

Proposed amendments to Chapters 1 to 2A of Joint Rules

(Draft VI - as at 27 November 2023)

(Note: Numbering will be adjusted in the final draft)

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from the existing text.

_____ Words underlined with a solid line indicate insertions in existing text.

CHAPTER 1

[INTERPRETATION AND APPLICATION]

DEFINITIONS, SOURCES OF AUTHORITY AND 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 (Act No 4 of 2004);

“**Assembly**” means the National Assembly;

“**ATC**” means the document entitled “Announcements, Tablings and Committee Reports”;

“**Chairperson**” means the Chairperson of the Council, unless the context indicates otherwise;

“**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 amending the Constitution when 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 a national Government Gazette;

“Grave disorder” – means incidents of an individual, but more likely collective, misconduct of such a seriously disruptive nature as to place in jeopardy the continuation of a sitting;

“Grossly disorderly conduct” means conduct as referred to in joint rule 14FA;

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

“Hybrid joint sitting” means a joint sitting in which some members are in the Chamber while others participate by joining an online platform created specifically for that sitting;

“independent candidate” means a South African citizen contesting an election and who is not nominated on a list of a party;

“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 where applicable, a representative of organised local government and “permanent member” and “special member” have a corresponding meaning;

“misconduct” means a breach of the Rules of Parliament by a member, except a breach of the Code of Conduct as 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 to which section 77 of the Constitution applies;

“Organised local government” means representatives designated by organised local government referred to in section 67 of the Constitution and the Organised Local Government Act, 1997 (Act 52 of 1997);

“Parliamentary Protection Services” means any employee authorized 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;

“party” means a political party to which a member belongs, unless the context indicates otherwise;

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

“physical joint sitting” means a joint sitting in which members are physically in the Chamber;

“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, and that requires guidance and a ruling from the presiding officer;

“precincts of Parliament” means the precincts referred to in Section 2 of the Act;

“question of privilege” means any matter which constitutes breach of parliamentary privilege or contempt of Parliament as defined in the 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; or

- (b) both Houses, means a period determined as a recess by the Joint Programme Committee, or by resolutions adopted by the Houses, during which the business of both Houses is interrupted;

“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;

“section 77 Bill” means a Bill to which the procedure prescribed in section 77 of the Constitution applies;

“security services” means security services referred to in section 199 of the Constitution, and contemplated in section 5 of the Security Policy for the Parliament of South Africa;

“Serjeant-at-Arms” means an official of the Assembly delegated to perform the duties of Serjeant-at-Arms in terms of these Rules;

“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 and Chairperson;

“Usher of the Black Rod” means an official of the Council delegated to perform the duties conferred on an Usher in terms of these Rules;

“unparliamentary conduct” means any conduct which amounts to defiance of the person presiding over the proceedings;

“virtual joint sitting” means a joint sitting in which members only participate via an online platform created specifically for that joint sitting;

“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 if such a public holidays falls on a Sunday, also the Monday.
- (2) A reference in the Joint Rules to the Speaker or Chairperson **[of the Council]** must be read as a reference also to the Deputy Speaker or the permanent Deputy Chairperson of the Council, as the case may be, if -
- (a) the Speaker or the Chairperson is absent;
 - (b) there is a vacancy in the office of the Speaker or the Chairperson; or
 - (c) the Speaker or the Chairperson is not available to perform a function or exercise a power conferred on the Speaker or Chairperson in terms of the Joint Rules.

Part 2: Sources of Authority and Application

1A. Introduction

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

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

1B Joint Rules of Parliament

- (1) The Joint Rules must be made with due regard to Section 45 of the Constitution and adopted by resolution of the Assembly and the Council;
- (2) The Joint Rules remain in force until amended or repealed by the Houses.
- (3) Members must strictly adhere to the Joint Rules.

2. Unforeseen [matters] eventualities

- (1) The Speaker and the Chairperson **[of the Council]**, acting jointly, may give a ruling or make a rule in respect of any **[matter]** eventuality for which the Joint Rules do not provide.
- (2) A rule made by the Speaker and the Chairperson **[of the Council]**, remains in force until **[a meeting]** the Assembly and the Council, based on a recommendation of the Joint Rules Committee, have 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 guidelines to assist with the implementation of these Joint Rules.
- (2) Members must comply with any such directives and guidelines.

2B. Rulings

- (1) The Presiding officers must perform the functions as provided for in these Rules and may make rulings in applying and interpreting these Rules.
- (2) Members must comply with rulings made by presiding officers.
- (3) A ruling given by a presiding officer is final.

2C. Conventions and practices

- (1) Conventions and practices must be consistent with the provisions of the Constitution, these Rules, rulings, directives and guidelines of the Joint Rules Committee.
- (2) Presiding Officers may direct members to comply with established conventions and practices.

2D. Contempt

A member who wilfully fails or refuses to obey any Joint Rule or order or resolution may be found guilty of contempt of Parliament in terms of the Act.

3. Suspension

- (1) In accordance with applicable Rules, 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 limits, or inhibits any provision of the Joint Rules.

5. Application of Joint Rules to non-members

When a Cabinet member who is not a member of the Assembly, participates in the proceedings of the joint business of the Houses, the Joint Rules, unless clearly inappropriate, apply to that Cabinet member as they apply to 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 before the joint committees, 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 Constitution, these Rules, Public Participation Model and Practice Note.

- (3) Joint sittings are open to the public including the media but reasonable measures may be taken to regulate public access.

- (4) The power to regulate or limit any activity, access or movement of visitors whilst in the precincts of Parliament and attending joint business rests with the Speaker and the Chairperson.

- (5) Unless the Speaker and Chairperson direct otherwise, all visitors to the precincts of Parliament and attending joint business must, in an appropriate manner, be subjected to a security check or screening before entering the precincts or venue used for joint business and, if reasonable cause exists, any visitor may at any time be subjected to such a check or screening.

- (6) Any visitor who refuses in any manner to comply with Subrule 3 may be refused access to the precincts of Parliament or any venue used for joint business and may be removed from the precincts or such a venue by the Parliamentary Protection Services who may, in exercising that duty, be assisted by members of the security services acting on instruction of the Speaker or the Chairperson.

- (7) The Speaker and Chairperson may give a non-member access to the floor of a Chamber during a joint sitting in special circumstances.

- (8) Visitors admitted in terms of this rule may not disrupt parliamentary proceedings in any manner and must adhere to the instructions of a presiding officer and members of the Parliamentary Protection Services and the security services.

- (9) The presiding officer at a joint sitting may, whenever he or she thinks it reasonable and justifiable in an open and democratic society, order visitors to withdraw from the sitting and the precincts of Parliament.
- (10) When instructed to by a presiding officer, the Serjeant-at-Arms or Usher of the Black Rod must remove, or arrange with the Parliamentary Protection Services and security services for the removal of, any person contravening this rule.
- (11) The Speaker and Chairperson may, after consultation with or at the request of the Leader of Government Business, invite a head of state or government who is on an official visit to the Republic to address a joint sitting.
- (12) The Houses may, by a resolution in each House, invite any person to address a joint sitting.

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 sections 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 to do so.
- (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 may deliver an Opening Address at a date and time determined by the Speaker and the Chairperson in accordance with Joint Rule 9.
- (2) The Speaker and the Chairperson must publish the Opening Address in the Minutes of Proceedings and place it on the Order Paper for debate .
- (3) No member may interrupt the President whilst delivering the opening of Parliament address.

7B President's State of the Nation Address

- (1) The Speaker and the Chairperson must inform the members of the Assembly and the Council of the date and time for the President's State of the Nation Address in accordance with Joint Rule 9.
- (2) The Speaker and the Chairperson must publish the President's State of the Nation Address in the Minutes of Proceedings and place it on the Order Paper for debate .

(3) No member may interrupt the President whilst delivering the State of the Nation Address.

8. Venue

Joint sittings are held **[in the Chamber of the Assembly]** at the precincts of Parliament as provided for in section 42(6) of the Constitution or at a place determined by the Speaker and the Chairperson, acting jointly.

9. Date and time

The date and time of any joint sitting **[must be made known to the members of the Assembly and the Council]** must be announced by the Presiding Officers -

- (a) by placing it on the Order Paper of the **[of the Houses]** joint sitting; or
- (b) by **[way of an announcement by the officer presiding at the sitting of a House]** publishing it on the ATC; or
- (c) **[by giving notice to the members in a way determined by the Speaker and Chairperson of the Council for their respective Houses]** in any other manner determined by the Speaker and the Chairperson.

10. Presiding officer

The Speaker or the Chairperson may preside at joint sittings, either jointly, or individually.
[Either or both the Speaker and the Chairperson may preside at joint sittings].

11. Relief of the presiding officer

[An elected presiding officer] A member of either House must take the Chair 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

Presiding officers must -

- (a) maintain and [preserve] the order, the proper decorum in a joint sitting and uphold the dignity of Parliament;

- (b) ensure the strict observance of these Rules; and
- (c) apply these Rules fairly and impartially.

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.

13. [Procedure] Opportunity for Silent Prayer or Meditation

- (1) At the start of proceedings, 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
Joint Rules applicable to Virtual or Hybrid Joint Sittings

14A - Application of Rule

These Rules apply to hybrid and virtual joint sittings [of the Assembly and Council].

14B - Venue

The venue of a virtual or hybrid joint sitting shall be deemed to be at the seat of Parliament as provided for in section 42(6) of the Constitution.

14C – Papers

In terms of these Rules, all papers of the hybrid or virtual joint sitting shall be distributed by electronic means to which members have access.

14D - Privilege and application of Joint Rules in hybrid or virtual joint sittings

In a virtual or hybrid joint sitting [–

(a) **Delegates to]** the Members shall have the same powers, privileges and immunities which they ordinarily enjoy in parliamentary proceedings. [**; and**

(b) **the Joint Rules shall apply].**

14E - Presiding Officers

In a virtual or hybrid joint sitting, the presiding officers shall have all the powers as provided for in the Constitution, any other law and these Rules.

14F – Attendance

(a) For the purposes of a hybrid sitting attendance shall be constituted by those members who have logged in to a virtual platform created for that particular sitting and those who are physically present in the Chamber.

- (b) For purposes of virtual sittings those members who have logged in shall be deemed to be present.

14G – Control of microphones

- (a) In the event of a member [or Delegate] not complying with an order or ruling or direction of the presiding officer, or acting in a disruptive or grossly disorderly manner during the sitting, the presiding officer may direct that the [Delegate's or] member's microphone be muted or switched off.
- (b) Before proceeding in terms of subrule (a), the presiding officer must inform the member [or Delegate] and the House of the intention to do so.

14H – Public Access

Public access to hybrid or virtual joint sittings shall be facilitated in a manner consistent with participatory and representative democracy and, wherever possible, a virtual or hybrid joint sitting may be livestreamed.

14I – Member ordered to leave virtual platform

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 disregarding the authority of the Chair, or that a member's conduct is grossly disorderly, he or she may order the member to leave the virtual platform, immediately for the remainder of the day's sitting.

14J – Removal of member from virtual platform

- (1) If a member refuses to leave the virtual platform when ordered to do so by the presiding officer in terms of Joint Rule 14I, the presiding officer may order the removal of the member from the virtual platform immediately for the remainder of the day.
- (2) If proceedings are suspended [halted] for the purposes of removing a member or members, all other members must remain on the virtual platform, unless otherwise directed by the presiding officer.

(3) Members who have been removed from the virtual platform will not be allowed to enter the virtual platform [as the Rules of the respective House to which the offending member belongs prescribe].

[(4) Whenever a member is removed from a virtual platform, in terms of this Joint Rule, the circumstances of such removal may be referred by the Speaker or the Chairperson, within 24 hours, for consideration to a subcommittee established by the Joint Rules Committee for that purpose.]

CHAPTER [2A]2B
ORDER IN JOINT SITTINGS AND RULES OF DEBATE

Part 1: Order in joint sittings

15A. Freedom of speech in joint sittings

(1) Members -

- (a) have freedom of speech in joint sittings and joint committees and subcommittees, subject to the rules and orders; and
- (b) are not liable to any civil or criminal proceedings, arrest, imprisonment or damages for –
 - (i) anything they have said in, produced before or submitted to a joint sitting or any joint committees or subcommittees; or
 - (ii) anything revealed as a result of anything said in, produced before or submitted to a joint sitting or any joint committee or subcommittee.

15B. 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 -

- (a) at all times accord the presiding officers and other members due respect;
- (b) conduct themselves with dignity and in accordance with the decorum of the House;
- (c) enter or leave the Chamber with decorum;
- (d) be seated when the bells stop ringing to mark the start of proceedings;
- (e) rise, if possible, when the presiding officer enters the Chamber at the start of proceedings and to remain standing until invited to be seated;

- (f) during proceedings, not pass between the Chair and the member who is speaking, or between the Chair and the Table, or stand in any of the aisles or cross aisles, or cross the floor of the House in front of the benches, unless permission is granted from presiding officers;
- (g) not bring -
 - (i) weapons of any kind or dangerous or threatening articles or objects or replicas of any such articles or objects into the Chamber,
 - (ii) placards, into the Chamber.
- (h) dress in a manner befitting the dignity and decorum of the House; provided that no party symbols may be displayed;
- (i) not 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 House; and
- (j) on adjournment of the Joint Sitting, rise, if they are able to do so, and remain in their seats until the presiding officer has left the Chair.

15C. Members not to converse aloud

During debate no member shall converse aloud.

15D. 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 to Joint Rule 13S, or a question of privilege, subject to Joint Rule 13SA, or
- (b) at the discretion of the presiding officer and with the consent of a member speaking, put a question to that member.

15E. Precedence of presiding officer

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

15F. 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.

15FA. Grossly disorderly conduct

Members may not engage in grossly disorderly conduct in a joint sitting by -

- (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 House;
- (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 the House.

15G. Grave disorder

In the event of grave disorder at a sitting, the presiding officer may adjourn the sitting or may suspend the proceedings for a reasonable period to be stated by him or her.

15H. Member ordered to [withdraw] leave Chamber

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.

15HA. 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 13G, the presiding officer must instruct the Serjeant-at-Arms and/or the Usher to remove the member from the Chamber **[and the precincts of Parliament]** forthwith for the remainder of the day.
- (2) If the Serjeant-at-Arms and/or the Usher of the Black Rod is unable **[in person]** to remove 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 for the remainder of the day]**.
- (3) If a member resists attempts to be removed from the Chamber in terms of subrules (1) or (2), the Serjeant-at-Arms, the Usher of the Black Rod and the Parliamentary Protection Services may use such force as may be reasonably necessary to overcome any resistance.
- (4) 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 to assist with the removal of members from the Chamber and the precincts of Parliament immediately in terms of section 4(1) of the Act 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.
- (5) 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.
- (6) Any member or members who contravene subrule (6) may, on the instruction of the presiding officer, also be summarily removed from the Chamber .

(7) 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.

(8) 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.

(9) 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].**

(10) 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.

[(10) 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 to assist with the removal of members from the Chamber and the precincts of Parliament immediately in terms of Section 4(1) of the Act 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.]

[(11) 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, for consideration to a subcommittee established by the Joint Rules Committee for that purpose a multiparty committee for consideration].

[(12) The Assembly and Council may, by resolution in each House, approve directives and guidelines, standard operating procedures, recommended by the Joint Rules Committee, for the removal of member from the Chamber, in particular in

relation to the use of the Parliamentary Protection Services and members of the security services for this purpose].

15I. Referral of member's conduct to House

If a presiding officer, other than the Speaker or Chairperson, is of the opinion that a contravention by a member of either House is of so serious a nature that an order to leave 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]**, whatever the case may be, for appropriate action.

15J. 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 accepts such expression of regret, the Speaker or the Chairperson must inform the joint sitting or the Houses accordingly by way of announcement in the ATC.

[(2) A written expression of regret approved by the Speaker or the Chairperson must be recorded in the Minutes of Proceedings].

15K. Reflections upon judges [etc] and certain other holders of public office

No member shall reflect upon the competence or **[honour]** integrity of a judge of a superior court, **[or of]** the holder of **[any other office]** a public office in an institution supporting constitutional democracy referred to in section 194 of the Constitution, or any holder of an office (other than a member of the Government) whose removal from such office is dependent upon a decision of either House.

Part 2: Rules of debate

15L. Member to address Chair

At a joint sitting a member may only speak from the podium, except -

- (a) to raise a point of order or a question of privilege;
- (b) to furnish a personal explanation in terms of Rule 14R;
- (c) if the member is unable to do so due to a physical disability; or
- (d) with the prior consent of the presiding officer **[when he or she may address the Chair from a microphone on the floor of the Chamber]**.

15M. Calling of members

A member shall be called in a debate by the presiding officer in accordance with a list of scheduled speakers.

15MA. Control of microphones in the Chamber

- (1) In the event of a member not showing due respect to the authority of or not obeying an order or ruling or direction of the presiding officer, or acting in a disruptive or grossly disorderly manner, the presiding officer may disable or switch off or direct that the microphone being used by such member be disabled, switched off or taken away.
- (2) Before proceeding in terms of subrule (1), the presiding officer must inform the member of his or her intention to do so.

15N. 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.

15O. Reference to member by name

No member shall refer to any other member by his or her first name or names only.

15P. [Offensive language] Unparliamentary or unacceptable language and gestures

No member shall use unparliamentary, offensive, abusive, insulting, disrespectful, [or] unbecoming language or sounds, or offensive, threatening gestures.

15PA. Reflections upon members

- (1) No member may impute improper motives to any other member, or cast aspersions or make 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 provided for in the applicable House.

15PAA. Reflections upon the Houses of Parliament, its proceedings and decisions

No member may reflect in a disrespectful manner upon the Houses of Parliament or the proceedings and decisions of the Houses or their joint and respective forums and committees.

15Q. Matters sub judice

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

15R. Explanations

- (1) An explanation during debate is allowed only when a material part of a member's speech has been misquoted or misunderstood, but such member shall not be permitted to introduce any new matter, and no debate shall be allowed upon such explanation.
- (2) A member may, 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 confine himself or herself strictly to the vindication of his or her own conduct and may not speak for longer than three minutes.

15S. 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.

(2) A ruling to be given after the 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.

(3) A ruling to be given in accordance with Subrule (2) 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 the presiding officer from the other House.]

(1) A member may raise a point of order at any time during the proceedings of the House, in terms of the procedure prescribed in Rule 66, by stating that he or she is rising on a point of order.

(2) A point of order must be confined only to a matter of breach of these Rules or parliamentary procedure or practice, or a matter relating to unparliamentary conduct, as defined, and must be raised immediately when the alleged breach occurs.

3 (a) The member raising the point of order must refer to a 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 refer to a rule as contemplated in subrule (a) above, the presiding officer may summarily disallow the point 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) 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.

(6) No point of order may be raised in response to a considered ruling in terms of Subrule (5)

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

- (8) 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.
- (9) Members may not disrupt proceedings by raising points of order that do not comply with this rule.
- (10) 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.
- (11) The presiding officer's ruling on a point of order is final and binding, and may not be challenged or questioned in the House.
- (12) (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 Chairperson 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 Paragraph (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.

15SA. Raising a question of privilege

- (1) Subject to Joint Rule 15U, a member who wishes to raise a breach of privilege must report it to the Speaker or the Chairperson without delay.
- (2) If the alleged breach of privilege is, in the opinion of the Speaker or Chairperson, adequately substantiated and may affect a joint sitting of the Houses on the day or in the immediate future, the Speaker or the Chairperson may, with due regard to the provisions of the Act rule 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 may refer the matter to the relevant committee of the House to which the affected member belongs.

15T. Acting for absent member

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

15U Right of members to speak

A member may speak –

- (a) when called upon to do so by the presiding officer; or
- (b) to a point of order.

15V. 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.

15W. Debate closed

A reply to a debate closes the debate.