) by giving notice to the members in a way determined by the Speaker and the Chairperson of the Council for their respective Houses.

10. Presiding officer

- (1) Either the Speaker or the Chairperson of the Council, by arrangement between them, presides at a joint sitting.
- (2) The Deputy Speaker, the Deputy Chairperson of the Council or a House Chairperson must preside during a joint sitting whenever requested to do so by the Speaker or the Chairperson of the Council.

11. Relief of presiding officer

An elected presiding officer of either House must take the Chair and preside during a joint sitting of the Houses whenever requested to do so by the Speaker or the Chairperson of the Council.

11A. General authority and responsibility of Presiding Officers during joint sittings

- (1) Presiding Officers must maintain and preserve the order of and the proper decorum in the joint sitting, and uphold the dignity and good name of Parliament.
- (2) Presiding Officers are responsible for the strict observance of the joint rules and must decide questions of order and practice in the joint sitting, such a ruling being final and binding as provided for in Joint Rule 14S.
- (3) Presiding Officers must act fairly and impartially and apply the joint rules with due regard to ensuring the participation of members of all parties in a manner consistent with democracy.

12. Discipline

When the Houses sit jointly -

- (a) the Assembly Rules on discipline remain applicable to an Assembly member; and
- (b) the Council Rules on discipline remain applicable to a Council member.

Commented [ZN1]: This Joint Rule may be obsolete, in view of the Joint Rules on Order in Joint Sitings and Rules of Debate.

13. Procedure

- [(1)]** An Assembly or Council member, other than the officer presiding at a joint sitting, may not speak at the sitting -
 - (a) unless invited to do so by the presiding officer; or
 - (b) without having obtained the permission of the Speaker and the Chairperson of the Council before the meeting.

Commented [ZN2]: Right of members to speak - see Joint Rule 14U.

(1) At the start of proceedings of a joint sitting, the presiding officer must afford members an opportunity for silent prayer or meditation.

(2) The presiding officer may interrupt, suspend or adjourn the proceedings of the joint sitting.

[(2)](3) No vote or decision may be taken by or in a joint sitting.

14. Public access

- (1) Joint sittings are open to the public, including the media.
- (2) The Assembly Rules concerning access of the public to the Chamber of the Assembly apply to a joint sitting, except that the Speaker must consult the Chairperson of the Council when exercising the powers assigned to the Speaker in those rules.

**CHAPTER 2A
ORDER IN JOINT SITTINGS AND RULES OF DEBATE**

Part 1: Order in joint sittings

14AA. Freedom of speech in joint sittings

The President, Cabinet members, Deputy Ministers, members of the Assembly, delegates to the Council, officials in the national executive or a provincial executive referred to in section 66(2) of

the Constitution, and the local government representatives referred to in section 67 of the Constitution have freedom of speech in a Joint Sitting or in joint committees, subject to the Joint Rules and orders.

14A. Conduct of members

- [(1) Every member, when he or she enters or leaves the Chamber or moves to any other part of the Chamber during a debate, unless the presiding officer directs otherwise, shall bow to the Chair in passing to or from his or her seat.
- (2) No member shall pass between the Chair and the member who is speaking nor stand in any of the passages or gangways.]

Members must at all times accord the presiding officers and members due respect and conduct themselves with dignity and in accordance with the decorum of the Joint Sitting and are required –

- (a) to enter or leave the Chamber with decorum;
- (b) to be seated when the bells stop ringing to mark the start of proceedings;
- (c) to rise, if possible, when the presiding officer enters the Chamber at the start of proceedings and to remain standing until invited to be seated;
- (d) not during proceedings to pass between the Chair and the member who is speaking, nor between the Chair and the Table, nor stand in any of the aisles or cross aisles, nor to cross the floor of the House in front of the benches;
- (e) not to bring weapons of any kind nor dangerous or threatening articles or objects nor replicas of any such articles or objects into the Chamber, excluding cultural objects with the prior approval of the Speaker or Chairperson of the Council;
- (f) to dress in a manner befitting the dignity and decorum of the Joint Sitting, as may further be provided for in guidelines approved by the Joint Rules Committee; provided that no party symbols may be displayed;
- (g) not to take photographs or video footage during proceedings, speak on a cellphone, eat, read newspapers or in any other way conduct themselves in a manner not befitting the dignity and decorum of the Joint Sitting; and
- (h) on adjournment of the Joint Sitting, to rise, if they are able to do so, and remain in their seats until the presiding officer has left the Chair.

14B. Members not to converse aloud

[During debate no] Members [shall] may not converse aloud during debate.

14C. Member not to be interrupted

No member [shall] may interrupt another member whilst speaking, except -

- (a) to call attention to a point of order, subject Joint Rule 14S, or a question of privilege, subject to Joint Rule 14SA,~~or~~
- (b) at the discretion of the presiding officer, on a point of clarity to request permission to put a question to the member speaking.

14D. Order at adjournment

When a joint sitting rises, members shall rise and remain in their places until the presiding officer has left the Chamber.

14E. Precedence of presiding officer

Whenever the presiding officer addresses members during a [debate] joint sitting, any member then speaking or [seeking] offering to speak [shall] must resume his or her seat and the presiding officer [shall] must be heard without interruption.

14F. Irrelevance or repetition

The presiding officer [, after having called attention to the conduct of a member who persists in irrelevance or repetition of arguments, may direct the member to discontinue his or her speech] may order a member addressing a Joint Sitting to stop speaking if that member, despite warnings from the Chair, persists in irrelevant or repetitive arguments.

14FA. Grossly disorderly conduct.

Members may not engage in grossly disorderly conduct in a Joint Sitting, including -

- (a) deliberately creating serious disorder or disruption;

- (b) in any manner whatsoever physically intervening, preventing, obstructing or hindering the removal of a member from the Chamber who has been ordered to leave the Chamber;
- (c) repeatedly undermining the authority of the presiding officer or repeatedly refusing to obey rulings of the presiding officer or repeatedly disrespecting and interrupting the presiding officer while the latter is addressing the Joint Sitting;
- (d) persisting in making serious allegations against a member without following the correct procedure;
- (e) using or threatening violence against a member or other person; or
- (f) acting in any other way to the serious detriment of the dignity, decorum or orderly procedure of a Joint Sitting.

14G. Member ordered to [withdraw] leave Chamber

(1) If the presiding officer is of the opinion that a member is deliberately contravening a provision of these Joint Rules, or that a member is [in contempt of or is] disregarding the authority of the Chair, or that a member's conduct is grossly disorderly, he or she may order the member to [withdraw immediately from] leave the Chamber immediately for the remainder of the day's sitting.

(2) A member ordered to leave from the Chamber must immediately withdraw from the precincts of Parliament.

Commented [ZN3]: This provision could be challenged – punitive.

14GA. Removal of member from Chamber

(1) If a member refuses to leave the Chamber when ordered to do so by the presiding officer in terms of Joint Rule 14G, the presiding officer must instruct the Serjeant-at-Arms or the Usher to remove the member from the Chamber and the precincts of Parliament forthwith.

(2) If the Serjeant-at-Arms or the Usher is unable in person to effect the removal of the member, the presiding officer may call upon the Parliamentary Protection Services to assist in removing the member from the Chamber and the precincts of Parliament.

(3) An Assembly member who is removed from the Chamber in terms of subrule (2), is thereby immediately automatically suspended for the period applicable as

provided for in Assembly Rule 54, and may not enter the precincts for the duration of the suspension.

- (4) A Council member who is removed from the Chamber in terms of subrule (2), is thereby immediately automatically suspended for the period applicable as provided for in Council Rule 39, and may not enter the precincts for the duration of the suspension. |
- (5) If a member resists attempts to be removed from the Chamber in terms of subrules (1) or (2), the Serjeant-at-Arms, the Usher and the Parliamentary Protection Services may use such force as may be reasonably necessary to overcome any resistance.
- (6) No member may, in any manner whatsoever, physically intervene in, prevent, obstruct or hinder the removal of a member from the Chamber in terms of these Rules.
- (7) Any member or members who contravene subrule (6) may, on the instruction of the presiding officer, also be summarily removed from the Chamber and the precincts of Parliament forthwith.
- (8) If proceedings are suspended for the purposes of removing a member or members, all other members must remain seated or resume their seats, unless otherwise directed by the presiding officer.
- (9) When entering the Chamber on the instruction of the presiding officer –
- (a) members of the Parliamentary Protection Services may not be armed; and
 - (b) members of the security services may not be armed, except in extraordinary circumstances in terms of security policy.
- (10) Members who have been removed from the Chamber will be escorted off the precincts by Parliamentary Protection Services personnel and will not be allowed to enter the member's respective House or the precincts of Parliament as the Rules of the respective House to which the offending member belongs prescribe.
- (11) If a member(s) offers resistance to being removed from the precincts, members of the security services may be called upon to assist with such removal.

Commented [ZN4]: These provisions are similar to Assembly Rule 73(3). On 14 December 2016, in the matter *Economic Freedom Fighters v Speaker of the National Assembly; Julius Malema and Another v Speaker of the National Assembly*, the Western Cape High Court ruled that Assembly rule, Rule 73(3) "which allows for the automatic suspension of a member pursuant to Rule 74, is unlawful and unconstitutional, and falls to be set aside" The Court was of the view that not affording a member the opportunity to state his or her case before suspension takes place would be procedurally unfair (see para 85). The Court stated that "the sanction comes into operation almost immediately, which is an immediate punishment as a result of a member being forcibly removed from the chamber" and accordingly was of the view that this "is arbitrary and irrational". For this reason, by implication, these provisions may also be regarded as unlawful and unconstitutional and should not be applied.

- (12) In the event of violence, or a reasonable prospect of violence or serious disruption ensuing in the Chamber as a result of a member(s) resisting removal, the presiding officer may suspend proceedings, and members of the security services may be called upon by the Speaker or the Chairperson of the Council to assist with the removal of members from the Chamber and the precincts of Parliament forthwith in terms of Section 4(1) of the Powers, Privileges and Immunities of Parliament and Provincial Legislatures Act (Act No 4 of 2004), or may intervene directly anywhere in the precincts in terms of section 4(2) of the Act when there is immediate danger to the life or safety of any person or damage to any property.
- (13) Whenever a member is physically removed from the Chamber in terms of this Joint Rule, the circumstances of such removal must be referred by the Speaker or the Chairperson of the Council, within 24 hours, to a multiparty committee for consideration.
- (14) The committee must be established by resolution of both Houses.
- (15) The Assembly and Council may, by resolution in each House, approve standard operating procedures, recommended by the Joint Rules Committee, for the exercise of this function, in particular in relation to the use of the Parliamentary Protection Services and members of the security services for this purpose.

14H. Referral of member's conduct to House

If a presiding officer is of the opinion that a contravention committed by a member of either House is of so serious a nature that an order to withdraw from the Chamber for the remainder of the sitting is inadequate, the presiding officer may refer the matter to the Speaker or the Chairperson of the Council, whichever is relevant, for appropriate action.

14I. Expression of regret

- (1) A member who has been ordered to [withdraw from] leave the Chamber may submit to the Speaker or the Chairperson of the Council a written expression of regret.
- (2) If the Speaker or the Chairperson of the Council approves such expression of regret, he or she may discharge the order to leave the Chamber or other action taken against the member, and the Speaker or the Chairperson of the Council must inform the Joint Sitting or the Houses accordingly.

(2) Before proceeding in terms of Subrule (1), the presiding officer must inform the member and the Joint Sitting of his or her intention to do so.

14N. Time limits for speeches

Members shall be restricted, in regard to the length of time they speak, to the times allocated to them in the list contemplated in Rule 14M.

14O. Reference to member [by name] in respectful terms

(1) In Joint Sittings members must refer to one another in respectful terms.

(2) Further to Subrule (1), no member [shall] may refer to any other member by his or her [first name or names] name only.

(3) No name to impugn the dignity of any member may be used.

14P. [Offensive language] Unparliamentary or unacceptable language and gestures

No member [shall] may use offensive, abusive, insulting, disrespectful, [or] unbecoming or unparliamentary words or language, nor offensive, unbecoming or threatening gestures.

14PA. Reflections upon members

(1) No member may impute improper motives to any other member, or cast personal reflections on a member's integrity or dignity, or verbally abuse a member in any other way.

(2) A member who wishes to bring any improper or unethical conduct on the part of another member to the attention of Parliament, may do so only by way of the relevant procedure and mechanisms as provided for in the applicable House.

(3) Subrules (1) and (2) apply also to reflections upon the President, Premiers, Ministers, Deputy Ministers and local government representatives referred to in section 67 of the Constitution, who are not members of Parliament.

14PAA. Reflections upon the Houses of Parliament and its proceedings and decisions

No member may reflect in a disrespectful manner upon the Houses or its forums and committees or upon their proceedings and decisions.

14Q. Matters sub judice

No member [shall] may reflect on the merits of any matter on which a judicial decision in a court of law is pending.

14R. Explanations

(1) A member may, with the prior consent of the presiding officer, make [A]an explanation [during debate is allowed] at a time approved by the presiding officer after the conclusion of the debate from which the complaint arises, but only [when] if, during the debate, a material part of a member's speech has been misquoted or misunderstood[.]; provided that – [but such member shall not be permitted to introduce any new matter,]

(a) such explanation must be limited to reading into the record a correction as agreed in principle by the presiding officer, not to exceed three minutes in duration; and

(b) no debate shall be allowed upon such explanation.

(2) A member may also, with the prior consent of the presiding officer, [also] explain matters of a personal nature, but such matters may not be debated, and the member [shall] must confine himself or herself strictly to the vindication of his or her own conduct and may not speak for longer than three minutes.

14S. Points of order

[(1) When a point of order is raised, the member called to order shall resume his or her seat, and after the point of order has been stated to the presiding officer by the member raising it, the presiding officer shall give his or her ruling or decision thereon either forthwith or subsequently.]

(1) Subject to Joint Rule 14U, a member may raise a point of order at any time during the proceedings of the Joint Sitting in terms of the procedure prescribed in Joint Rule 14L, by stating that he or she is rising on a point of order.

(2) A point of order must -

- (a) be short and succinct and must not be prefaced by a speech leading up to the point of order;
- (b) be confined only to a matter of parliamentary procedure or practice, or a matter relating to unparliamentary conduct, as defined;
- (c) not be used to disrupt the member speaking or in an attempt to respond to the member speaking; and
- (d) be raised immediately when the alleged breach of order occurs.

(3) (a) The member raising the point of order in terms of Subrule (1) must commence by quoting the exact rule or standing order, or at least the principle or subject matter, upon which the point of order is based;

(b) If the member does not do so, the presiding officer may insist on him or her doing so, and if he or she fails or does not adequately do so, the presiding officer may summarily rule that it does not amount to a point of order or that the matter is out of order.

(4) The presiding officer may, at his or her discretion, allow members to address the presiding officer briefly on a point of order that has been raised.

(5) No other member may raise another point of order before the presiding officer has ruled on the first point of order.

(6) No member may raise a point of order again or a similar point of order, if the presiding officer has ruled that it is not a point of order or that the matter is out of order.

(7) Members may not disrupt proceedings by raising points of order that do not comply with this Joint Rule.

(8) When a point of order is raised during debate, the member called to order must resume his or her seat, and after the point of order has been stated to the presiding officer by the member raising it, the member raising the point of order must likewise immediately resume his or her seat when he or she has concluded his or her submission or if the presiding officer asks him or her to do so.

(9) The presiding officer must give a ruling, and may give his or her ruling or decision on the point of order immediately, or defer the decision to the earliest opportunity thereafter by way of a considered ruling.

(10) No point of order may be raised in response to a considered ruling in terms of Subrule (9).

[21](11) A ruling to be given after the Joint Sitting has adjourned shall be given in the National Assembly or in the National Council of Provinces, depending on which House the offending member belongs to.

[31](12) A ruling to be given in accordance with Subrule (11) may, by agreement of the presiding officers, be delivered and enforced by a presiding officer of the House to which the offending member belongs on behalf of a presiding officer from the other House.

(13) The presiding officer's ruling on a point of order is final and binding, and may not be challenged or questioned in the Joint Sitting.

(14) (a) A member who is aggrieved by a presiding officer's ruling on a point of order may subsequently in writing to the Speaker or the Chairperson of the Council, as the case may be, request that the principle or subject matter of the ruling be referred to the Joint Rules Committee.

(b) The Joint Rules Committee may deal with the referral in terms of Subrule (14)(a) as it deems fit, provided that it must confine itself to the principle underlying, or subject matter of, the ruling concerned, and may not in any manner consider the specific ruling which is final and binding.

14SA. Raising a question of privilege

(1) Subject to Joint Rule 14U, a member who wishes to raise a perceived breach of privilege must report it to the Speaker or the Chairperson of the Council without delay.

(2) If the alleged breach of privilege is in the opinion of the Speaker or Chairperson of the Council adequately substantiated and may affect a joint sitting of the Houses on the

day on which the question of privilege is reported or in the immediate future, the Speaker or the Chairperson of the Council may, with due regard to the provisions of the Powers and Privileges Act make an immediate ruling on the matter and announce it in the Joint Sitting.

- (3) If the alleged breach of privilege does not directly affect a joint sitting of the Houses in the immediate future, the Speaker or the Chairperson of the Council must refer the matter to the relevant committee of the House from which the affected member belongs.

14T. Acting for absent member

[A] If the member [may take] in charge of an order of the day is absent, another member authorised by the absent member may take charge the order after having timeously notified the presiding officer, where possible [in the absence of the member in charge, provided he or she has been authorized to do so by the absent member].

14U. Right of members to speak

Subject to Joint Rule 14L, [A] a member may speak —

- (a) when called upon to do so by the presiding officer; or
- (b) to a point of order in accordance with Joint Rule 14S or a question of privilege in accordance with Joint Rule 14SA; or
- (c) having obtained the permission of the Speaker or the Chairperson of the Council before the meeting.

14V. When reply allowed

A reply shall be allowed to the member [introducing a subject for discussion (except in the case of the President's state-of-the nation address) or to the member] in charge of an order of the day.

14W. Debate closed

A reply to a debate closes the debate.